United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, THURSDAY, OCTOBER 15, 1998 No. 147

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. RIGGS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 15, 1998.

I hereby designate the Honorable FRANK RIGGS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

On this day, O gracious God, we pray for Your goodness and Your blessings on us and upon all Your people. May the majesty of Your whole world inspire us, may the beauty of Your creation enliven us, may the miracle of Your love surround us, may Your message of faith and hope encourage us and may Your grace be sufficient for all our needs. We pray that Your benediction of good will and Your spirit of peace will be with us and inspire us to do good work, that in all things we will do justice, love mercy and ever walk humbly with You. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. JOHNSON of Wisconsin led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

NOTICE

If the 105th Congress adjourns sine die on or before October 16, 1998, a final issue of the Congressional Record for the 105th Congress will be published on October 28, 1998, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through October 27. The final issue will be dated October 28, 1998, and will be delivered on Thursday, October 29.

If the 105th Congress does not adjourn until a later date in 1998, the final issue will be printed at a date to be announced.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Records@Reporters''.

Members of the House of Representatives' statements may also be submitted electronically on a disk to accompany the signed statement and delivered to the Official Reporter's office in room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

JOHN W. WARNER, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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H.R. 3723. An act to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

H.R. 4151. An act to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

H.R. 4259. An act to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4660. An act to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

The message also announced that the Senate had passed a bill of the following title in which concurrence of the House is requested:

S. 2253. An act to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 2375) ''An Act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes,'' with amendments.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minute addresses from each side.

CONGRATULATING SAN DIEGO PADRES ON WINNING NATIONAL LEAGUE PENNANT

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

Mr. BILBRAY. Mr. Speaker, it is with great political risk that I speak here today. With the Speaker and the head of the NRCC coming from Georgia, I would like to rise today to congratulate the San Diego Padres for winning the National League championship in Atlanta. I would like to congratulate the Padres owner John Morris, president Larry Lucchino, manager Bruce Bochy and the entire team from the San Diego Padres. I would also like to congratulate the Padre fans. When you look to San Diego you usually think of beaches, beautiful zoos, bays and also Qualcomm Stadium.

Mr. Speaker, my constituents celebrated last night in the 49th District and sadly I was not there to join them. But today I would like to point out that their celebration is something that we can all join in. In light of the fact that Congress will be out, though, Mr. Speaker, when the Padres win the World Series, I would like to take this opportunity to congratulate them on their pending victories.

Go Padres.

PRESCRIPTION DRUG FAIRNESS FOR SENIORS

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

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to speak about some of the work of Congress, armed with concern and new evidence that senior citizens in America and in northeast Wisconsin from my survey are paying a lot more for needed prescription drugs, on average 85 percent more, than the favored customers of the drug companies.

I have just compiled the results of a new survey of pharmacies across my district in northeast Wisconsin. We asked the price that seniors and other individuals pay for their prescriptions, then compared that price to what the drug companies charge their volume buyers. We found that senior citizens are paying nearly two times as much, 85 percent more, than the big buyers and the insurance companies. It is outrageous. Seniors rely on their prescription medications, and seniors are most likely to be on a fixed income. Most importantly, Medicare the main source of health coverage for seniors, does not cover the cost of most prescription drugs, leaving seniors to pay for their prescriptions out of their own pockets. My study shows that drug companies are making huge profits on the backs of seniors.

I will be fighting, therefore, for new legislation, the Prescription Drug Fairness for Seniors Act, put forward by the gentleman from Maine (Mr. ALLEN) guaranteeing older Americans the same prices for their prescription drugs that the Federal Government gets from drug companies.

EXAMPLE IS THE BEST PRECEPT

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

Mr. PITTS. Mr. Speaker, some have argued that private conduct does not matter. But as leaders we must set the example, guiding our Nation by our actions. Example is the best precept.

Aesop, the learned storyteller, writes the following fable:

One fine day two crabs came out of their home to take a stroll on the sand. ''Child,'' said the mother, ''you're walking very ungracefully. You should learn to walk straight forward without twisting from side to side.''

''Mother,'' said the young one, ''set the example yourself, and I will follow you.''

Example is the best precept.

President Franklin Roosevelt said the following: ''The presidency is not merely an administrative office. That's the least of it. It is preeminently a place of moral leadership.''

Mr. Speaker, it is time for our leaders to lead, not just fiscally, not just politically but morally.

Example is the best precept.

SCHOOL MODERNIZATION INITIATIVE STILL NEEDED IN BUDGET DEAL

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

Mr. PALLONE. Mr. Speaker, we are still likely to be here a few more days as we hammer out this budget agreement, but I want to say that I am very proud of the Democrats who have stuck it out and demanded that this budget agreement address education initiatives. It appears, and I say it appears because we do not know for sure, but it seems like the Republicans finally have agreed to our proposal for 100,000 teachers that are going to be hired across the country with Federal dollars. I just want to say it is only because Democrats have kept insisting that this education initiative be in the budget that we may finally realize that hope of having those 100,000 extra teachers spread around the country to reduce class size.

But we still do not have the modernization initiative. The Republicans should agree to this as well. This is the initiative that says that we will spend Federal dollars to try to improve schools around the country, to renovate schools, to put in new roofs, to also upgrade, if you will, schools for technology, for computers and other things of that nature. I think it is very important that we continue to stay here until that initiative is also included in this budget.

I know the Republicans do not want to hear it. They keep saying that this is unnecessary, but it is important.

HALLOWEEN MESSAGE TO LIBERALS

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

Mr. GIBBONS. Mr. Speaker, Halloween is right around the corner, conjuring up all kinds of scary stories. Soon I will gather my children around me and tell them just what they might expect from Congress.

Now, I am not talking about candy, trinkets or toys. What I am talking about is bringing home a commitment to a balanced Federal budget, real education reform, meaningful tax cuts, a strong military force and a real commitment to saving Social Security.

There is one problem. My liberal colleagues on the other side of the aisle would rather have me tell them the

story of the headless horseman or a bloated bureaucracy, a hollow military force and more tax increases.

Mr. Speaker, no one wants to go home with the liberals' view of Congress. Rather, we all want to go home with some great news for America's schoolchildren, for America's hardworking families, for the men and women who serve in our nation's armed forces, news that we are working for them, not some fat-cat bureaucrat here in Washington.

To my liberal colleagues, I say this: Let us put an end to wasteful bureaucratic spending. Help us send Federal education dollars directly to the schools and to the classrooms for the benefit of educating children. Help us give back hard-earned tax dollars to America's hardworking families. Help us make the strength of our nation and our national defense a priority again.

Trick or treat, Mr. Speaker. I yield back big government, scary stories, and the headless horseman point of view of my liberal colleagues.

SUPPORT STEEL RESOLUTION AND STAND UP FOR LEGAL TRADE

(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, another chapter on American steel. We have already read Chapter 11, Chapter 13, and we are about to read a stone cold Chapter 7 due to illegal trade, dumping steel in America below cost, destroying families, destroying companies, destroying jobs, destroying pensions, and nobody is doing one thing about it.

We pass laws here, and the law is not being enforced. There is such a glut of steel there is a fire sale in America. America is burning. And while America burns, the administration is fiddling doing nothing.

Today you will have an opportunity to vote on a resolution. I predict that there will be an attempt to bring a softer resolution than mine. Today is the time to stand up for legal trade.

THE CHOICE IS CLEAR

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

Mr. HEFLEY. Mr. Speaker, the majority of Republicans are conservative and they are proud of that. The majority of Democrats are liberal and I imagine that they are proud of that as well. One can only imagine what the liberals dream about in their private moments, the number of new government programs they could create if only those Republicans were not standing in the way.

Republicans believe that the country has been going in the wrong direction for far too long, down the road of higher taxes, more government and less freedom. Democrats disagree. They favor a continuation down this path, and the current negotiations with the White House and with the other side of the aisle over the appropriations bill clearly reflect that. In almost every single case the dispute reflects the Republican desire to hold the line on spending and the Democrat desire to increase it. Although most Americans appear to support less government and lower taxes, you would never know it listening to the other side of the aisle in these negotiations. Spend more or spend less? The choice is clear.

SUPPORT TRAFICANT REAL STEEL RESOLUTION

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

Mr. VISCLOSKY. Mr. Speaker, we have a crisis in steel that my colleague from Ohio (Mr. TRAFICANT) just alluded to. I want to thank the leadership of this House for promising the gentleman from Ohio that we would have a vote on his resolution today, a real steel resolution with real language, real teeth, and I ask every one of my colleagues to support this bipartisan resolution introduced by the gentleman from Ohio, House Resolution 598. It is the resolution I am personally going to support.

We need this, because H. Res. 598 calls for a 10-day review period for all steel imports and a 1-year ban on steel imports from countries found to be violating our law, not 3 months of consultation.

We need this, because the American Institute for International Steel has written to every one of its members and said that because of cases filed on September 30, the earliest date for withholding of liquidations would be December 9.

Translation: Dump your steel before December 9 or it will be too late. Vote for Traficant.

ACHIEVEMENTS OF REPUBLICAN-LED CONGRESS

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

Mr. BALLENGER. Mr. Speaker, for 40 years Washington was on autopilot and heading in one direction and one direction only, toward higher taxes and bigger government. Republicans were elected to a majority in 1994 and things have been different ever since, despite the efforts of the President to raise taxes, to create new government programs and to expand old ones. Republicans passed middle-class tax cuts, welfare reform, IRS reform, and Medicare reform.

Let us just consider for a moment if any of these achievements, even a single one, would have seen the light of day if the liberal Democrats had still been in the majority. Welfare reform? The liberals are still bitter about that. Tax cuts? They tried to raise taxes, not cut them. IRS reform? Now, why would a liberal ever want to take on his best friend? Medicare reform? This is perhaps the most unlikely proposition of them all. Any effort to reform Medicare was greeted with hysterical cries of extremism by liberal defenders of the status quo in this very body.

No, Mr. Speaker, not a single one of these achievements could have been possible were it not for a Republican majority in Congress.

HONORING WALTER KOHN AND AMERICA'S TEACHERS

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

Mrs. CAPPS. Mr. Speaker, with great pride I rise to congratulate Dr. Walter Kohn, a recent recipient of the Nobel prize for chemistry. Dr. Kohn is a professor of physics at the University of California at Santa Barbara where my husband Walter taught for over 30 years. Walter Kohn's life story is inspirational. He escaped Nazi-occupied Germany on the last children's transport train to England. Dr. Kohn's contributions to chemistry and physics are immense, and he also contributes greatly to our society as a teacher and role model for young people.

As we honor our Nobel winners, let us remember the priceless values of teachers in our country. Motivated, well-trained teachers are the heart and soul of our schools.

Mr. Speaker, I am very pleased that Congress will soon pass a budget bill that will provide our local school districts with the capable teachers that they need to educate our children. I strongly support more teachers. I am glad we have put partisanship aside to invest in the future of our nation.

REPUBLICAN-LED CONGRESS IGNORES CRIES OF ''EXTREMISM'' TO PASS MEANINGFUL REFORMS

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

Mr. SHIMKUS. Mr. Speaker, most Americans do not think it is extremist to want to reduce the size and power of the Federal Government. In fact after 40 years of Democratic control in which the Federal Government got bigger and bigger, more costly, more out of touch, more meddlesome and less accountable to the people, the majority of Americans finally had had enough in 1994 and they have not looked back since.

What has the Republican majority in Congress done since 1995 to reverse course? A Republican-led Congress passed the first balanced budget since 1969 and the first tax cuts in 16 years after it ignored the charges of extremism and warnings that it could not be done. A Republican-led Congress passed

welfare reform after years of hearing the other side defend a system that everybody knew was broken, again after ignoring the other side cry ''extremism'' at every opportunity. And a Republican-led Congress reformed Medicare for the first time ever, something that should have been done a long time ago, so that our seniors would be able to retire with peace of mind.

□ 1015

I think the American people are right. It is not extremist, but responsible good government.

WHAT A DIFFERENCE A REPUBLICAN CONGRESS HAS MADE

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

Mr. GUTKNECHT. Mr. Speaker, let us look back at where we were just four short years ago.

Deficits were headed up to $300 billion. Millions of Americans were being trapped in a welfare cycle. Medicare was headed towards bankruptcy, and that was threatening seniors' health care. Billions were being wasted on Washington programs that were unnecessary or ineffective. Interest rates were too high, and our economy was teetering, and taxes on families were going up and up and up.

Mr. Speaker, let us look at where we are today.

Deficits no longer exist. We have balanced the budget. We have taken 2 million families off of welfare rolls and put them on payrolls. Medicare is solvent. Three hundred programs have been eliminated here in Washington. Interest rates have dropped by over 2 percent, and taxes on families is going down.

Mr. Speaker, what a difference a Republican Congress has made.

WE MUST HAVE SCHOOL MODERNIZATION AND QUALITY EDUCATION

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

Mr. LAMPSON. Mr. Speaker, I did not intend to come here this morning and deliver a message, but in following the discussion that we have had on education in the last several days, particularly really for a lifetime as being a former teacher, I saw the opportunity now that we are going to have in improving our classrooms certainly by increasing the number of teachers, and it brought a story to mind that happened to me in 1970 when I was transferred to one of the high schools in which I taught.

Within the first week, as I tried to raise the blinds of the one of the windows, the window shade fell off the wall and cut my face on my cheek. I noticed that 2 weeks later when it began to rain the walls leaked, the roofs leaked, and water ran down the side of the walls, and the children had to be evacuated from some of the classrooms in which they were.

I could not teach. The children were there to learn, but they were so distracted by their surroundings that they were not focused.

We have to give our children an opportunity for a better future, and that is going to be through a quality education. We know we are going to have more teachers now. That is going to be in this budget. Thank goodness for that. Now we need the classrooms to put them in, good, quality classrooms to do it.

Mr. Speaker, we must have school modernization. We must pass that in this particular bill in this Congress now. Let us do it before we leave.

FROM DEFICITS TO SURPLUSES—WHAT THE VOTERS SHOULD REMEMBER WHEN THEY GO TO THE POLLS

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, late last night the Republican Congress and the Democrat President arrived at an agreement on the Nation's spending plan.

Now our disagreement up to this time has delayed our adjournment by 6 days now. What were we arguing about, one might ask. Well, Mr. Speaker, we were debating the merits of spending a budget surplus.

Now before we get on to details of the spending, let us talk about this surplus. See, Mr. Speaker, were it not for the Republican Congress, we would still be debating the travesties of deficit spending. But today we are not. And that is what Americans should keep in mind. From deficits to surpluses, from runaway spending to lower spending, from higher taxes to lower taxes, from bondage to liberty. That is what happened when control of this Congress went from Democrat to Republican, and that is what voters should remember when they go next month from their homes to the polls.

CONGRESS' UNFINISHED BUSINESS

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

Mr. WYNN. Mr. Speaker, good morning. I would like to talk about Congress' unfinished business.

My colleagues on the other side rankle when we say it has been a do-nothing Congress, but it has been. We really have not addressed the big issues, the concerns that people in America want to see resolved by Congress. They have failed to achieve anything on tobacco reform. Thousands of our young people will die as a result. They have failed to do anything about HMO reform. Patient after patient, seniors across the spectrum, have said we need to reform HMOs to give patients a bill of rights. The Republicans have not delivered they fail to achieve. We know the biggest problem facing our country is Social Security. What are we going to do about it? Again, this do-nothing Congress, these under-achievers, have failed to address the real problem. We need to save the surplus and put it into saving Social Security. They want to give an election year tax break. It is a gimmick.

But most importantly, Mr. Speaker, I think they fail to address the problem of our future in terms of education and school construction. We need modern classrooms, we need to invest in education, we need to solve the overcrowding problem, and they have not done it.

TWO CRITICAL ISSUES THAT NEED TO BE ADDRESSED

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

Mr. GEJDENSON. Mr. Speaker, the President and the people of this country have forced this do-nothing Congress to take some actions, and we have begun a process of dealing with issues they have avoided for 2 years. But there are two critical issues that still are not addressed.

One is fixing the pensions of people in our Armed Services to make sure that they get a decent retirement so we can keep quality people in the Armed Services. The second affects almost every American, and that is HMO reform.

Mr. Speaker, seniors are losing their HMOs as they hop from city to city trying to get only healthy seniors. Every citizen who has to deal with their doctor or hospital is frightened that their HMO will not pay the bill or will not allow them to get service. Hospitals and doctors and patients are being run by people who have never seen the patient and never seen the inside of a medical facility. These people are in danger physically.

This Republican Congress has to address these two issues. There are others, but certainly the life and death of our constituents, the viability of our hospitals, is something we ought not to be able to ignore.

THIS IS NOT A DO-NOTHING CONGRESS

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

Mr. KINGSTON. Mr. Speaker, I am often amused when I hear Democrats say this is a do-nothing Congress. What they mean is we have done nothing towards increasing the taxes, we have done nothing towards increasing the size of government, and then nothing to further destroy the American dream which they seem to be so intent on.

What we have done though is pass the first tax cut in 16 years, we have balanced the budget for the first time since 1969 when Woodstock was at Max Yasgur's farm, and Mod Squad was on TV, and Neil Armstrong was on the moon. We have reformed Medicare on a bipartisan basis. We have reformed welfare, and almost 40 percent of the people on welfare have gotten off it in the last 3 years. What have we done in this budget agreement? Strong drug interdiction, strong prevention and rehabilitation programs. What have we done for education? We have returned more dollars and more power and more flexibility to the local level where the teacher in the classroom gets most of the money, where the teacher in the classroom can make most of the decisions, where the teacher in the classroom can call the shots on how to teach Johnnie to read and how to teach Susie to read because they might be a little bit different in Georgia then they are in California or New York.

These are important steps. This is not a do-nothing Congress.

THE HIT-AND-RUN CONGRESS

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

Ms. DELAURO. Mr. Speaker, this Republican controlled Congress has failed, and it has wasted the American people's time. Let me just say that what they have not done is they have accomplished less than a Congress typically does across a 2-year period. On specific issues, they made no progress on making sure that Social Security and Medicare were preserved for future generations. They did not change the way, in fact, we run our campaigns and the amount of money that is raised in those campaigns, and they have done nothing about protecting patients' rights and managed care reform.

Last night they caved under the President's pressure, Democrats' pressure, to allow 100,000 new teachers to go into our schools in grades 1 through 3 to help our children, and yet today they take pride and view it as a victory that they did not want to move on modernizing our schools, to wire up our schools so that kids can get the opportunity to be on an Internet, so they can in fact be able to compete in the future. They view that as a badge of honor.

Quite frankly, this is a Congress that has done a hit and run on the American people.

DO-NOTHING CONGRESS? I DO NOT THINK SO

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

Mr. RIGGS. Mr. Speaker, good morning. As my colleagues know, I guess this partisan debate really boils down to whether we want to see the glass as half empty or half full, and it is too reminiscent of I think the all too common American mindset of what have you done for me lately. The do-nothing charge though does not stand up to scrutiny because this is the Congress that balanced the budget and passed major tax relief for working Americans for the first time in a generation. We have fundamentally, as earlier speakers have pointed out changed, the debate in Washington, and we can take pride not in being the do-nothing Congress, but in being the surplus Congress.

We have also reigned in the IRS through real reform of the IRS, shifting the burden of proof from taxpayers to the IRS in legal proceedings, and we put Medicare, the health insurance program for older Americans, on solvent solid footing.

Do-nothing Congress? I do not think so. The glass is half full and only getting better as the Republican majority grows in Congress and in the country.

WE DO NOTHING TO HARM THE AMERICAN PEOPLE

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

Mr. GEKAS. Mr. Speaker, do-nothing indeed. Members forget that just about a month ago the President of the United States signed into law a little recognized bill that we had been working on for about 2 or 3 years, the Bio Materials Access bill. This provides a steady flow of vital materials to people who need medical devices like hip replacements, and heart shunts and brain shunts. That was a bill that this do-nothing Congress put into place and attacked the problems of health care, prevention of disease and products liability all in one bill. The President signed it right after we promoted it and passed it into law.

Do-nothing indeed. That is a slander to say something like that.

At the same time we passed an IRS reform bill that the American people by 90 to 10 advocated, supported and applauded when it finally became law.

Do-nothing indeed. We will do nothing to harm the American people. We will do nothing to harm Social Security. We will do nothing to harm the prospects of a steady economy in the near and far future. That is what we are, we do something.

□ 1030

TAKING CREDIT FOR BALANCING THE BUDGET

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

Mr. PAYNE. Mr. Speaker, let me take a minute to look at this question of a balanced budget. We hear our Republican colleagues talk with pride about the fact that they passed a balanced budget and we have a surplus.

Let us go back five short years ago when there was a bill in 1993 before this House. The bill said let us cut $250 billion of programs, and let us increase $250 billion of taxes on the top 2 percent of Americans. Ninety-eight percent of the Americans were exempt from that tax increase.

At that time, not one single Republican vote was cast for that plan that President Clinton gave to the American people. It was passed overwhelmingly by Democrats, without one single Republican vote, a $500 billion process that put us on the target now where we have over 16 million new jobs, a $70 billion surplus and many other positive things. We did it, not them.

FOREIGN AID BUDGET

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

Mr. CALLAHAN. Mr. Speaker, sometimes it is amazing to me the memory of some of our colleagues about we did nothing this year.

One of my responsibilities in the House is to Chair the Subcommittee on Foreign Operations, Export Financing and Related Programs, how much money we are going to give the President for foreign aid. It is not a pleasant job.

But just to remind my colleagues, we did our job. The President wanted $13.5 billion. We did our job, but we would not give him all he wanted. We passed the bill through the House, we passed it through all the committees, we passed it through the Senate, but the President said, ''There is no sense in sending it down here, because I will veto it if you do not give me another $1 billion.''

Well, we felt like we had better things to do with that $1 billion. But the President said no, and there we were faced with the possibility of shutting the government down or giving him his $1 billion.

So it was not that we did not do our job, because we did everything we were supposed to do, except the President refused to sign the bill, telling us that unless we gave $1 billion more, that he was going to shut the government down.

BLOCKING DOLLARS FOR THE CLASSROOMS

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

Mr. OWENS. Mr. Speaker, the Republicans are standing in the schoolhouse door and they refuse to allow Federal dollars to build classrooms or to modernize and renovate classrooms. The Republicans are blocking dollars for the classrooms. They have a bill called

''dollars for the classrooms,'' which is really dollars to the governors and state bureaucracies to play around with Federal money.

But when it comes to straight bulleting of money for construction, which most school boards in America realize is one of their greatest needs. They understand that they need help; they cannot get local or state dollars. Why not bring home our Federal dollars? All taxes are local. They come from the local level. They just print money here. They do not really have taxes based in Washington. It comes from the local level. Give it back to the local level, without strings attached.

This is the best deal ever for local school boards and states. It says you can have the money. You can float the bonds, and the Federal Government will pay the interest on the debt you accumulate to build classrooms. What better deal is there; or has ever been offered? The Republicans are blocking dollars to build classrooms in America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules, but not before 3 p.m. today.

EXTENDING VISA PROCESSING PERIOD FOR DIVERSITY APPLICANTS DUE TO EMBASSY BOMBINGS

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4821) to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

The Clerk read as follows:

H.R. 4821

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

SECTION 1. EXTENSION INTO FISCAL YEAR 1999 OF VISA PROCESSING PERIOD FOR DIVERSITY APPLICANTS WHOSE VISA PROCESSING WAS SUSPENDED DURING FISCAL YEAR 1998 DUE TO EMBASSY BOMBINGS.

(a) EXTENSION OF PERIOD.—

(1) IN GENERAL.—Notwithstanding clause (ii)(II) of section 204(a)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(G)), in the case of an alien described in paragraph (1) or (2) of subsection (b)—

(A) the petition filed for classification under section 203(c) of such Act (8 U.S.C. 1153(c)) for fiscal year 1998 is deemed approved for processing for fiscal year 1999, without the payment of an additional $75 filing fee; and

(B) the priority rank for such an alien for such classification for fiscal year 1999 is the earliest priority rank established for such classification for such fiscal year.

(2) VISAS CHARGED TO FISCAL YEAR 1999.—Immigrant visas made available pursuant paragraph (1) shall be charged to fiscal year 1999.

(b) ALIENS ELIGIBLE FOR BENEFITS.—

(1) PETITIONING ALIEN.—An alien described in this paragraph is an alien who—

(A) had a petition approved for processing under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 1998; and

(B)(i) had been scheduled for an immigrant visa interview on or after August 6, 1998, and before October 1, 1998, at the United States embassy in Nairobi, Kenya, at the United States embassy in Dar Es Salaam, Tanzania, or at any other United States visa processing post designated by the Secretary of State as a post at which immigrant visa services were suspended in fiscal year 1998 as a result of events related to the August 7, 1998, bombing of those embassies; or

(ii) had been interviewed for such a visa but refused issuance under section 221(g) of such Act (8 U.S.C. 1201(g)) during fiscal year 1998 at such an embassy or post,

(2) FAMILY MEMBERS.—An alien described in this paragraph is an alien who—

(A) is a family member described in section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)) of an alien described in paragraph (1); or

(B)(i) is a family member described in such section of an alien described in paragraph (1)(A); and

(ii) meets the requirement of clause (i) or (ii) of paragraph (1)(B).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4821.

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

There was no objection.

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

Mr. Speaker, last August 7, as everyone will recall, our Nation was shaken by the news that our embassies in Kenya and Tanzania were bombed and hundreds of natives and American diplomats as well were killed.

As tragic as that is, and it still has tragic consequences in leftover items that will haunt us for years to come, there was another unintended but serious consequence of those bombings. That is, there were many people filing into those embassies prior to this bombing who were making application for diversity visas to which they might have been entitled.

Now, with the extinction of these embassies, these people, who might have a right to come to the United States to exercise their skills, were denied that privilege of applying for this diversity visa. What has happened is they may lose that chance forever, unless we pass this piece of legislation, because what this does is in effect put a hold on the deadlines that would have ordinarily applied to these applicants for diversity visas, thus, allowing the system to move ahead into 1999, without allowing it to come to an end by the process that would have come to an end this year, but for the bombings of the embassies in those countries.

We urge the passage of this legislation as one that is absolutely necessary. This would not guarantee, by the way, that those applying would automatically be granted the visa, but we do not want to rob them of the opportunity to file an application to receive such a visa. That is the purpose of the bill, and what it does is make up for lost time by reason of the destruction of the embassies.

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

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

Mr. Speaker, let me thank the gentleman from Pennsylvania (Mr. GEKAS) for his support of this legislation. I rise in support also today of H.R. 4821, a bill to extend into next year the visa processing period for Nairobi, Kenya, and Dar es Salaam, Tanzania, due to the U.S. embassy bombings.

This is one of the most heinous acts of state-sponsored terrorism that has been done anywhere in a long time. The bombs that exploded on August 7th at the U.S. embassies in Nairobi and Dar es Salaam killed 247 people in Kenya and 10 people in Tanzania and left more than 5,500 people injured, including many Americans. Sadly, on August 7th of this year, the U.S. embassies in East Africa were the target of state-sponsored terrorism backed by financier Osama Bin Laden.

Fighting terrorism is a complex and very, very difficult task, and in the aftermath of every sinister terrorist act a rebuilding process must occur to restructure buildings, send food and shelter and rehabilitate the lives of the victimized men, women and children, so I am pleased to hear that the U.S. will extend a helping hand to the innocent victims during this tragic period.

Our immigration process is oftentimes complicated, as we know. It is mired with confusion and, at many times, is discriminatory. The annual diversity visa lottery permits 50,000 applicants from countries that are underrepresented in legal immigration to qualify for a U.S. immigrant visa.

At the time of the bombings, hundreds of visa applicants were suspended because of lack of manpower to operate our counselor services. The temporary closure meant that applicants were unable to process their visas.

One story that has particular meaning to me was from a young lady named Maritee who lived in Nairobi. She had told her family she was looking forward to coming to the United States of America with her sister. She was at the U.S. embassy's consular office waiting in line filling out an application to come to her dream country,

the USA, when the truck bomb exploded, ripping out the walls of the consular section. She did not make it through the blast. She died.

When she was buried, her family with tears streaming down their eyes remembered the jubilance of her getting up that morning and going to the embassy to apply, for her dream to come to this country to study. It was not Maritee's fault, the bombs were targeted for Americans.

We cannot bring Maritee back, but we can pass a bill and show our support and sympathy for the Kenyan and Tanzanian people.

Also at this time, in concluding this portion, I would like to express my gratitude to France, Israel and South Africa for their valor, dedication and commitment. I know that Israel brought in sniffer dogs to locate missing people trapped in the rubble and debris.

South Africa responded almost immediately. They facilitated and expedited a route allowing our Air Force and the FBI to fly through South Africa to Nairobi and Dar es Salaam. They also brought back injured people, lifting visa restrictions, and sent their medical experts to care for the wounded.

Months later they had a similar bombing at the Hard Rock Cafe in Cape Town, South Africa. I know they had to work very closely with our FBI during this second attack in South Africa, and they have been very, very supportive in working closely with us.

In closing, I would like to express support for the immediate and decisive decision taken by the President. The strikes at the Shifa Pharmaceutical Plant in Khartoum and the terrorist camps in Afghanistan will help to stave off impending terrorist threats by Osama Bin Laden and his Taliban terrorist groups.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Speaker, I rise in strong support of this legislation, because I think it is evidence of the great Nation of America acting in a small way to deal with a problem. It will probably be ignored and not recognized. Nobody knows it, but in very small ways we have attempted to provide as much assistance as possible to all the victims of the bombings in Kenya and elsewhere. We have taken steps to deal with the medical bills, the hardship suffered by the people surrounding the embassy and those killed in the embassy.

The whole matter has been brought home to us as members of the Congressional Black Caucus because two very close members of the Congressional Black Caucus family were involved. Consul General Julian Bartley had served as a fellow on the hill here for a half a year and worked with the Congressional Black Caucus. His son, Jay Bartley, we also got to know, and his daughter, Edith Bartley, is still active in Congressional Black Caucus matters. It was brought home to us in a very personal way. But I think the important thing here is that this legislation is designed to help people we will never know. It is designed to help people that happened to be unfortunately there on that awful day.

The message that should go out to all across the world is you need never fear being a friend of America. To be an ally of America, to host an embassy in your country, there is nothing unique to fear. We will stand by our friends.

We have many enemies in the world, and for good reason. We have enemies who are seeking to maintain old systems that we are definitely against. We are against slavery in the Sudan and slavery in Mauritania. We are against the Taliban enslavement of women in Afghanistan. We are against a lot of things that create a lot of enemies.

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But we are also the most admired country in the world. People know that we will stand by our friends in every way. We stood by France a couple of centuries after they helped us in the Revolutionary War. Our troops were on the beaches of Normandy.

This is the American colossus which is unlike any empire that ever existed; not an empire, really, but we have influence all over the world. We probably have more friends and more people who admire Americans than any other Nation in the world. That is for a good reason, because we do stand by our friends. We do stand for principles and values that large numbers of people identify with.

That creates incidents. It leads to bombings, like the one in Kenya. We have retaliated, and many people are upset with the fact that we did retaliate by sending bombs into Afghanistan and then into Sudan. But if we are in a situation where terrorism is the way of the future, and there is a new form of war which can strike anybody, and you are guilty even by association, by friendship, then everybody is included. Terrorism can strike anywhere and we must strike back.

The fact that we are acting today to indicate that we recognize that innocent victims need to be compensated; innocent victims need to be recognized. This Act is addressing the fact that there were people who wanted to obtain visas and wanted to come to this country whose visas were not prosecuted in a timely way. But we have also had legislation for which I understand monies are being appropriated to deal with the expenses incurred by people who suffered hardships from this awful tragedy.

I want to salute the sponsors of this legislation, Mr. Speaker, and the whole spirit of the legislation, which sends a clear message to all those nations in the world, and certainly the underdeveloped Nations, which is that you need not fear, you need not back away from an alliance with America. You need not fear standing for the same kind of principles that we do. You need not fear hosting our personnel or being the home of one of our embassies. We are in a world where everybody is targeted by terrorists, and anybody at any time can be a victim. But this Nation will stand by its friends. This Nation has shown that it is ready to act in a humane manner.

In the case of Julian Bartley and his son, Jay Bartley, I think special efforts were made and a special dispensation was undertaken. Both of them were buried in Arlington Cemetery. That is the kind of gesture of a great president, of a great Nation, that is indicative of what is happening here. We are taking care of people who were victimized unnecessarily, and I wholeheartedly support this legislation.

Mr. Speaker, I urge support of H.R. 4821.

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

Mr. Speaker, I just wanted to pay tribute to the gentleman from Texas (Mr. LAMAR SMITH), our colleague on the Committee on the Judiciary, who supported the production, promotion, and the final passage, as we envision it, of this legislation. He has also worked hard on questions of immigration and visas for these purposes, and he deserves a lot of credit for what has occurred here, along with the inspiration of the legislation, the gentleman from New York (Mr. BEN GILMAN), who, in his position as chairman of that relevant committee, also has worked very hard to get to our final stages.

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

The SPEAKER pro tempore (Mr. RIGGS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 4821.

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

A motion to reconsider was laid on the table.

GRANTING CONSENT OF CONGRESS TO PACIFIC NORTHWEST EMERGENCY MANAGEMENT ARRANGEMENT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 35) granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

The Clerk read as follows:

S.J. RES. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the Pacific Northwest Emergency Management Arrangement entered into between the States of Alaska,

Idaho, Oregon, and Washington, and the Province of British Columbia and the Yukon Territory. The arrangement is substantially as follows:

''PACIFIC NORTHWEST EMERGENCY MANAGEMENT ARRANGEMENT

''Whereas, Pacific Northwest emergency management arrangement between the government of the States of Alaska, the government of the State of Idaho, the government of the State of Oregon, the government of the State of Washington, the government of the State of the Providence of British Columbia, and the government of Yukon Territory hereinafter referred to collectively as the 'Signatories' and separately as a 'Signatory';

''Whereas, the Signatories recognize the importance of comprehensive and coordinated civil emergency preparedness, response and recovery measures for natural and technological emergencies or disasters, and for declared or undeclared hostilities including enemy attack;

''Whereas, the Signatories further recognize the benefits of coordinating their separate emergency preparedness, response and recovery measures with that of contiguous jurisdictions for those emergencies, disasters, or hostilities affecting or potentially affecting any one or more of the Signatories in the Pacific Northwest; and

''Whereas, the Signatories further recognize that regionally based emergency preparedness, response and recovery measures will benefit all jurisdictions within the Pacific Northwest, and best serve their respective national interests in cooperative and coordinated emergency preparedness as facilitated by the Consultative Group on Comprehensive Civil Emergency and Management established in the Agreement Between the government of the United States of America and the government of Canada on Cooperation and Comprehensive Civil Emergency Planning and Management signed at Ottawa, Ontario, Canada on April 28, 1986: Now, therefore, be it is hereby agreed by and between each and all of the Signatories hereto as follows:

''ADVISORY COMMITTEE

''(1) An advisory committee named the Western Regional Emergency Management Advisory Committee (W–REMAC) shall be established which will include one member appointed by each Signatory.

''(2) The W–REMAC will be guided by the agreed-upon Terms of Reference-Annex A.

''PRINCIPLES OF COOPERATION

''(3) Subject to the laws of each Signatory, the following cooperative principles are to be used as a guide by the Signatories in civil emergency matters which may affect more than one Signatory:

''(A) The authorities of each Signatory may seek the advice, cooperation, or assistance of any other Signatory in any civil emergency matter.

''(B) Nothing in the arrangement shall derogate from the applicable laws within the jurisdiction of any Signatory. However, the authorities of any Signatory may request from the authorities of any other signatory appropriate alleviation of such laws if their normal application might lead to delay or difficulty in the rapid execution of necessary civil emergency measures.

''(C) Each Signatory will use its best efforts to facilitate the movement of evacuees, refugees, civil emergency personnel, equipment or other resources into or across its territory, or to a designated staging area when it is agreed that such movement or staging will facilitate civil emergency operations by the affected or participating Signatories.

''(D) In times of emergency, each Signatory will use its best efforts to ensure that the citizens or residents of any other Signatory present in its territory are provided emergency health services and emergency social services in a manner no less favorable than that provided to its own citizens.

''(E) Each Signatory will use discretionary power as far as possible to avoid levy of any tax, tariff, business license, or user fees on the services, equipment, and supplies of any other Signatory which is engaged in civil emergency activities in the territory of another Signatory, and will use its best efforts to encourage local governments or other jurisdictions within its territory to do likewise.

''(F) When civil emergency personnel, contracted firms or personnel, vehicles, equipment, or other services from any Signatory are made available to or are employed to assist any other Signatory, all providing Signatories will use best efforts to ensure that charges, levies, or costs for such use or assistance will not exceed those paid for similar use of such resources within their own territory.

''(G) Each Signatory will exchange contact lists, warning and notification plans, and selected emergency plans and will call to the attention of their respective local governments and other jurisdictional authorities in areas adjacent to intersignatory boundaries, the desirability of compatibility of civil emergency plans and the exchange of contact lists, warning and notification plans, and selected emergency plans.

''(H) The authority of any Signatory conducting an exercise will ensure that all other signatories are provided an opportunity to observe, and/or participate in such exercises.

''COMPREHENSIVE NATURE

''(4) This document is a comprehensive arrangement on civil emergency planning and management. To this end and from time to time as necessary, all Signatories shall—

''(A) review and exchange their respective contact lists, warning and notification plans, and selected emergency plans; and

''(B) as appropriate, provide such plans and procedures to local governments, and other emergency agencies within their respective territories.

''ARRANGEMENT NOT EXCLUSIVE

''(5) This is not an exclusive arrangement and shall not prevent or limit other civil emergency arrangements of any nature between Signatories to this arrangement. In the event of any conflicts between the provisions of this arrangement and any other arrangement regarding emergency service entered into by two or more States of the United States who are Signatories to this arrangement, the provisions of that other arrangement shall apply, with respect to the obligations of those States to each other, and not the conflicting provisions of this arrangement.

''AMENDMENTS

''(6) This Arrangement and the Annex may be amended (and additional Annexes may be added) by arrangement of the Signatories.

''CANCELLATION OR SUBSTITUTION

''(7) Any Signatory to this Arrangement may withdraw from or cancel their participation in this Arrangement by giving sixty days, written notice in advance of this effective date to all other Signatories.

''AUTHORITY

''(8) All Signatories to this Arrangement warrant they have the power and capacity to accept, execute, and deliver this Arrangement.

''EFFECTIVE DATE

''(9) Notwithstanding any dates noted elsewhere, this Arrangement shall commence April 1, 1996.''.

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, this particular piece of legislation is mandated, actually, by the Constitution. The Constitution says that when two States arrive at some kind of arrangement between the two that arises to the level of a compact, a binding agreement, that then the Congress of the United States must approve such a compact, else the Framers of the Constitution felt that would lead to conflict that might turn even violent if it were not guaranteed by the Federal Government, as one of the oversee functions it would have, should such an agreement be reached. So the Congress of the United States has, from time to time, approved these compacts.

Such a compact was proposed a long time ago now, it seems, with respect to the Pacific Northwest Emergency Management Arrangement between the States of Alaska, Idaho, Oregon, Washington, and the provinces of British Columbia and the Yukon Territory.

In this bill, this compact has to do with the coordination of emergency services in disaster relief and all the hundreds of scenarios that many of us, through our years of service, have seen examples of time and time again on the floor of this Chamber.

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

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

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

Mr. PAYNE. Mr. Speaker, I rise in support of Senate Joint Resolution 35. Mr. Speaker, this bill would grant the consent of Congress to two compacts among Northwestern States and Canadian provinces to coordinated responses to forest fires and other emergencies.

These compacts, which have already been ratified by the affected States and provinces, require the consent of Congress to take effect under the Compacts clause of the Constitution.

This particular bill has bipartisan support of members of the other body and from States participating in these compacts. They were passed by unanimous consent in the Senate. I am not aware of any opposition to this bill.

The need for a coordinated response to fires and other emergencies is clear. I want to commend the participating States and provinces for their effort to protect human lives and property, and to safeguard the environment in this region. We need to have continued cooperation between bordering areas. I commend those who are involved in this, and I urge adoption of this measure.

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

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

Mr. Speaker, I want to take some time to pay tribute here to another colleague, the gentleman from Washington (Mr. DOC HASTINGS), who, in his endeavors over the course of time in the last session and before, has come to us time and time again to press for not just this compact, but another one that we will be taking up as the next order of business.

He has worked tirelessly in this regard, and because of his perseverance, has helped to solve some serious problems in his region of the world.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of Senate Joint Resolution 35, a joint resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement. A compact entered into by the states of Alaska, Idaho, Oregon and Washington, as well as the Province of British Columbia and the Yukon Territory.

Mr. Speaker, these state and provincial governments have negotiated this compact to coordinate regional responses to natural disasters. As we all know, disasters do not respect state or national boundaries. To plan for and respond to these events, these northwest states and provinces have chosen to adopt a cooperative regional approach. This will improve the allocation of material, personnel, and services to mobilize as many resources as possible in the event of a natural disaster. Furthermore, the compact allows for cooperation across state and national borders without sacrificing the state or national sovereignty.

Mr. Speaker, this regional effort is non-controversial and was passed unanimously by the other body on July 31 of this year. The compact is a local and regional effort that requires the consent of Congress to take effect.

I urge my colleagues to support the efforts of these northwest states and provinces to improve emergency preparedness and pass this bipartisan legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 35.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON TODAY

Mr. GEKAS. Mr. Speaker, pursuant to House resolution 589, I hereby give notice that the following suspensions will be considered today:

H.R. 4572, to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income;

H.R. 4831, to temporarily reenact chapter 12 of title 11 of the United States Code;

S. 417, Energy Conservation Reauthorization Act;

H.R. 4660, to amend the State Department Basic Authorities Act 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics-related offenses, or for serious violations of international humanitarian law relating to the former Yugoslavia.

GRANTING CONSENT AND APPROVAL OF CONGRESS TO AN INTERSTATE FOREST FIRE PROTECTION COMPACT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1134) granting the consent and approval of Congress to an interstate forest fire protection compact.

The Clerk read as follows:

S. 1134

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

SECTION 1. CONSENT OF CONGRESS.

(a) IN GENERAL.—The consent and approval of Congress is given to an interstate forest fire protection compact, as set out in subsection (b).

(b) COMPACT.—The compact reads substantially as follows:

"THE NORTHWEST WILDLAND FIRE PROTECTION AGREEMENT

''THIS AGREEMENT is entered into by and between the State, Provincial, and Territorial wildland fire protection agencies signatory hereto, hereinafter referred to as ''Members''.

''FOR AND IN CONSIDERATION OF the following terms and conditions, the Members agree:

"Article I

''1.1 The purpose of this Agreement is to promote effective prevention, presuppression and control of forest fires in the Northwest wildland region of the United States and adjacent areas of Canada (by the Members) by providing mutual aid in prevention, presuppression and control of wildland fires, and by establishing procedures in operating plans that will facilitate such aid.

"Article II

''2.1 The agreement shall become effective for those Members ratifying it whenever any two or more Members, the States of Oregon, Washington, Alaska, Idaho, Montana, or the Yukon Territory, or the Province of British Columbia, or the Province of Alberta have ratified it.

''2.2 Any State, Province, or Territory not mentioned in this Article which is contiguous to any Member may become a party to this Agreement subject to unanimous approval of the Members.

"Article III

''3.1 The role of the Members is to determine from time to time such methods, practices, circumstances and conditions as may be found for enhancing the prevention, presuppression, and control of forest fires in the area comprising the Member's territory; to coordinate the plans and the work of the appropriate agencies of the Members; and to coordinate the rendering of aid by the Members to each other in fighting wildland fires.

''3.2 The Members may develop cooperative operating plans for the programs covered by this Agreement. Operating plans shall include definition of terms, fiscal procedures, personnel contacts, resources available, and standards applicable to the program. Other sections may be added as necessary.

"Article IV

''4.1 A majority of Members shall constitute a quorum for the transaction of its general business. Motions of Members present shall be carried by a simple majority except as stated in Article II. Each Member will have one vote on motions brought before them.

"Article V

''5.1 Whenever a Member requests aid from any other Member in controlling or preventing wildland fires, the Members agree, to the extent they possibly can, to render all possible aid.

"Article VI

''6.1 Whenever the forces of any Member are aiding another Member under this Agreement, the employees of such Member shall operate under the direction of the officers of the Member to which they are rendering aid and be considered agents of the Member they are rendering aid to and, therefore, have the same privileges and immunities as comparable employees of the Member to which the are rendering aid.

''6.2 No Member or its officers or employees rendering aid within another State, Territory, or Province, pursuant to this Agreement shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith to the extent authorized by the laws of the Member receiving the assistance. The receiving Member, to the extent authorized by the laws of the State, Territory, or Province, agrees to indemnify and save-harmless the assisting Member from any such liability.

''6.3 Any Member rendering outside aid pursuant to this Agreement shall be reimbursed by the Member receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment and for the cost of all materials, transportation, wages, salaries and maintenance of personnel and equipment incurred in connection with such request in accordance with the provisions of the previous section. Nothing contained herein shall prevent any assisting Member from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving Member without charge or cost.

''6.4 For purposes of the Agreement, personnel shall be considered employees of each sending Member for the payment of compensation to injured employees and death benefits to the representatives of deceased employees injured or killed while rendering aid to another Member pursuant to this Agreement.

''6.5 The Members shall formulate procedures for claims and reimbursement under the provisions of this Article.

''Article VII

''7.1 When appropriations for support of this agreement, or for the support of common services in executing this agreement, are needed, costs will be allocated equally among the Members.

''7.2 As necessary, Members shall keep accurate books of account, showing in full, its receipts and disbursements, and the books of account shall be open at any reasonable time to the inspection of representatives of the Members.

''7.3 The Members may accept any and all donations, gifts, and grants of money, equipment, supplies, materials and services from the Federal or any local government, or any agency thereof and from any person, firm or corporation, for any of its purposes and functions under this Agreement, and may receive and use the same subject to the terms, conditions, and regulations governing such donations, gifts, and grants.

''Article VIII

''8.1 Nothing in this Agreement shall be construed to limit or restrict the powers of any Member to provide for the prevention, control, and extinguishment of wildland fires or to prohibit the enactment of enforcement of State, Territorial, or Provincial laws, rules or regulations intended to aid in such prevention, control and extinguishment of wildland fires in such State, Territory, or Province.

''8.2 Nothing in this Agreement shall be construed to affect any existing or future Cooperative Agreement between Members and/or their respective Federal agencies.

''Article IX

''9.1 The Members may request the United States Forest Service to act as the coordinating agency of the Northwest Wildland Fire Protection Agreement in cooperation with the appropriate agencies for each Member.

''9.2 The Members will hold an annual meeting to review the terms of this Agreement, any applicable Operating Plans, and make necessary modifications.

''9.3 Amendments to this Agreement can be made by simple majority vote of the Members and will take effect immediately upon passage.

''Article X

''10.1 This Agreement shall continue in force on each Member until such Member takes action to withdraw therefrom. Such action shall not be effective until 60 days after notice thereof has been sent to all other Members.

''Article XI

''11.1 Nothing is this Agreement shall obligate the funds of any Member beyond those approved by appropriate legislative action.''.

SEC. 2. OTHER STATES.

Without further submission of the compact, the consent of Congress is given to any State to become a party to it in accordance with its terms.

SEC. 3. RIGHTS RESERVED.

The right to alter, amend, or repeal this Act is expressly reserved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill under consideration.

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

There was no objection.

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

Mr. Speaker, I could almost place ditto marks over the remarks that I made in the previous bill that we have considered, because this, too, is a compact of special arrangements between two States or more in matters of mutual interest which must be approved by the Congress, as we have stated.

On this one, too, the gentleman from Washington (Mr. DOC HASTINGS), our colleague, has been instrumental in driving it to this moment. This is the Northwest Wildland Fire Protection Agreement, which will help the States in that region respond more quickly and more efficiently to the wildfire syndrome about which we read and learn too much, it appears. But nevertheless, this goes a long way to prevention and to quick resolution of the disastrous consequences of such wildfires.

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

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

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

Mr. PAYNE. Mr. Speaker, I, too, would like to concur that this is almost a ditto of the previous bill. This bill would grant the consent of Congress to the compact between the Northwestern States and the Canadian provinces to coordinate the response to forest fires and other emergencies. As we have indicated, these compacts have already been ratified by the affected States and provinces, but it is required to give the consent of Congress for this legislation to take effect, under the Compacts clause of the Constitution.

As has been indicated, we have bipartisan support of the members of the other body and of the States that are participating. Therefore, I would ask that our colleagues pass the Senate bill, S. 1134.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of S. 1134, a bill granting the consent and approval of Congress to an interstate forest fire protection compact entered into by the states of Alaska, Idaho, Montana, Oregon and Washington, as well as the Provinces of Alberta and British Columbia, and the Yukon Territory.

Mr. Speaker, this bill fulfills the Constitutional requirement for Congressional consent to the compact negotiated by these eight states and provinces. Specifically, the compact enables the fire management agencies of the participating states and provinces to cooperate in combating wildfires across state and national borders.

As the representative of a district that frequently experiences extensive and destructive wildfires, I am well aware of the need for regional cooperation in containing them. This compact will allow the region to mobilize all its available resources to combat wildfires and minimize their damage.

This locally driven legislation was passed unanimously by the other body on July 31 of this year, and has strong bi-partisan support from the northwest congressional delegation.

I urge my colleagues to support this cooperative effort to suppress wildfires in the northwest and pass this bi-partisan legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the Senate bill, S. 1134.

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

A motion to reconsider was laid on the table.

SENSE OF THE HOUSE REGARDING MURDER OF MATTHEW SHEPARD

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 597) expressing the sense of the House with respect to the brutal killing of Mr. Matthew Shepard.

The Clerk read as follows:

H. RES. 597

Resolved, That it is the sense of the House that—

(1) Mr. Matthew Shepard, a 21-year-old student at the University of Wyoming in Laramie, Wyoming, was physically beaten and tortured, tied to a wooden fence and left for dead;

(2) Mr. Matthew Shepard died as a result of his injuries on October 12, 1998, in a Colorado hospital surrounded by his loving family and friends; and

(3) the House—

(A) condemns the actions which occurred in Laramie, Wyoming, as unacceptable and outrageous;

(B) urges each Member of Congress and every citizen of the United States, in his or her own way, through his or her church, synagogue, mosque, workplace, or social organization, to join in denouncing and encouraging others to denounce this outrageous murder of another human being;

(C) pledges to join in efforts to bring an end to such crimes, and to encourage all Americans to dedicate themselves to ending violence in the United States; and

(D) pledges to do everything in its power to fight the sort of prejudice and intolerance that leads to the murder of innocent people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield the balance of my time to the gentlewoman from Wyoming (Mrs. CUBIN), and I ask unanimous consent that she be permitted to control the time.

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

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Wyoming (Mrs. CUBIN) is recognized.

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

It is with sadness that I bring this to the floor of the House today, Mr. Speaker. In the wake of the tragic death of Matthew Shepard, my husband Fritz and I, along with our sons, Bill and Eric, who knew Matthew, join the people of Wyoming in offering our most heartfelt sympathy to Matthew's parents, his family, and his friends. Our thoughts and prayers are with all of them. There is no greater loss than that of a son or a daughter. However, we can take solace in knowing that Matthew's kind and gentle spirit will be a legacy that stays with those who were fortunate enough to know him.

The resolution the House is considering today condemns in the strongest possible way the brutal killing of Matthew Shepard. No attack of this kind can ever be forgotten.

□ 1100

No attack of this kind can ever be excused and no attack of this kind can ever go unpunished. It is my hope, and the hope of the caring people of Wyoming and the people throughout our country, that swift and judicious punishment will fall upon those who committed this heinous act.

Our country must come together to condemn these types of brutal, nonsensical acts of violence. We cannot lie down. We cannot bury our heads. And we cannot sit on our hands. Though our actions, we must be deliberative and our actions must also at the very same time send a strong and ardent message to those who are intolerant of others. We will not stand for the arbitrary killing of others due to any hateful act of intolerance.

Mr. Speaker, I am honored to be joined today in offering this resolution by the gentlewoman from Colorado (Ms. DEGETTE).

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

Ms. DEGETTE. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, those of us in the West believe that we have a special caring for individual liberties and individual expressions and that we care about this more than anybody else. That is why the tragic murder of Matthew Shepard has shaken all of us in the West so to our core.

I want to thank and commend the distinguished gentlewoman from Wyoming (Mrs. CUBIN) for swiftly acting to denounce the deplorable actions of Matthew Shepard's murderers. I know that all of our thoughts and prayers in the House of Representatives and in Washington in general go out to the Shepard family and to Matthew's friends during this very difficult time.

The United States has come a long way in combating the prejudice and discrimination that is such a tragic part of our history. But what happened last Friday night at a ranch in Wyoming shows we still have work to do before our country is truly the country of freedom and justice for all.

Something like this could occur anywhere. Gay men and lesbians all across the country live in fear that some tragic and brutal crime like this will happen to them. And when an appalling crime like this happens, it proves that this fear is not unjustified. Sometimes it takes a tragic and brutal crime like this to point out that every day in cities across our country, gay men and lesbians are being beaten and brutalized simply because of their sexual orientation.

I want to share an example of this that is even sadder. As Matthew Shepard lay dying in a Colorado hospital in Fort Collins, a nearby State university was holding its annual homecoming parade. And on one of the floats in that parade, someone actually stuck a scarecrow that was covered with anti-gay graffiti. Mr. Speaker, even if Matthew Shepard had not been left beaten and hanging on a fence the night before, this incident, and the countless incidents that happen throughout this country, are unacceptable.

There is still much education that needs to be done. Discrimination of any kind is abhorrent. And this horrible incident illustrates once again that prejudice is a terrible thing, no matter who the target is.

Everyone in this country deserves to pursue the American dream and that includes gay men and lesbians. Individual freedom and liberty are what makes this country like no other, and we owe it to ourselves and we owe it to our country to refuse to accept bias of any kind. For those who would stand in the way of an individual's right to live as they see fit, I say, and I hope my colleagues will join me, ''There is no room in this country for your kind of bigotry.''

Mr. Speaker, that is why we must act swiftly and strongly at the Federal level, at the State level, at the local level, and every level of government to pass strong hate crimes legislation saying this is not the way we operate in this country.

I urge people from all walks of life, all political parties, all genders, straight and gay, to speak out against this horrible crime. Those of us who seek equality and justice far outnumber those who are gripped by fear and intolerance. We must make our voices drown out their voices.

Mr. Speaker, we will not be held hostage to individuals who act on the basest and most animal of instincts. We will continue the fight against hatred. We will continue to resist violence.

Last night at the vigil, Matthew's friend said that Matthew always wanted to make his life mean something, that he always wanted to have an impact on society. I pledge that we will do everything to see that happen. But Matthew's friend also said: The price here was too great.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentlewoman from Wyoming (Mrs. CUBIN) and the gentlewoman from Colorado (Mrs. DEGETTE) for bringing this resolution to the floor.

Mr. Speaker, I would like to also express my condolences to the Shepard family, and to say that I commend my colleagues who last night participated in the vigil where Senator KENNEDY and the gentleman from Massachusetts (Mr. FRANK) and others spoke out about this tragic act.

I think that it is clear with an act like this, that no one is free until everyone is free. And in many instances when we have talked about hate crimes as African-Americans, we have talked about the fact that lynchings went on in this country; that even less than a year ago a black man walking home was tied to the back of a truck and drug for miles until his body was decapitated and he of course died with this brutal treatment. Many people said it was too bad, many did not comment, and it passed by.

But once again I repeat that no one is free until everyone is free. Who would have ever dreamed that in the middle of Wyoming, a place that is talked about with its tranquility and rugged individualism, would turn to one of the most heinous crimes that we have seen anywhere in this Nation.

So I think that we have to rededicate ourselves to taking a look at us and where we stand. The President this year had a commission on race to talk about and have a dialogue about where race stands in this country. I think that we need to have a dialogue about many issues. About immigrant bashing, about gay bashing, about anyone who seems different.

Mr. Speaker, that is why we have the first amendment. People who are different can speak up. The first amendment was not passed for everyone who thinks alike, because we would not need the amendment. I think we need to rededicate ourselves to wiping out hate crimes.

Even in my State of New Jersey there has been an increase in the number of hate crimes. So I commend my colleagues who brought this resolution and ask that it be passed unanimously.

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

Mr. Speaker, we should not turn Matthew into a martyr, and his family has asked that we do not turn Matthew into a martyr. He would not want that and his family does not want that.

Out of respect for Matthew, this resolution is not about advancing legislation. It is about advancing our tolerance in others, regardless of their gender, race, or sexual orientation.

At the end of his life, the defining element of Matthew's life should not be his sexuality. It should be the kind, gentle, intelligent, wonderful person that Matthew was. That is how Matthew should be remembered. That is what his family wants, and that certainly is what I wish for them today.

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

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise today to sadly offer my condolences to the family and the friends of Matthew Shepard. I deeply thank my colleagues, the gentlewoman from Colorado (Ms. DEGETTE) and the gentlewoman from Wyoming (Mrs. CUBIN) for introducing this resolution and giving us all an opportunity to voice our sorrow at this horrifying act of violence.

It is difficult for any of us to fathom the sort of hatred and prejudice that could lead a young person to carry out such a horrible attack on another young person. What leads to that sort of pent-up anger and hatred?

Accounts from family and friends tell us that Matthew was a kind, a gentle and a caring young man who was always ready to lend a helping hand, always ready to try to figure out what he could do to help others make their way.

So, it is a sad day, and I am sad that today as we are moving into a new century that we still see this kind of fear and this hatred directed toward people simply on the basis of who they are, based on their sexual orientation or based on the color of their skin or based on anything that anyone views as different from what they know.

It is wrong. We are truly a Nation of differences. We are built from people who came from so many different lands from so many different backgrounds and we need to learn to accept and to embrace these differences. Our diversity, in fact, is what makes us so strong as a Nation. It should never tear us apart and it should never do anything to inflict pain and suffering on others.

I hope that we learn a lesson from this tragedy, though it is hard to fathom that we could learn something from this awful act. But we do not want to have Matthew die in vain.

I hope that the Congress will stand together to pass the Hate Crimes Prevention Act. I think we need to send a strong message that there is no place for hatred in this land of ours, and that these types of horrifying crimes cannot and will not be tolerated.

Ms. DEGETTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN), my friend and classmate.

Mr. MCGOVERN. Mr. Speaker, I am here in support of this resolution because I, like so many others, am deeply outraged at the death of Matthew Shepard. It is a terrible, unspeakable and horrible crime, but words cannot express how horrible this action is.

I wish I could say to Matthew's family how much they are in my thoughts and prayers and emotions. As a new father of a 5½-month-old baby boy, I cannot possibly imagine the pain and suffering of the Shepard family. From all I have read and heard about Matthew Shepard, he was an incredible young man who had wonderful gifts to offer this world. We will never know now his potential, what his long life might have brought to us all.

So what do we do now? That is the question we must all ask ourselves. And it is my view that we should and we must pass the Hate Crimes Prevention Act now, and we should do it before this Congress adjourned.

But that alone is not going to stop the kind of action that led to Matthew's death. This terrible tragedy highlights the need for us to teach our children in our homes, in our churches, and in our schools that every human being deserves our respect, our tolerance, and the right to live their lives secure from the threat of violence.

Whatever their race, their religion, their color, their sexual orientation, their beliefs, their creed, their gender, their language, their nationality, their age, all men and women are endowed with basic human dignity and the right to live their lives to their full potential.

Mrs. CUBIN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman from Wyoming (Mrs. Cubin) for yielding me this time. I also thank both the gentlewoman from Wyoming and the gentlewoman from Colorado (Ms. DEGETTE) for introducing this resolution.

Mr. Speaker, I was with a large group of people last evening at the vigil to commemorate the tragic death of Matthew Shepard, and I join my colleagues and I join all other Americans in offering my sympathy and my prayers for the family of Matthew Shepard.

We like to think in America that hate crimes are a phenomenon of the past. But the death of Matthew Shepard is a tragic reminder that this just is not so. We do have to recognize that many citizens of our country cannot take for granted the right to live life without fear of violence simply based on their race, their ethnicity, religion, disability or sexual orientation.

James Byrd, the African-American man who was dragged to his death behind a truck in Texas in July, is an example of that. Indeed, Matthew Shepard who was beaten and left for dead outside Laramie, Wyoming, tells us that we need to do more to prevent hate crimes.

We in America pride ourselves on the fact that all people are entitled to life, liberty, the pursuit of happiness, as well as freedom from violence and from hate crimes. I hope that we will be resolved and that we will pledge that we will take this tragedy and translate it into action. Into action and pass the Hate Crimes Prevention Act; into action in terms of changing our attitude in making sure that we educate people and making sure that each and every one of us has a responsibility for each other.

□ 1115

It was Thornton Wilder who once wrote, there is a land of the living and a land of the dead and the bridge is love, the only survival and the only meaning.

May Matthew Shepard live on in love and may we resolve to remedy this problem so there are no hate crimes in our country or in our world.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), Democratic leader.

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

Mr. GEPHARDT. Mr. Speaker, first I want to express all of our deep feeling of sympathy for the family of Matthew Shepard and for the friends and all the people that knew Matthew Shepard personally.

He was taken from his family by a heinous act, an evil act, an outrageous act of violence. I join with my colleagues in offering our condolences and our prayers to his family and his friends.

This awful crime shocks an entire Nation, and it shocks our consciences. It reminds us that we have a long, long, long way to go before all Americans can feel safe from this kind of heinous attack.

Matthew was a promising young man who happened to be gay. He was killed because of a chance encounter with a random act of hatred and violence. But it is important to remember that no one in our society is safe from this kind of random act as long as the impulse of intolerance lives among our fellow Americans. Any one of our sons or daughters could have come in contact with the perpetrators on that grim night. Any of us could be in the place of Matthew's parents.

I have a son by the name of Matthew. He is about 27 years old now. I cannot imagine, if I put myself into the shoes of this young man's parents, I cannot

imagine the outrage, the desire for retribution that I would feel today. I cannot imagine their grief and their sorrow.

So we stand here today knowing that no gesture will return this young man to earth. Resolutions are no match for harsh punishment for these crimes. It is vitally important for Congress to speak with one voice on this issue as we do today, to condemn the manifestation of hatred in our society against any one of us and to say clearly that we reject prejudice and intolerance wherever and whenever it rears its ugly head.

All Americans join together today as one in sending our deep and prayerful feelings to these parents. May this never happen again and may the meaning of his life be that we pass a hate crimes act in this Congress before we leave so that we say to all, there is punishment for this kind of hatred.

Ms. DEGETTE. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. RIGGS). The gentlewoman from Colorado (Ms. DEGETTE) has 8½ minutes remaining, and the gentlewoman from Wyoming (Mrs. CUBIN) has 14½ minutes remaining.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank my colleague from Colorado for yielding me the time and to the gentlewoman from Wyoming (Mrs. CUBIN) for putting forth this resolution today. I particularly want to thank the gentlewoman from Colorado (Ms. DEGETTE) for her courage in putting this forth, also in terms of pointing out the need for hate crimes legislation.

Let us focus on Matthew Shepard. Matthew Shepard was a lovely young man. He was willing to be open about who he was. That took courage. Clearly, it took a great deal of courage. I cannot help but think if Matthew would not still be alive had people not known that he was a gay person.

I think the tragedy of his death points out the need for hate crimes legislation. But as we consider this issue, I am going to submit my statement for the record, Mr. Speaker. I just want to speak as one who has the privilege of representing a district with a large number of gay and lesbian people. They are part of the success of our community. They help build our community.

When I hear people talk about tolerance for gay and lesbian people, it is interesting to me, because in our community tolerance is an issue of long ago. Certainly we tolerate. That is not even the issue. We respect our gay and lesbian community. More than that, we take great pride in them, in each and every one of them and collectively in the contribution that they make to our community in San Francisco, indeed, to our great country.

So it is such a tragedy when a young man has the courage to be open about who he is and his life is taken for it. What more needs to happen? How many more deaths, how many assaults on the personal integrity of people physically and otherwise need to happen before this Congress will see the need for the hate crimes legislation? There are those who say that we should not be talking about that today. Of course, we should. If this young man had the courage to be open about who he is, cannot this Congress be courageous enough to honor his memory by passing the hate crimes legislation?

Mr. Speaker, I rise to join my colleagues in remembering the life of Matthew Shepard and deploring his tragic death. Matthew was willing to be open about who he was, and we should celebrate the courage and the dignity that he embodied during his too short life. I send my condolences to his family and loved ones.

Matthew's brutal murder was a tragedy, but, unfortunately, not an isolated incident. Harassment of gays, lesbians and bisexuals is not limited to one period in our history, or one region of the country. We read today in the paper yesterday that in a study of community college students in the San Francisco Bay Area, 32% of male respondents said they had verbally threatened gays, and 18% said they have physically threatened or assaulted them.

According to statistics kept by the National Coalition of Anti-Violence programs, at least 18 Americans were murdered in 1997 because they were gay or lesbian. Also last year, there were over 2400 reports of anti-gay or lesbian incidents in the United States.

Hate crimes take many forms and affect many different kinds of victims. The horrible murder of James Byrd, Jr., an African-American man in Texas, is still fresh in our memories. According to the Federal Bureau of Investigation, in 1996 there were over 8700 reported incidents of hate crimes because of race, religion, national origin, or sexual orientation. And reported incidents of hate crimes on college campuses are increasing at a disturbing rate.

It is because of these hard realities, and the circumstances of the murder of Matthew Shepard, that his eulogy should be accompanied by action. The Hate Crimes Prevention Act would not end all violence against people because they are gay, or African-American, or Jewish, or come from another country. But it would allow the federal government to investigate and punish crimes motivated by hate.

Matthew's murder is the manifestation of enduring bigotry still all too prevalent in our society. These attacks demand a national response that enables federal law enforcement officials to fight these crimes and punish their perpetrators.

The Hate Crimes Prevention Act will provide needed tools to law enforcement, and it will serve as a lasting tribute to the life of Matthew Shepard. Before we take the final vote of the 105th Congress, I urge my colleagues to remember Matthew by passing the Hate Crimes Prevention Act.

Ms. DEGETTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I thank the gentlewoman from Colorado for yielding me time.

Thousands gathered last night at the west steps of the Capitol to mourn the loss of Matthew Shepard. The vast majority of us did not know Matthew personally, but we were united in our belief that the hate that took Matthew's life is unacceptable in America. We were united in our belief that America still has a long way to go before our gays and lesbians can stop fearing for their lives because of who they are. We were united in our belief that Congress can help prevent and prosecute these terrible crimes by passing tough hate crimes legislation. We were united in our belief that we will never be silenced until gays and lesbians can live without fear. And we were united in our commitment to speak out with our voices and our votes against anti-gay rhetoric, against anti-gay newspaper ads, against anti-gay legislation and against the thuggery that took Matthew Shepard's life.

Mr. Speaker, if there is one thing that this entire body can agree on, it is that the hate that took Matthew Shepard's life should be condemned. I urge my colleagues to support this resolution.

Ms. DEGETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. Gejdenson).

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

Mr. GEJDENSON. Mr. Speaker, I join my colleagues.

Ms. DEGETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MILLER).

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

Mr. MILLER of California. I join my colleagues in support of this effort.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to support House Resolution 597 and to offer my sincere sympathies to the family of Matthew Shepard. I cannot imagine their pain. I offer my sympathies also to all families who have suffered needless losses due to discriminating hate and prejudice.

What happened to Matthew Shepard in Laramie, Wyoming is not an example of a breakaway faction, of an out-of-touch community in rural America. What happened to Matthew Shepard happens every day to citizens in our very own country whose only crime is to be honest, honest about who they are and what they believe.

Mr. Speaker, it is time to pass the Hate Crimes Prevention Act. Harassment and hate crimes against the gay community is commonplace. It is time to come together as a Nation to condemn such hate crimes.

Mr. Speaker, I am greatly disturbed that hate crimes like the murder of Matthew Shepard are on the rise. This is a type of crime that embodies intolerance, an act of violence against a

person based on a victim's race, color, gender, religion or sexual orientation. Hate crimes leave deep scars not only to the victim's family but also to the larger community. Unfortunately, every year thousands of Americans are victims of hate crimes, and we suspect that many, many hate crimes go unreported.

To honor Matthew Shepard, Mr. Speaker, we must as a Congress make sure that families like Matthew's know that there is not a person in this body that would make it easy or easier by making it OK for a hate crime to be carried out, for a person to have a prejudice against another person because of their sexual orientation.

Mr. Speaker, we must pass this resolution.

Ms. DEGETTE. Mr. Speaker, I yield the balance of my time to the gentlewoman from the District of Columbia (Ms. NORTON), who has been working on this issue for many years.

The SPEAKER pro tempore. The gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 3 minutes.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me the time, and I thank her and the gentlewoman from Wyoming (Mrs. CUBIN) for their initiative, timely and important these last days.

My sympathies are with Matthew Shepard's family and friends. At the same time I recognize that they deserve much more from this body.

Last night I welcomed thousands of people to the west steps of the Capitol on behalf of the jurisdiction that has the strongest human rights laws and the strongest hate crime laws in the United States of America. That was not the United States of America; it was the District of Columbia. I wish I could have said the same about the country that we in this body serve.

As I speak, indeed there are anti-gay measures on the D.C. appropriation. This body has to take responsibility for the fact that when people read that this body wants gays not to be able to adopt children, when this body wants clean needles not to be available even with the District's own money, this body has sent a homophobic message that is picked up by people like those who murdered Matthew Shepard.

Last night was a very moving memorial of its own. But the Members who came in large numbers surely thought, do we not have in our hands the ability, the capacity to come forward with the most meaningful memorial of all, the bill pending for years now in this House that would deter this crime and when it occurs, punish this crime?

So this afternoon while we all commiserate and grieve for this family, this should be a moment of introspection for this body, because the question for this body is what are we going to do about it and is it enough to grieve about it.

The Hate Crimes Prevention Act is what is left to be done about it. Imagine human rights legislation that left you out. If you are white, if you are black, if you are male, if you are female, you are included within the great American family of human rights laws, but not if you are gay. We must use what amounts to human sacrifice, the sacrifice of this young man, to include gay people in the family of American people.

We must also be very careful with our own talk. No one who speaks about their disagreement with the homosexual lifestyle means for somebody to go out and murder gays. But we must come to grips with the fact that that is how that message is perceived and taken by many.

Pass the Hate Crimes Prevention Act and, while you are at it, pass the Employment Nondiscrimination Act.

□ 1130

Mrs. CUBIN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, I thank the gentlewoman from Wyoming and the gentlewoman from Colorado for their important initiative here. I think it is important that the House go on record as supporting this resolution, expressing their condemnation of hatred and violence, especially obviously in this situation, and encouraging diversity and tolerance and compassion in American life.

As I was in the chair and listening to the minority leader's comments, I heard him mention that the Gephardt family has a son by the name of Matthew. The Riggs family has a son by the name of Matthew, so it is a pretty special name in our household. It is also a Biblical name. I guess what I find so shocking about this crime is its brutality, its callousness and the youthful age of the perpetrators. It suggests to me that these young people accused of this crime are typical of too many people in their generation who have not gotten the appropriate education, knowledge and adult supervision and guidance that they need to live lives as productive citizens, who embrace those American qualities of tolerance and compassion.

Again, I think the resolution is commendable and worthwhile. I do have misgivings about whether we need to create a new Federal crime category of hate crimes and would respectfully suggest to my colleagues that perhaps it is more important that we address the root causes of these kind of crimes in American society. I think we all have some idea as to the root causes. One certainly is a modern media culture that all too often passes as mainstream culture in American life that glamorizes and even glorifies violence and brutality, a lack of character, values and training in our schools, in our education system, and fundamentally a breakdown of the American family. I am really concerned about the last two categories and have worked hard on those two initiatives, fatherhood and education, over the last 2 years in this Congress and understand that it is far less likely that a child will go astray if, again, they have proper adult role models, hopefully an intact nuclear family, a father and mother who care for that child in that household.

I think one of the other things we can do as we reflect on this tragic, horrific crime and send our hearts and our prayers to the family of Matthew Shepard is rededicate ourselves to addressing the root causes of these type of crimes in American life.

I thank the gentlewoman for yielding me this time and for her leadership on this initiative.

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

Mr. Speaker, every crime that is committed is a hateful crime. Brutalizing another person is a reprehensible act regardless of the motivation of the criminal or the affiliation of the victim. If convicted of first-degree murder in Wyoming, the suspects could be sentenced to death. Hate crime laws are enacted to enhance punishment. No sentence could be stronger, even if hate crimes legislation was enacted.

The crime committed against Matthew Shepard is not only a crime against Matthew Shepard, but it is a crime against the dignity of all humanity. It is a crime against all of us. This cannot and will not be tolerated. This is not a time to divide our country over the differences that we have over certain legislation. Matthew's family has asked that that not happen. This is a time to unite in our common goal of ridding our country of intolerance, bigotry and prejudice and to offer comfort to Matthew's family and friends.

Matthew left this world as an example to each one of us. He would want us to work against violence and hatred and toward peace and tolerance. There will be a memorial service for Matthew Shepard held in Laramie, Wyoming, tomorrow at 1:30 p.m.

Mr. CUMMINGS. Mr. Speaker, I rise today with a somber heart and a troubled soul.

I rise today to grieve the loss of a young man.

Matthew Shepard was a 21-year-old college student majoring in political science because he—like many Members of this body—wanted to fight for civil and human rights.

But Matthew will never join this fight because Matthew died on Monday.

Matthew's death was no accident.

It was a conscious act of hate and intolerance taken to such an extreme that a 21-year-old man was brutally and savagely beaten, strapped to a fence like an animal, and left to die.

Matthew was murdered for one reason: Hate.

Hate directed at Matthew because he was gay and he dared share that fact with others.

Mr. Speaker, this body must share in the responsibility and the guilt for Matthew's brutal murder.

We are fostering a culture of intolerance and hate in this body with words and even legislation that denies equal standing and protection under the law to others due solely to their sexual orientation.

Matthew's death at the butt of a .357 magnum is the result.

In 1962, on the acceptance of the Nobel Peace Prize, Dr. Martin Luther King, Jr. said ''Man must evolve for all human conflict a method which rejects revenge, aggression and retaliation. The foundation of such a method is love.''

Mr. Speaker, I make a plea that we in this body heed Dr. King's words and work for a culture of tolerance.

In the name of Matthew Shepard we must finally act on and pass the Hate Crimes Prevention Act, a bill which I have proudly cosponsored.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H. Res. 597.

The cruel and senseless torture and ultimate death of Matthew Shepard has lit a fire under the national discourse surrounding the prevention of hate crimes. It is a tragedy that such a horrible crime against humanity must serve as the rallying point for the passage of hate crimes prevention legislation. In fact, it is a tragedy that this country should even have the need for hate crimes prevention legislation. But sadly, we do.

The murder of Matthew Shepard in Wyoming too vividly brings to mind the vicious assault of an African-American man, James Bryd, who was dragged to his death from the back of a pickup truck this past June in Texas. These are two cases that have grabbed national headlines because of their atrociousness. But these are only two of the far too many instances where people are singled out and victimized because of their race, religion, color, national origin, sexual orientation, gender or disability.

No Federal law exists to address hate crimes. Ten states do not have any hate crime prevention laws. Of the 40 states that have passed hate crime legislation, 19 do not cover attacks motivated by sexual orientation. We need Federal legislation to provide a clear and consistent standard that outlines the offenses that comprise a heat crime.

My friend and colleague Representative CHARLES SCHUMER introduced a bill that would establish a national standard to deal with hate crimes, the Hate Crimes Prevention Act of 1997, H.R. 3081. This bill would expand existing law to facilitate the assistance of federal authorities in crimes motivated by hate. Unfortunately, failure to pass the Hate Crimes Prevention Act is yet another failure to act by the 105th Congress. But this issue will not die with this Congress. I intend to continue fighting for justice for everyone—for Matthew Shepard, for James Byrd, and for every other American who is a victim of a hate crime.

Matthew Shepard's death was needless. Passing this legislation will not bring him back, nor will it erase the pain suffered by his family, his friends, and our nation as a whole. But with an explicit and consistent law outlining the offenses that constitute a hate crime, our Nation will be better armed to fight and prevent the prejudice and ignorance that result in tragic hate crimes.

Mr. NADLER. Mr. Speaker, the tragic and brutal murder of Matthew Shepard reminds us how far we still need to go to eliminate violence and bigotry in this country.

Our thoughts and prayers are with the Shepard family and Matt's friends in Wyoming.

It sickens me every time I hear news of violent attacks against gay, lesbian, bisexual, and transgender men and women. Tragically, these types of incidents are not rare.

Today, we are here to condemn the savage, brutal, vicious attack against Matthew Shepard. It is entirely proper for us to do so. However, gays, lesbians, bisexuals, and transgender people need real protection, not just a sense of Congress that something must be done. We have a real plan, real legislation, that is before this House that must be enacted.

We owe it to our nation to take action immediately to reduce the number of these incidents and to punish those who attack others based on the victim's actual or perceived sexual orientation.

There is no simple solution to this problem. We should support hate crime prevention programs, fund special training for law enforcement professionals, teach tolerance and support for diversity in our schools, and confront head-on the daily prejudice that we see in our communities. We must also address the fundamental bigotry that leads to these crimes. However, passing the Hate Crimes Prevention Act and the Bias Crimes Compensation Act are important first steps.

I am proud to be an original cosponsor of the Hate Crimes Prevention Act, which would allow federal law enforcement authorities to investigate and prosecute violent hate crimes when the state and local authorities are either unable or unwilling to do so. This bill has more than 160 co-sponsors and has already had a lengthy hearing in the Judiciay Committee.

We should also pass a bill I introduced entitled ''The Bias Crimes Compensation Act'', which would provide a civil claim for individuals who are victims of hate crimes, so that they could sue their attackers for compensatory damages. These two simple proposals ought to be brought up on their own or included in the final appropriations measure. The country has demanded action and we ought to respond with meaningful legislation.

Hate crimes deserve special attention, since they can have such devastating and lasting effects on victims and the communities from which they come. They are not simply attacks against one individual, rather, they affect whole communities and are acts of ideological terrorism.

The time to act is now. The need is clear. We ought to pass hate crimes legislation today.

Mr. MILLER of California. Mr. Speaker, I rise today to join the millions of Americans who are mourning the death of Matthew Shepard, who died Monday, at the age of 21 years old after being beaten, robbed, and left to die, tied to a fence near Laramie, Wyo. I wish to express my sadness to Matthew's family and send them my prayers as they grieve over his death.

It is a tragedy anytime a young person is a victim of violence, which we all know happens far too often. The murder rate for young people in this country is a national crisis and a national disgrace.

According to police reports, Matthew Shepard was targeted by his killers because of his sexual orientation. Thus his murder is particularly saddening and disturbing.

Matthew Shepard's death is, unfortunately, not an isolated incident. According to the FBI, more than a thousand gay and lesbian men and women were the victims of violent ''hate crimes'' last year.

In this way, Matthew Shepard's death reflects a much wider problem in our society. But the public reaction may also signal a turning point in efforts to prevent similar tragedies in the future.

It is my hope that something positive will be extracted from this senseless and despicable act by our working even harder against such hate crimes in our country. We need to send the message that these crimes will not be tolerated, and that those who commit them will be duly punished.

I would also hope that those who seek to demonize homosexuality, and who may in turn, intentionally or unintentionally, fuel hatred against gays and lesbians, reflect on the possible consequences of their actions. No single person or movement can be blamed for Matthew's death. But everyone should examine the way in which their words or actions may help contribute to an atmosphere of intolerance that makes such tragedies more likely.

Bigotry, prejudice, and hatred are not American values. Our diversity is our strength. If we are to thrive as a society, every institution—our families, schools, government, businesses, and places of worship—must work together to bridge our differences and to respect the rights and freedoms of every individual

Mr. FARR of California. Mr. Speaker, this has been a rough week for parents.

I think every mother and father in America trembled when we heard about Matthew Shepard's beating in Wyoming, and anxiously waited for word of his condition. And we all must have wept at the thought of a child tortured and left to die on a country road.

I hope every parent did what I wanted to do: hug your children, and hold them close. But along with the rest of the House and Senate, I am trapped in Washington while Congress debates our budget. And being 3,000 miles away meant, unfortunately, that I was not able to stand with my neighbors at the local events organized to remember Matt.

This was a crime beyond words, and I have not yet found a way to sufficiently express my grief and compassion for the Shepard family, just as our nation has not yet found a way to respond to this tragedy. As a legislator, my thoughts turn to the actions our nation can take through our lawmaking process.

It is a sad but bitter truth that no law can return this talented, kind-hearted young man to his family and friends. But we are a nation of laws, and our government cannot stand by without a response.

In a year when voices from our Capitol have likened homosexuality to kleptomania, in a year when our newspapers and magazines have been filled with the harmful words of groups urging gay men and lesbians to change who they are, we must respond. We must counter these dangerous, hateful words, because they send a message to our nation's youth that the Matt Shepherds of our nation are not entitled to love who they want, be who they are and live lives of dignity, security and liberty.

The cowardly thugs who left Matthew to die on that cold night used these words to take matters into their hands. I feel personally obligated as an elected official to make sure these criminals know their actions will not be tolerated.

I am proud to be a co-sponsor of H.R. 3081, the Hate Crimes Prevention Act. This bill was introduced to Congress last year, and would

classify crimes committed on the basis of sexual orientation—as well as race, religion, national origin, religion, gender or disability—hate crimes.

That is a very important distinction. Hate crimes are a federal matter, which means their victims are protected by our country when local agencies fail them. This bill would authorize the U.S. Department of Justice to treat hate crimes as a particularly dangerous matter, with research and prosecution funds to match.

That seems reasonable, you must be thinking. But the Republican leadership has refused to allow Congress to vote on this bill.

Our nation has paid the price for intolerance too many times. But we can turn this into a bittersweet blessing, if we open one mind or prevent one hateful act. I am reminded of San Francisco Supervisor Harvey Milk's words: ''If a bullet should enter my brain, let that bullet destroy every closed door.''

Nothing will reverse the fact that Matthew Shepard is dead. But we now find ourselves faced with two options. We can let this session of Congress end without responding, without taking the opportunity to prevent this kind of tragedy from happening again. Or we can vow to do whatever we can to make sure that never again will a person's life be cut short so cruelly because of hate.

Mr. GEJDENSON. Mr. Speaker, public officials have to ensure that nothing we say could ever be interpreted to give comfort to people who would commit brutal acts such as what happened to Matthew Shepard. As elected leaders of our nation, we have a responsibility to remember that what we say and do is important, that if we are not careful with our words, they can be used by hateful individuals.

Dr. Martin Luther King, Jr., once said: ''Injustice anywhere is a threat to justice everywhere.'' If this young man can be killed because of his sexual orientation, than all of our liberties are at risk. If a person can be killed for his sexual orientation, for his race, for his gender, than none of us are truly free.

My parents escaped Europe at a time when Hitler and Stalin were trying to exterminate entire peoples. I was born in a camp for refugees. After the war we promised to never forget the suffering of the Holocaust. I am proud that all of us are joining together today to condemn this brutality. We must always stand up against such acts of hatred.

After the war, Pastor Martin Niemoeller said in a letter: ''In Germany they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up.'' We should all remember the Pastor's words, especially after events like this.

Mr. LANTOS. Mr. Speaker, I would like to express my strong support for House Resolution 597, and express my deep remorse and sorrow at the tragic murder of Matthew Shepard, an openly gay student at the University of Wyoming. He was brutally attacked last Thursday and left to die while tied to a wooden fence. He was found near death eighteen hours later, yet he continued to fight for his life through the weekend until his tragic death Monday morning. I join my colleagues in sending my deepest condolences to Matthew's family and friends.

Mr. Speaker, I am appalled by this senseless crime, which reflects the cowardly prejudice of the thugs who committed this outrage. The House must honor Matthew's memory not only by adopting this resolution of respect that we are considering here today, but we must also pass legislation that upholds the right of all Americans to live free of bigoted violence, regardless of race, color, religion, national origin, or sexual orientation.

As we remember Matthew Shepard, Mr. Speaker, I urge my colleagues to join in support of H.R. 3081, the Hate Crimes Prevention Act. This important bill would perform two very vital legal functions. It would eliminate gaps in Federal authority that have restricted the Justice Department's ability to prosecute hate crimes in a significant number of cases. While this reform would greatly enhance Federal authority to fight hate crimes, its significance pales in comparison to the second major provision of H.R. 3081, which would extend the Justice Department's authority to combat such violence to include cases involving death or serious bodily injury resulting from crimes directed at individuals because of their sexual orientation, gender, or disability. Under existing law (Section 245 of Title 19 U.S.C., in effect since 1968) only those individuals whose rights are obstructed on the basis of their race, color, religion, or national origin merit this protection. It is time to expand the Federal Government's legal authority to cover all Americans who are victims of the coarsest and most malicious expressions of bigotry, and, regrettably, Mr. Speaker, this all too often includes gay Americans.

Mr. Speaker, the horrendous murder of Matthew Shepard underscores the importance of our moving quickly to adopt the Hate Crimes Prevention Act. As Elizabeth Birch, the Executive Director of the Human Rights Campaign, points out:

> Federal law enforcement agencies have no jurisdiction over hate crimes motivated by a person's sexual orientation. Although the Albany County, Wyoming, authorities have made arrests in the case, if they were to request forensic resources or assistance from the Federal Bureau of Investigation (FBI), the FBI would not be able to provide assistance due to lack of jurisdiction.

Mr. Speaker, this loophole in our nation's hate crime laws must be closed and we can close it now. We cannot afford to wait for more tragedies to further sensitize us to the outrageousness of anti-gay violence.

I would also like to note, Mr. Speaker, that the crisis of violence against homosexual men and women extends across international boundaries. Two months ago, I chaired a forum of the Congressional Human Rights Caucus which drew attention to the global prevalence of violence and abuse based on sexual orientation. Our well-informed witnesses cited in nations ranging from Uganda to Lithuania, from Turkey to Peru, where governments have failed and continue to refuse to protect their own gay citizens from unspeakable crimes and violations of their human rights.

America rightly holds its elected leaders to a much higher standard, and it is time for us to justify this trust of decency and honor by passing the Hate Crimes Prevention Act. It is long past time to send this vital legislation to President Clinton, who, along with Vice President AL GORE, has expressed firm support of this initiative. The memory of Matthew Shepard merits no lesser consideration.

Mr. CASTLE. Mr. Speaker, I rise today to express my support for H. Res. 597, Expressing the Sense of the House regarding the death of Mr. Matthew Shepard. Last week, Matthew Shepard, a student at the University of Wyoming, was lured off campus by two young men, driven to a remote location, bludgeoned with the butt of a gun, burned, and strapped to a fence to die. There is strong evidence that his attackers were motivated because Matthew Shepard was gay.

Unfortunately, Matthew Shepard's death is not an isolated incident. It is the latest in a series of brutally violent crimes committed against people for no other reason than the color of their skin, their sexual orientation or their religion. In April 1994, two African-American men murdered a white man in Lubbock, Texas. The killers later admitted that they had set out to find a white victim. In 1997, an African-American man in Virginia was soaked in gasoline, burned alive, and then beheaded. It was later discovered that he was targeted because he was black. Earlier this year, James Byrd, a disabled black man in Texas, was lured into a pickup truck and driven to a remote location where he was beaten unconscious, chained to the truck, and dragged around until he was beheaded.

I look forward to the upcoming debate on expanding the Hate Crimes legislation to include acts of violence against people based upon their sexual orientation. Matthew Shepard's death should focus our attention on and spur us to complete a careful analysis of this issue. Today, Matthew Shepard is to be remembered. His friends and family are in our prayers.

Mr. SCHUMER. Mr. Speaker, I rise in support of H. Res. 597 and commend my colleagues, Congresswoman DEGETTE and Congresswoman CUBIN, for introducing this resolution. At times like this we should come together as a Congress to focus on this tragedy and state our strong abhorrence to such crimes.

I would like to join with my colleagues and offer my sincere condolences to the family and friends of Matthew Shepard.

We are here today to condemn the horrific murder of Matthew Shepard. Through this resolution we are making a pledge to do everything in our power to fight the prejudice and intolerance that leads to the murders of innocent victim like Matthew Shepard. We should challenge ourselves to do just that.

Once again, our Nation awoke to another needless tragedy of an innocent victim. When a man is brutally murdered because he is gay, the damage has far surpassed the individual victim.

When a hate crime is committed, the entire community is wounded.

The tragic death of Matthew Shepard is a vivid and shocking reminder that even in a civilized society there are those motivated by vicious hate. We can no longer stand by and wait for another tragedy to happen before we pass legislation. The Hate Crimes Prevention Act is a powerful and essential law that not only says that crimes of hate are unacceptable, but that they will be punished severely.

We are standing here today to condemn this hateful crime and the men who committed it.

But we should also be urging the Republican Leadership to pass this essential legislation that would allow these criminals to be prosecuted with the full arm of the Federal law. Federal hate crime legislation is essential in the goal to eliminate crimes motivated by prejudice.

In June, the Nation was horrified by the tragic death of James Byrd. This event sparked concern and debate about hate crimes across our Nation. But sadly it wasn't enough. Now another tragedy has occurred. We cannot pass up the opportunity to make this crucial legislation a reality.

There are some who have said this bill will give special protection to certain groups. To that I say that this bill is in response to the hate that people have in our society towards gay men and women. The perpetrators in this crime did not choose their victim randomly, they chose him because he was gay.

If we stay silent, the bigots win.

I believe this legislation is a crucial part of our answer to hate crimes.

This is not about ''special preferences,'' nor is this about some theoretical identity-politics agenda. This is about combating the very real threat of violence faced by too many Americans.

Every hate crime is an offense against the most basic values of American society. Sadly it takes tragedy to galvanize America's attention. We have to seize the moment and pass a tougher law, or else the brutal deaths of Matthew Shepard and James Byrd will have been in vain.

There are those who fail to believe that this legislation would be a deterrent to these horrific crimes. I am still hopeful that the Republican leadership will endorse our effort. We need to pledge to ourselves that we will pass this legislation. When we do pass it, and I do believe we will pass it, it must be before another horrible crime is committed. We must act now.

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

The SPEAKER pro tempore (Mr. RIGGS). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and agree to the resolution, House Resolution 597.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1733) to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.

The Clerk read as follows:

S. 1733

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

SECTION 1. DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.

(a) IN GENERAL.—Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

''(r) DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.—Each State agency shall—

''(1) enter into a cooperative arrangement with the Commissioner of Social Security, pursuant to the authority of the Commissioner under section 205(r)(3) of the Social Security Act (42 U.S.C. 405(r)(3)), to obtain information on individuals who are deceased; and

''(2) use the information to verify and otherwise ensure that benefits are not issued to individuals who are deceased.''.

(b) REPORT.—Not later than September 1, 2000, the Secretary of Agriculture shall submit a report regarding the progress and effectiveness of the cooperative arrangements entered into by State agencies under section 11(r) of the Food Stamp Act of 1977 (7 U.S.C. 2020(r)) (as added by subsection (a)) to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(3) the Committee on Ways and Means of the House of Representatives;

(4) the Committee on Finance of the Senate; and

(5) the Secretary of the Treasury.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect on June 1, 2000.

SEC. 2. STUDY OF NATIONAL DATABASE FOR FEDERAL MEANS-TESTED PUBLIC ASSISTANCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs.

(b) ADMINISTRATION.—In conducting the study, the Secretary shall—

(1) analyze available data to determine—

(A) whether the data have addressed the needs of the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(B) whether additional or unique data need to be developed to address the needs of the food stamp program; and

(C) the feasibility and cost-benefit ratio of each available option for a national database;

(2) survey the States to determine how the States are enforcing the prohibition on recipients receiving assistance in more than 1 State under Federal means-tested public assistance programs;

(3) determine the functional requirements of each available option for a national database; and

(4) ensure that all options provide safeguards to protect against the unauthorized use or disclosure of information in the national database.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this section.

(d) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary of Agriculture $500,000 to carry out this section. The Secretary shall be entitled to receive the funds and shall accept the funds, without further appropriation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Speaker, the purpose of this legislation is to ensure that deceased people do not receive food stamp benefits. In February of this year, the General Accounting Office published an audit of four large States that account for 35 percent of the Nation's participants in the food stamp program. They found that nearly 26,000 deceased individuals were included in households receiving food stamps. These households improperly collected an estimated $8.5 million in food stamp benefits. This outrageous waste, fraud and abuse cannot be tolerated. While there may be differences of opinion on how this money should be spent, I believe that we can all agree that the nutritional needs of deceased individuals are substantially less than the needs of the living, and this abuse must end.

Under food stamp rules, households must notify their welfare office of any change in the makeup of the household within 10 days. The GAO report titled ''Food Stamp Overpayments: Thousands of Deceased Individuals are Being Counted as Household Members'' shows that the names of the deceased individuals it found were counted in the food stamp households for an average of 4 months, and in a few instances the deceased persons were counted for the full 2 years of the review.

I introduced H.R. 4366, the Food Stamp Verification Act of 1998, in response to this report. This bill requires food stamp State agencies to enter into a cooperative agreement with the Commissioner of Social Security to obtain information on individuals who are deceased. The bill we consider today, S. 1733, is the Senate version of H.R. 4366. It allows the Social Security Administration to share all of its information on deceased individuals with State agencies administering food stamps. This would enable States to use the most comprehensive information available on deceased persons and cross-check it with their food stamp rolls.

S. 1733 also requires the Secretary of Agriculture to conduct a study of options for the design, development, implementation and operation of a national database to track participation in the food stamp program. This study should address the feasibility and cost-benefit ratio of every available option for a national database.

Mr. Speaker, this is simple, commonsense legislation. The CBO estimates that it will save American taxpayers $17 million plus it allows States to administer their programs more efficiently. Welfare programs with lives of their own that continue into the afterlife are not acceptable. This problem should have been corrected long ago

and the solution is only a matter of requiring cooperation between government agencies.

I want to thank the gentleman from Texas (Mr. STENHOLM) the ranking member of the Committee on Agriculture and the gentlewoman from North Carolina (Mrs. CLAYTON) for their support for this legislation as well. I urge support of S. 1733 and request its quick passage by the House of Representatives.

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

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

Mr. Speaker, I rise in strong support of S. 1733, a bill that will require that food stamp State agencies take steps necessary to ensure that food stamp coupons are not issued to deceased individuals.

As the gentleman from Virginia has explained, this is a rather commonsense bill today, something that needs to be done and in my judgment is another step in a series of steps that the House Agriculture Committee has taken in cooperation with our various States to see that the food stamp program works better to ensure that the food gets to the people that need the food and that waste and fraud and sometimes plainly mistakes, many of those, where we cannot be in a perfect world we can in fact ensure that we make the least amount of mistakes. That is what this bill is about.

I commend the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Subcommittee on Department Operations, Nutrition, and Foreign Agriculture for holding a hearing on this issue. Far too few hearings have been held this year on matters of substance within the Committee on Agriculture. This is one of them in which substance was worked on and a desired result occurs now today. I want to thank him for his diligence and work in continuing to work to ferret out this kind of issues and present to the full House this bill today which will result in a savings, as has already been pointed out, $1 million savings over the period of 1999 to 2002 and $17 million over a period of 1999 to 2008.

This is a good bill, I commend its support to all of my colleagues, I support this legislation and urge its passage.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Texas for yielding me this time, and I thank the chairman of the subcommittee for introducing this bill and want to join with him in strong support of this legislation which indeed removes deceased persons from the rolls and from receiving food stamps.

The food stamp program is the Nation's best and strongest program for providing nutrition to American persons who need food. Certainly we should do everything to remove fraud from it. This is a common-sense measure. It is one I agree with the ranking member should have been done. I am delighted it is now being done. It is a step in the right direction. It will save moneys for food for the needy, those who need America's resources. It is indeed as a result of the 1996 welfare reform which gave the Agriculture Department the authority to move forward and I think they have moved in a number of ways. I want to say parenthetically having relationship with the States, showing that there is greater monitoring of the process, also there are greater penalties for failure to do that. So as this bill is introduced, there is the capacity for making sure that we have the penalties and the resources and technical assistance of coordinating with various States. More importantly, there is the mechanism that this particular bill gives for the coordination between the Social Security Administration and monitoring those persons who are deceased with the food stamp programs so there can be a collaboration of that information.

I would say, also, the ability to now have food stamps electronically the way we transfer adds again to the efficiency for monitoring food stamps. All of these things combined, I think, adds to the efficiency and, therefore, for the greater utilization of American moneys and resources for those who need food.

I join with my colleagues and urge all of us to support this worthwhile legislation.

Mr. SMITH of Oregon. Mr. Speaker, I rise in support of the bill S. 1733. I congratulate the Chairman of the Subcommittee on Department Operations, Nutrition, and Foreign Agriculture for his hard work on this subject. He introduced a similar bill, H.R. 4366, and has held several hearings on the subject of the administration of the food stamp program.

S. 1733 amends the Food Stamp Act of 1977 to provide for the sharing of death and other information between state food stamp agencies and the Social Security Administration. The purpose is to ensure that food stamp benefits are not issued for deceased individuals. Each state is required to establish a cooperative relationship with the Social Security Administration to obtain information on deceased individuals and then use that information to make sure food stamp benefits are not issued on their behalf.

Additionally, the Secretary of Agriculture is required to study options for design of a system to track participation in Federal means-tested programs to ensure, among other things, that people do not receive food stamp benefits in more than one state at a time.

The General Accounting Office has conducted several reviews of the operation of the food stamp program and most recently identified areas in which computer matching can reduce fraud and abuse in that program. In a February 1998 report, the GAO identified nearly 26,000 deceased individuals in four states who were included in households improperly collected $8.5 million in benefits over a two-year period.

In an August 1998 report, the GAO found that, in four widely separated states, over 20,000 individuals were identified who were potentially improperly included in food stamp households in at least two of the four states at the same time.

Based on the identification of these problems by the GAO, S. 1733 was passed by the Senate and I urge my colleagues to support this bill

Mr. Speaker, I want to include in the RECORD letters that have been exchanged between the Committee on Agriculture and the Committee on Ways and Means. I appreciate the assistance of the Chairman and the Ranking Members of the Committee on Ways and Means and the Subcommittee on Social Security and I thank them for their cooperation.

COMMITTEE ON AGRICULTURE,
Washington, DC, October 10, 1998.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with regard to S. 1733, as amended, a bill that amends the Food Stamp Act of 1977 to provide for the sharing of death and other information between State food stamp agencies and the Social Security Administration for the purpose of ensuring that food stamp benefits are not issued for deceased individuals. This bill is similar to H.R. 4366 which was primarily referred to the Committee on Agriculture and additionally to the Committee on Ways and Means. Please find the enclosed copy of S. 1733. In the event that the Senate passes S. 1733, I am requesting that you waive your Committee's jurisdiction over S. 1733 in order to allow the timely consideration by the entire House of Representatives during the remaining period in the 105th Congress.

In the unlikely event that this bill or a similar measure should go to conference, I will support your Committee's representation on the conference committee. I understand that such an action is not intended to waive your Committee's jurisdiction over this matter or any similar legislation.

I thank you for your attention to this legislation.

Sincerely,

ROBERT F. (BOB) SMITH,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, October 14, 1998.

Hon. ROBERT F. SMITH,
Chairman, Committee on Agriculture, Longworth House Office Building, House of Representatives, Washington, DC.

DEAR BOB: Thank you for your letter regarding S. 1733, a bill to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals. The bill contains provisions within the jurisdiction of the Committee on Ways and Means similar to those in H.R. 4366, which was referred to the Committee on Agriculture and in addition to the Committee on Ways and Means.

I understand that you will seek shortly to consider the bill in the House under suspension of the rules following passage by the Senate. Accordingly, in order to expedite consideration of this noncontroversial legislation, I do not believe that a markup by the Committee on Ways and Means will be necessary. However, this is being done only with the understanding that you will bring the bill to the House floor for a vote under suspension of the rules, and that you have agreed to accept no additional changes on matters of concern to this Committee during further consideration of this legislation. In addition, this action is being done with the understanding that it does not in any way

prejudice the Committee's jurisdictional prerogatives on these measures or any other similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

Thank you again for your letter confirming this understanding, and I would ask that a copy of our exchange of letters on this matter be included in the Record during floor consideration. Thank you for your cooperation and assistance on this matter. With best personal regards, I am

Sincerely,

BILL ARCHER,
Chairman.

Ms. JACKSON-LEE of Texas. Mr. Speaker. I rise in support of S. 1733, which asks the Social Security Administration (SSA) and the states to work together to avoid waste in the administration of the Food Stamps program.

This bill takes a common sense approach to a sizable problem. Recently the General Accounting Office (GAO) released a study that found that due to a lack of communication between the states and the SSA, over 26,000 dead people in four states, including my home state of Texas, were erroneously issued food stamps. The cost of that oversight to the Food Stamps Program totalled over $8.6 million—a sizable amount of money that could be better used elsewhere.

The bill fixes this problem simply by requiring that the SSA and state agencies that help administrate the program, share information about the people that receive food stamp benefits. That information sharing should all but eliminate the erroneous issuance of food stamps to people that have deceased. In addition, the bill requires that the SSA submit reports to Congress on the progress that they have made on this issue, and on the savings that the bill produces.

Food stamps area matter of life and death for many people throughout the United States, including children. As the Founder and chair of the Congressional Childrens Caucus, I know that food stamps are often the lifeline for families that are trying to stay afloat in an turbulent and difficult economy. Many of those families reside in my district and in the State of Texas, where a study a few years ago concluded that Food Stamps and Aid for Families with Dependent Children (AFDC) contribute over $675 million to the local economy.

We must do what we can to improve this important and vital program, and I believe that this bill is a step in the right direction. Furthermore, I look forward to working with all of you next year to make sure that the savings we have realized from this bill are funneled back into the Food Stamps program.

I urge all of my colleagues to support this bill, and to work with me in supporting food Stamps every year.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 1733.

The question was taken.

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

The yeas and nays were ordered.

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

□ 1145

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1733.

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

There was no objection.

PROTECTING SANCTITY OF CONTRACTS AND LEASES ENTERED INTO BY SURFACE PATENT HOLDERS WITH RESPECT TO COALBED METHANE GAS

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2500) to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas.

The Clerk read as follows:

S. 2500

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

SECTION 1. PROTECTION OF SANCTITY OF CONTRACTS AND LEASES OF SURFACE PATENT HOLDERS WITH RESPECT TO COALBED METHANE GAS.

(a) IN GENERAL.—Subject to subsection (b), the United States shall recognize as not infringing upon any ownership rights of the United States to coalbed methane any—

(1) contract or lease covering any land that was conveyed by the United States under the Act entitled ''An Act for the protection of surface rights of entrymen'', approved March 3, 1909 (30 U.S.C. 81), or the Act entitled ''An Act to provide for agricultural entries on coal lands'', approved June 22, 1910 (30 U.S.C. 83 et seq.), that was—

(A) entered into by a person who has title to said land derived under said Acts, and

(B) that conveys rights to explore for, extract, and sell coalbed methane from said land; or

(2) coalbed methane production from the lands described in subsection (a)(1) by a person who has title to said land and who, on or before the date of enactment of this Act, has filed an application with the State oil and gas regulating agency for a permit to drill an oil and gas well to a completion target located in a coal formation.

(b) APPLICATION.—Subsection (a)—

(1) shall apply only to a valid contract or lease described in subsection (a) that is in effect on the date of enactment of this Act;

(2) shall not otherwise change the terms or conditions of, or affect the rights or obligations of any person under such a contract or lease;

(3) shall apply only to land with respect to which the United States is the owner of coal reserved to the United States in a patent issued under the Act of March 3, 1909 (30 U.S.C. 81), or the Act of June 22, 1910 (30 U.S.C. 83 et seq.), the position of the United States as the owner of the coal not having passed to a third party by deed, patent or other conveyance by the United States;

(4) shall not apply to any interest in coal or land conveyed, restored, or transferred by the United States to a federally recognized Indian tribe, including any conveyance, restoration, or transfer made pursuant to the Indian Reorganization Act, June 18, 1934 (c. 576, 48 Stat. 984, as amended); the Act of June 28, 1938 (c. 776, 52 Stat. 1209 as implemented by the order of September 14, 1938, 3 Fed. Reg. 1425); and including the area described in section 3 of Public Law 98–290; or any executive order;

(5) shall not be construed to constitute a waiver of any rights of the United States with respect to coalbed methane production that is not subject to subsection (a); and

(6) shall not limit the right of any person who entered into a contract or lease before the date of enactment of this Act, or enters into a contract or lease on or after the date of enactment of this Act, for coal owned by the United States, to mine and remove the coal and to release coalbed methane without liability to any person referred to in subsection (a)(1)(A) or (a)(2).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

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

Mr. Speaker, I rise in strong support of S. 2500 which, as passed by the other body, is identical to my bill, H.R. 4598. This bill is a bipartisan response to the vexing question of the rightful ownership of methane gas which resides in the voids of coal seams; in other words, their coal will be so many feet deep, and then there will be space where methane gas exists, and beneath that will be another seam of coal.

S. 2500 takes the position that where the United States has patented the surface estate together with all minerals except coal under the authority of either the 1909 or 1910 Coal Lands Act that the methane molecules belong to the patentee or his successor or interest. The bill excludes all interests where the United States has transferred its reserved coal interest to the third parties such as the Southern Ute Tribe in southwest Colorado.

Mr. Speaker, this bill is necessary because of a recent Tenth Circuit Court decision concerning the aforementioned tribe and an oil company producing coalbed methane from the private lands within the Southern Utes' reservation. Again though, this bill has no effect whatsoever upon that court case for which we expect the United States Supreme Court will grant a writ of certiorari and decide the ownership question for those situations where the U.S. has granted its reserve coal rights to third parties. In the meantime, however, S. 2500 will allow patentholders to be secure in the knowledge that whatever leases or contracts that they have already entered into with coalbed methane producers are valid. Without such relief, these landowners would be left in a legal conundrum not of their own making.

A Solicitor's opinion issued in 1981 appeared to settle the ownership question. My constituents in the Powder

River basin and others in the West where most coal seams are federally owned relied upon the Solicitor's analysis to assert their claims of coalbed methane ownership before leasing their rights to this gas.

Mr. Speaker, I have a college degree in chemistry, and I am here to tell my colleagues that an atom of carbon that is bound to four hydrogen atoms is methane, it is a methane molecule pure and simple, and in my view and in the view of many other people the genesis of that molecule is unimportant when it comes to mineral ownership questions. What counts is who has the right to develop oil and gas resources within a particular tract of land, and without the common sense certainty of S. 2500 we have gridlock in the Powder River Basin coalbed methane business and in other places, too, such as the San Juan Basin of New Mexico.

Mr. Speaker, natural gas, which is composed primarily of methane, is thought by many to be the fuel of the future. It is a very clean burning fuel. As a matter of fact, the competition between burning coal and clean coal and burning methane goes on within industry all the time. But methane certainly is a good fuel and a promising fuel to use.

With S. 2500 enacted into law, our Nation's supply of natural gas from available domestic sources will be enhanced. This can only be good for the country, and I urge my colleagues to support this bill.

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

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

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

Mr. MILLER of California. Mr. Speaker, I had a lot I wanted to say on this legislation, but having just heard Professor CUBIN's discussion of this, I do not think I want to match wits, her chemistry degree against my degree in American humor, on this topic, although I still do not quite get how the molecules belong to the surface guys, but the coal belongs to the subsurface. But we can go into that at another time. I think the gentlewoman has explained this bill quite properly.

Mr. Speaker, this is an important piece of legislation, it is necessary to provide certainty for people with the existing agreements, and I support the legislation.

This bill is very important to the western states and for those individuals who own or lease federally-owned coal. We understand that the bill's sponsors have been working with other members and with the Department of Interior to craft this agreement.

As many of my colleagues know, in the west, it is not uncommon for the mineral estate, in this case oil and gas, to be in separate ownership from the surface of the land—what is commonly known as ''split-estate.'' This system of split mineral estates is the result of the many federal statutes that granted varying levels of patents to homesteaders.

In 1981, the Interior Department Solicitor issued an opinion that allowed surface owners in public lands states, like Wyoming and New Mexico, to lease the rights to coalbed methane gas to companies interested in developing this resource.

Subsequent to that decision, other mineral estate owners, such as the Southern Ute Tribe, challenged the decision. Initially the Interior opinion was upheld, but on July 20, of this year, the 10th Circuit Court of Appeals, in a final en banc decision, ruled that methane gas produced out of coal seams is part of the coal itself, and not actually a gas.

Consequently, the coalbed methane gas—instead of belonging to the owners of land as previously believed—is held to be owned by the owner of the mineral estate, or the owner of the coal. Therefore, in many places where these two resources occur together, there are separate owners.

The bill's sponsors, and many of the landowners affected by the judicial decision, believe that the judicial decision will strip away a majority of the private ownership of gas in certain western states, and at a minimum, will cause a certain amount of confusion and potential monetary loss.

To alleviate this situation, the bill would grandfather the leases that have been negotiated, in good faith, according to the policies of the federal government. The legislation would ensure that existing leases to produce methane remain valid and that there is no future assertion of ownership by the federal government on these parcels. The bill before applies only to federally owned coal. It would not have any effect on tribally owned or state-owned land or coal.

While this bill provides an opportunity to provide some certainty for people with existing agreements, I would note that it has not been subject to any hearing or consideration by either the House Resources Committee or the Senate Energy Committee—despite the fact that the Court decision occurred approximately three months ago. The Interior Department has assured us that this bill is acceptable to them, and therefore, we will not oppose it today.

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

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

Mr. Speaker, I would like to let the body know for certain that I would never match my degree in chemistry against the gentleman from California's Ph.D. in humor.

Mr. MCINNIS. Mr. Speaker, my colleague, Mrs. CUBIN and I would like to clarify several issues regarding S. 2500, the coalbed methane gas bill, for the record. We understand that this bill is very important to this country, including the Third District of Colorado and the State of Wyoming, as well as large parts of at least six states with coalbed methane gas patents, contracts and leases. This bill will address the uncertainty that has arisen elsewhere following a decision in the case *Southern Ute Reservation* v. *Amoco Production Company* in the 10th Circuit Court of Appeals. People may not realize the impact the litigation has made upon an area in the district of the gentleman from Colorado, Mr. MCINNIS. We wanted to take this opportunity to discuss and clarify some issues on behalf of constituents of the gentleman from Colorado, Mr. MCINNIS, who are concerned about the possible impact of this bill.

First, this bill specifically exempts any interest in coal that was transferred, conveyed or restored by the United States to a federally recognized Indian tribe. The goal of this bill was not to impact the ongoing *Southern Ute* litigation. This bill is meant to address concerns raised elsewhere as to the ownership of coalbed methane gas and prevent financial hardship and disruption.

Second, this bill is not intended ion any way to be construed to prejudice the right of any person to petition the Supreme Court of the United States for a writ of certiorari in the case of *Southern Ute Reservation* v. *Amoco Production Company*. This legislation specifically carves out the subject matter of the *Southern Ute* case and should not impact any decision by the United States Supreme Court as to whether to take the case on appeal from the 10th Circuit Court of Appeals.

Third, supporting passage of S. 2500 should not be considered opposition to the Supreme Court hearing the *Southern Ute* case. Several parties, including many of the states impacted by the *Southern Ute* case, plan to offer briefs urging the United States Supreme Court to hear this case. This bill, S. 2500, should not prevent any interested parties from seeking Supreme Court review. Moreover, the gentlelady from Wyoming, Ms. CUBIN, has pledged to work towards getting appropriate interested parties to write amicus briefs asking the United States Supreme Court to hear arguments in the *Southern Ute* case. After all, as discussed above, this legislation specifically carves out interests in coal transferred by the United States to Indian tribes. The normal appeals process to the United States Supreme Court is the appropriate manner for resolving the ongoing *Southern Ute* litigation.

Mr. RAHALL. Mr. Speaker, I rise in support of S. 2500, legislation dealing with the ownership of coalbed methane as a source of energy in situations where a federal coal estate is involved.

Until July of this year, the issue of how to allow the development of coalbed methane resources where a federal mineral estate was present seemed to be well settled. As a result of two Department of the Interior Solicitor opinions, it was held that the right to extract coalbed methane was vested with the owner of oil and gas rights rather than the coal resources. In situations where the federal government owned both, the Department required that an oil and gas lease be issued to extract the coalbed methane.

There are other situations, however, where the federal government reserved to itself just the rights to the coal resource. These situations arise from federal policies pursued during the early part of this Century. Starting with the Coal Lands Act of 1909, the United States reserved coal deposits in lands subsequently disposed for agricultural purposes. This policy was also elaborated upon in a 1910 Act. And it culminated with the 1916 Stock Raising Homestead Act which extended the reservation to all minerals whenever lands were patented to ranchers. But with respect to the 1909 and 1910 Coal Acts, it had been held that only the coal was reserved to the United States. The owner of any oil and gas rights could validly extract coalbed methane. Subsequently, a thriving coalbed industry has grown encouraged to a great part by the section 29

non-conventional fuel tax credit enacted in 1980.

Indeed, when I championed coalbed methane legislation as part of the Energy Policy Act of 1992 in my then capacity as chairman of the House Subcommittee on Mining and Natural Resources, we examined this issue and found no need to include provisions relating to situations where coalbed methane was being developed in situations involving federal estates or the reservation of the coal resources.

However, on July 20th of this year, in a somewhat tortured manner, the Tenth Circuit Court of Appeals asserted that coalbed methane is part of the coal, rather than a separate mineral resource. This ruling came as a result of litigation pursued by the Southern Ute Tribe in Colorado which claimed ownership of coalbed methane from coal it acquired under the terms of the Indian Reorganization Act of 1934 as a successor in interest to the statutory reservation of coal by the United States under the terms of the 1909 and 1910 Acts.

This ruling, obviously, has far-reaching ramifications for any entity which is producing coalbed methane where a federal land or mineral interest lies. In effect, the rules of the game have suddenly been changed on them in a manner which jeopardizes millions of dollars of investment.

The legislation before us seeks to mitigate the potentially disastrous affects of the Court's ruling by preserving the sanctity of existing coalbed methane leases associated with federally-owned coal reserves. It does not apply to such leases where the coal reserves have been conveyed to a federally-recognized Indian Tribe, thus upholding the Court's ruling as it would narrowly apply to the interests of the Southern Ute and similar tribes.

Mr. Speaker, I commend this bill to the House. While the focus of this legislation is on coalbed methane in the western States, this energy resource is of increasing importance to the Nation as a whole especially as we continue to work to foster a coalbed methane industry in the East on private lands under the terms of the Energy Policy Act of 1992.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the Senate bill, S. 2500.

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

A motion to reconsider was laid on the table.

PROVIDING FOR CONTINUANCE OF OIL AND GAS OPERATIONS PURSUANT TO CERTAIN EXISTING LEASES IN WAYNE NATIONAL FOREST

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1467) to provide for the continuance of oil and gas operations pursuant to certain existing leases in the Wayne National Forest, as amended.

The Clerk read as follows:

H.R. 1467

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

SECTION 1. OIL AND GAS WELLS IN WAYNE NATIONAL FOREST, OHIO.

(a) AUTHORITY.—The Secretary of the Interior may enter into noncompetitive oil and gas production and reclamation contracts in accordance with this section with operators of wells in the Wayne National Forest in the State of Ohio who meet the criteria of section 17(b)(3)(A) of the Act of February 25, 1920 (30 U.S.C. 226(b)(3)(A)) pursuant to private land mineral leases which were in effect on and after the date of the enactment of this section, subject to the same laws and regulations that applied to those private land mineral leases.

(b) ADDITIONAL DRILLING.—No contract under this section may authorize deeper completions or additional drilling.

(c) BONDING.—

(1) WAIVER OF FEDERAL BONDING.—Each contract under this section shall require the contractor to provide a Federal oil and gas bond to ensure complete and timely reclamation of the former lease tract in accordance with the regulations of the Bureau of Land Management and the Forest Service, unless the Secretary of the Interior accepts in lieu thereof assurances from the Ohio Department of Natural Resources, Division of Oil and Gas, that—

(A) the contractor has duly satisfied the bonding requirements of the State of Ohio; and following inspection of operator performance, the Ohio Department of Natural Resources is not opposed to such waiver of Federal bonding requirements;

(B) the United States of America is entitled to apply for and receive funding under the provision of section 1509.071 of the Ohio Revised Code so as to properly plug and restore oil and gas sites and lease tracts; and

(C) during the 2 years prior to the date on which the contract is entered into no less than 20 percent of Ohio State severance tax revenues has been allocated to the State of Ohio Orphan Well Fund.

(2) CONTINUED COMPLIANCE WITH 20 PERCENT REQUIREMENT.—In entering into any contract under this section, the Secretary of the Interior shall reserve the right to require the contractor to comply with all Federal oil and gas bonding requirements applicable to Federal oil and gas leases under the regulations of the Bureau of Land Management and the Forest Service whenever the Secretary finds that less than 20 percent of Ohio State severance tax revenues has been allocated to the State of Ohio Orphan Well Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. Cubin).

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

Mr. Speaker, I rise in strong support of this bill by our colleague from southern Ohio (Mr. NEY) which addresses a problem encountered by small businessmen operating Federal oil and gas leases on the Wayne National Forest. The situation these folks find themselves in is rather unique. These lessees formerly held private oil leases from individuals owning the reserve mineral estate beneath the Forest Service administered surface estate. A few years ago the private reservations began to expire, and the United States is now the mineral owner.

Our colleague from West Virginia (Mr. RAHALL) in 1992 added a provision to the 1992 Energy Policy Act to allow a private lessee to acquire a Federal lease for the same tract on the Wayne National Forest without need of competitive bidding. Mr. Speaker, this was only fair given these small businessmen already owned the wells and the equipment that was necessary to pump and store the production.

However, these operators soon discovered that ownership of a Federal lease meant having to financially guarantee proper abandonment of their lessees, plugging the wells properly and reclaiming the surface impacts. This was despite the fact that they had long ago met the State of Ohio's bonding requirements back when they drilled the private wells.

The gentleman from Ohio (Mr. NEY) sought to remedy this situation with his original bill but the Department of Interior, as lessor of the mineral rights, opposed that text. As chairman of the Subcommittee on Energy and Mineral Resources, I asked the Federal agency and the State of Ohio's Department of Natural Resources to try to find an acceptable remedy.

Mr. Speaker, the substitute before us today is the answer and is supported by the administration and by the Ohio DNR.

The substitute codifies a recognition by the Secretary of Interior as to the adequacy of Ohio State's Orphan Well Fund to provide financial guarantees for the proper plugging and abandonment of preexisting wells on these special leases and these leases only.

No precedent is being established elsewhere, although I do happen to think that many States' oil and gas commissions do a fine job in regulating the industry within their borders, and especially my State of Wyoming.

The substitute provides opportunity for the Secretary to review the continuing adequacy of the Ohio law to ensure reclamation in the unlikely event of multiple bankruptcies.

The Secretary may require the lessees to meet the Federal standard bonding requirements for these wells if the State of Ohio fails to fund the program at 20 percent of the State's severance tax levels that it currently has.

Mr. Speaker, I want to thank our colleague, the gentleman from Ohio (Mr. NEY), for his willingness to aid these small businesses in the Wayne National Forest. They are not his constituents, per se, but he saw their plight and decided to help them nonetheless.

I also want to thank the ranking member on our subcommittee, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), and his staffer, who helped the administration see the need to find a reasonable solution to the problem of double bonding.

Mr. Speaker, I urge my colleagues to support H.R. 1467, as amended.

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

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

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

Mr. MILLER of California. Mr. Speaker, once again, the gentlewoman from Wyoming (Mrs. CUBIN), the subcommittee chair, has properly explained this legislation and the need for it. We support the legislation.

The U.S. Forest Service has been acquiring lands in southeastern Ohio for the Wayne National Forest for many years. Typically, these land purchases are subject to reservation of the mineral estate by the seller for a term of 25 to 40 years.

Upon expiration of the term, the mineral rights revert to the United States. However, until that term expires, the private owner of the mineral rights retains the rights to develop these minerals and many of them lease the rights to local operators who drill wells on the property. The private lessors have no rights to lease beyond the expiration of their mineral rights and thus the mineral leases expire with their reservations.

However, producers in the Wayne National Forest were under the mistaken belief that they could simply continue operating under the same terms they had with the private lessors and simply pay royalties to the Forest Service.

Under the terms of the Federal Oil and Gas Leasing Reform Act, the BLM could not offer noncompetitive leases to these producers. This was not acceptable to the local producers. In 1990, BLM attempted to resolve the problem through an administrative remedy that hinged on drainage compensation agreements. However, after executing seven such agreements, the Department's Solicitor determined that this method violated the competitive leasing law.

In response, under the leadership of Representative NICK RAHALL, Congress enacted, as part of the Comprehensive National Policy Act of 1992, authorization for the BLM to issue noncompetitive leases to the owners of ''stripper wells'' upon reversion of mineral interests.

Most of the eligible operators applied for the federal leases. However, they continued to disagree with BLM's interpretation of the law. The producers contend that the new provision of law actually allowed continuation of their existing private leases, with no changes to the terms and conditions other than paying royalties to the U.S. instead of the former owners. The Department's Solicitor affirmed BLM's position that new Federal leases are required. And, the Department's Board of Land Appeals upheld this position.

H.R. 1467 would prevent BLM from requiring the operators to post bonds or other financial guaranties which the administration opposes. But, the administration does not object to a legislative solution to for the operators in the Wayne National Forest if one can be found that requires the producers to enter into production and reclamation contracts with the BLM, as well as several other conditions. Since the Committee adopted such an amendment, we do not object to the House acting favorably on this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 1467, as amended.

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

A motion to reconsider was laid on the table.

AMENDING OUTER CONTINENTAL SHELF LANDS ACT

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3972) to amend the Outer Continental Shelf Lands Act to prohibit the Secretary of the Interior from charging State and local government agencies for certain uses of the sand, gravel, and shell resources of the Outer Continental Shelf.

The Clerk read as follows:

H.R. 3972

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

SECTION 1. AMENDMENT.

Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended by striking ''an agency of the Federal Government'' and inserting ''a Federal, State, or local government agency''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

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

Mr. Speaker, I rise in strong support of this measure introduced by our colleague, the gentleman from Virginia (Mr. PICKETT). H.R. 3972 is a reasonable response to efforts by the Minerals Management Service of the Department of Interior to charge State and local governments for the use of sand dredged from the Outer Continental Shelf for beach nourishment projects.

Our colleague, the gentleman from Corpus Christi, Texas (Mr. ORTIZ) led a successful effort in 1994 to amend the Outer Continental Shelf Lands Act of 1953 to allow the Secretary of Interior to dispose of sand, gravel and shell resources beneath the Federal waters.

Depletion of sand resources beneath closer in State waters prompted the amendment, and the National Park Service obtained sand necessary to replenish the Padre Island National Seashore at no cost.

Mr. Speaker, it is evident that several coastal State and local governments will need sand from the Federal OCS for beach replenishment projects on their shorelines, particularly given the nor'easter storms and hurricanes that have racked the Gulf coast and many Atlantic beaches this year, but the MMS insists upon charging non-Federal government entities for such sand, whether it is a public project or not.

Yes, under the current rules the fee is reduced for governmental projects but it is not free, as it is to Federal agencies, and, yes, the fee for the sand is generally only a small fraction of the total cost of such projects.

In the case which prompted the gentleman from Virginia (Mr. PICKETT) to act, I believe it was about two and a half percent, but that still added up to over $200,000, which is a burden on the citizens of Virginia Beach.

We should all understand that the sand dredged from the Outer Continental Shelf is only on loan because as the storms come it goes right back out there. So we could call this a good recycling program if we wanted to do that as well.

In many cases, within a decade or two, the sand used in beach nourishment really is returned by mother nature.

Now it is my turn to have a bachelor of science in humor.

In many cases, within a decade or two, the sand used in beach nourishment is returned by mother nature to offshore shoals.

Mr. Speaker, as a Member from Wyoming, I do not think I need to remind anyone that we do not have any beaches but that sand and gravel resources from public lands in the West are disposed, without charge, to State and local governments for use in public projects.

H.R. 3972 should merely be viewed as the coastal States' equivalent to the 1947 Act governing onshore public lands mineral materials. And, like that law, commercial projects seeking OCS sand, gravel or shell resources should continue to pay the full fair market value of the materials after the enactment of the bill offered by the gentleman from Virginia (Mr. PICKETT).

□ 1200

Mr. Speaker, I urge my colleagues' support of this bill.

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

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

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

Mr. MILLER of California. Mr. Speaker, I think now the gentlewoman is drifting over into my area of expertise, and that is American humor, with the argument for this legislation that somehow because we pump the sand up on the beaches from the Federal OCS, the Outer Continental Shelf, that it is just a loan, because then the sand goes back to the Outer Continental Shelf, which is probably accurate. But what is not a loan is the taxpayer dollars to continue to do this year after year after year as we try to defeat nature because of storms and hurricanes and what have you.

I think this bill is seriously flawed in the sense of the kind of revenues that it loses, and it raises questions about

whether or not we are really engaging in products that simply are not feasible when we are trying to allow development and activities on lands that are subject to nature in terms of the storm patterns that develop annually along the eastern sea coast.

I might also mention that the administration has sent both a letter and a statement of administration policy against this legislation for the reasons that I have raised with respect to the cost of this, the direct spending, which they estimate will be about $10 million over the next few years, and they believe that the Secretary ought to be able to continue to charge those fees. They also make their point in the statement of administration policy that ''enactment of H.R. 3972 would thus deny the American taxpayer a fair return on the use of the public resources, as well as fuel the demand for OCS sand and gravel and shell and competitively disadvantage the private onshore sand and gravel suppliers.''

What this means is because the Federal Government is not going to charge a fee, the projects you want to engage in do not really have to have a positive cost-benefit ratio or be feasible because you are getting the Federal Government to pump the sand and not charging the municipality for this project.

Not only are you doing that, but the private sand and gravel people who are in business trying to sell sand and gravel to these people are now disadvantaged, so they will not be able to participate in that market because they cannot sell it for free. So we have kind of come up with what is bad sometimes about government involvement in subsidizing various activities, that not only do we undermine bad decisions being made because the theory is, they used to say well, it is free dollars, it is just Federal dollars, so it does not matter how we design it. We are putting them back into that category, but we are also hurting the business people in the community who this is their business, providing sand and gravel to developers, to municipalities, to landowners and all of the rest.

So I am not in agreement with this legislation and the administration is not in agreement with this legislation.

Mr. Speaker, I include for the RECORD the administration policy on this matter.

U.S. DEPARTMENT OF THE INTERIOR,
MINERALS MANAGEMENT SERVICE,
Washington, DC, Sept. 23, 1998.

Hon. GEORGE MILLER,
Senior Democratic Member, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. MILLER: I understand that the Resources Committee is considering various ways to move H.R. 3972, a bill to amend section 8(k) of the Outer Continental Shelf (OCS) Lands Act. In general, the bill proposes to waive the fee provisions associated with making OCS sand, gravel and shell resources available for certain publicly-beneficial beach nourishment and wetlands restoration projects undertaken by State or local government entities. Currently, section 8(k) of the OCS Lands Act authorizes the Secretary of the Interior (Secretary) to charge a reasonable fee for the use of such resources when conveyed non-competitively.

On July 21, 1998, the Minerals Management Service (MMS) testified on behalf of the Department of the Interior (Department) on the proposed legislation and opposed enactment for several reasons. I am writing now to reiterate the Department's opposition to the bill. We continue to feel strongly that it is important to provide the Secretary with the authority to assess a fee. Although the fee typically represents only a small fraction of a project's total cost, in a larger sense it also represents the Federal government's commitment to provide a fair return to the Nation for the use of the public's resources.

As you are aware, Public Law 103–426, passed by Congress in 1994, authorized a negotiated agreement process (in lieu of competitive bidding) to better facilitate a way for OCS sand, gravel, and shell resources to be made available for certain publicly-beneficial projects like beach nourishment and wetlands restoration projects undertaken by Federal, State, or local government agencies. Section 8(k)(2)(B) provides that ''the Secretary may assess a fee based on the value of the resources and the public interest served by development of the resources, except that no fee would be assessed against a Federal agency.''

This valuation method allows the Secretary to determine an appropriate fee that takes into account both the value of the Federal minerals and the public benefits gained by providing affordable access to OCS sand, gravel and shell resources to support public projects. The ''no fee'' exemption for Federal agencies was included to prevent the transfer of funds from one Federal agency to another and to prevent local project sponsors from passing back to the federal government the expense of fees for use of the Federal sand paid under this law (e.g., through a cost-sharing agreement with the United States Army Corps of Engineers).

MMS, as the agency in the Department responsible for administering the OCS sand and gravel program, developed guidelines describing how fees for sand and gravel conveyed pursuant to negotiated agreements would be determined. The MMS methodology provides for a determination of sand values based on references to market values and provides for discounts to reflect the public interest in the fee assessment, reducing the market-based estimate of value by the same percentage amount (typically 65%) used to represent the congressionally-mandated Federal share of project construction costs. Thus, this balancing of resource value with public interest considerations provides for a significant discount for State and local governments, resulting in a quite reasonable fee for the Federal resource.

Further, the Department's OCS Policy Committee (Committee) reviewed the guidelines and urged MMS to adopt them since the approach was reasonable and consistent with the OCS Lands Act. The Committee includes representatives from coastal States, local governments, the environmental community and industry and provides advice to the Secretary on a wide range of issues associated with OCS mineral development. The Committee recommended that the guidelines be made available to the public to enhance the timely dissemination of information and to assist governmental planners as they contemplated costs associated with beach nourishment projects.

Because of the bill's significant policy and budget implications, I urge you to give the issues raised by H.R. 3972 more consideration. First, enactment of this proposal could competitively disadvantage private onshore sand and gravel suppliers even further. Second, by making a Federal resource more readily available to State and local governments, we anticipate that requests for access to OCS sand, gravel and shell resources will rise even more than originally anticipated. This increase could put severe strains on existing MMS resources to undertake the necessary environmental studies, analyses, and administrative work associated with facilitating State and local requests. Given current budgetary resources, an unintended result of the bill could be to put MMS in the unfortunate position of not being able to respond to State and local government requests in a timely fashion or even having to turn down future requests.

Third, the budgetary implications of this expected rise in requests for free OCS sand could be substantial. Although the Congressional Budget Office has indicated that the scoring implications of passing the bill are fairly minimal, our recently-completed analysis indicates otherwise. For example, within the next 5 years, we estimate that 8.5 to 12 million cubic yards of OCS sand will be needed for at least 8 shore protection projects. As currently envisioned, these projects would generate total fees of between $1.3 to $1.8 million. However, there are an additional 24 potential projects (needing between 46 and 74 million cubic yards of sand) that could be implemented during this period and may need access to OCS sand. If any of these projects materialize, significantly more fees could be generated for the Federal Treasury in any given year.

In conclusion, I urge you to defer further action on H.R. 3972. Like other mineral resources that reside on Federal lands, the American public has a right to a fair return on its sand, gravel and shell resources. The provisions currently contained in the OCS Lands Act provide for that right while also ensuring that those States and localities needing OCS sand and gravel can receive the resource in an expedited fashion and pay a price that reflects the public interest served.

An identical letter is being sent to the Honorable Don Young, Chairman, Committee on Resources.

Sincerely,

CYNTHIA QUARTERMAN,
Director.

EXECUTIVE OFFICE OF THE PRESIDENT,
OCTOBER 15, 1998

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 3972—OUTER CONTINENTAL SHELF LANDS ACT AMENDMENT (REP. RICKET (D) VA AND 6 COSPONSORS)

The Administration opposes H.R. 3972, which would waive the fee for Outer Continental Shelf (OCS) sand, gravel, and shell available for certain beach nourishment and wetlands restoration projects undertaken by State or local governments. The Administration, however, supports the limited waiver, as passed by the Senate in S. 2131, the ''Water Resources Development Act of 1998,'' since it would waive fees for those Federal projects jointly undertaken by the Army Corps of Engineers in partnership with State and local sponsors.

The Outer Continental Shelf Lands Act authorizes the Secretary of the Interior to charge a reasonable fee for OCS sand, gravel, and shell when conveyed noncompetitively. This fee is based on both the value of the resources and the public benefits gained and, typically, represents only a small fraction of a project's total cost. Most important, the fee represents the Federal government's commitment to provide a fair return to the Nation for the use of public resources, while ensuring that those States and localities

needing OCS sand, gravel, and shell can receive those resources and pay a price that reflects the public interest served. Enactment of H.R. 3972, however, would thus deny the American taxpayer a fair return for the use of this public resource, as well as fuel the demand for OCS sand, gravel, and shell and competitively disadvantage private onshore sand and gravel suppliers.

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

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

Mr. Speaker, I understood that there was a statement of administration policy, but we have not seen it and did not know whether it had been delivered or not.

I think one thing we have to consider here is are all states equal? When the Constitution was established, it was established that all states would be equal. Well, inland states get sand and gravel for government projects from the Federal Government for free. Only the sand would be free. Ninety-eight percent of the costs incurred in these projects would still have to be paid and they would be paid. Those costs are dredging and bulldozing. And all Corps of Engineers projects must pass cost-benefit analysis.

While I think that the gentleman from California does have a good point about this, and one which, frankly, I do not understand, which is why people will rebuild and rebuild in the same place that storms wash away, nonetheless, that is what is going on, and I do not think it is fair to treat coastal states differently than inland states as far as the Federal state of sand gravel and shell resources is concerned. So I continue to urge my colleagues to support this bill.

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

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. PICKETT), the sponsor of the legislation.

Mr. PICKETT. Mr. Speaker, I would like to thank the Committee on Resources chairman, the gentleman from Alaska (Mr. YOUNG), and the ranking member the gentleman from California (Mr. MILLER), as well as the gentlewoman from Wyoming (Mrs. CUBIN) the chairman of the Subcommittee on Energy and Mineral Resources and the ranking member, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), for their help and assistance in helping bring H.R. 3972 to the floor.

Mr. Speaker, I introduced this legislation last May because of a new policy initiative by the Minerals Management Service to assess a tax against state and local governments for the use of Outer Continental Shelf sand and gravel for public projects.

This law was enacted during the 103rd Congress to remove procedural obstacles and allow governmental agencies to negotiate and obtain OCS sand and gravel. The Federal Government was exempted from being assessed under this act. In October 1997, MMS formalized its guidelines regarding this charge for OCS sand and gravel when used in shore protection and beach restoration projects by state and local governments. Under this new policy, MMS decided to assess state and local governments a tax for sand and gravel used in these shore protection projects, even in those cases where the projects are authorized by Federal law. I do not believe it was the intent of Congress to impose an additional charge on state and local governments for costly, yet necessary, shore protection projects.

In 1947 Congress passed the Minerals Sales Act. This law allows localities to take mineral resources from public lands for public works projects, such as road construction, without the payment of any kind of a charge. Although localities pay money into an account to reclaim the land from which the sand and gravel is taken, there is no requirement to pay for the material, as in the case of coastal states that use offshore mineral resources for shore protection projects.

Sand and gravel mined from the OCS is reclaimed through a natural hydrodynamic process. Although the cost involved for OCS sand and gravel may not be significant when compared to the overall cost of a shore protection or beach restoration project, it is considerable enough to make such projects less attractive and more costly when undertaken by state and local governments.

An example occurred in my district where a local government recently paid MMS approximately $200,000 for about 1 million cubic yards of OCS sand for a federally authorized project that had already been planned, approved and funded.

Paying this tax caused the local government to reduce by about one-fourth the quantity of sand called for in the original plans and specifications. With a reduced volume of sand, the project will now have a shorter useful life and will require the local government to replace the project earlier than planned at an increased cost.

As the administration seeks to change the Nation's shore protection policy, the costs incurred by state and local governments for OCS sand and gravel will continue to rise dramatically unless this ill-advised tax law is changed.

Historically, the Federal Government has entered into 65–35 cost share agreements with local governments for federally authorized shore protection projects. A recent proposal by the administration, if adopted, will reverse this cost share ratio upon completion of the initial construction project, with the local sponsor paying almost double the share of the project maintenance costs. The typical MMS tax for the local government sponsor for OCS sand and gravel will also double as a result of this policy change.

This excessive and inequitable tax will become a serious and insurmountable burden for local governments. It is clearly another unfunded mandate on state and local government and should be eliminated here and now. I strongly urge the House to adopt H.R. 3972 to restore equity among Federal, state and local government projects by eliminating this unfair tax.

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

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

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 3972.

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

A motion to reconsider was laid on the table.

REMOVING RESTRICTION ON DISTRIBUTION OF REVENUES TO CERTAIN MEMBERS OF AGUA CALIENTE BAND OF CAHUILLA INDIANS

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 700) to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Agua Caliente Indians.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. FINDINGS.

Congress finds that—

(1) among its purposes, the Act entitled ''An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes'', approved September 21, 1959, commonly known as the ''Agua Caliente Equalization Act of 1959'' (25 U.S.C. 951 et seq.) (referred to in this section as the ''Act'') was intended to provide for a reasonable degree of equalization of the value of allotments made to members of the Agua Caliente Band of Cahuilla Indians;

(2) the Act was enacted in response to litigation in Federal courts in Segundo, et al. v. United States, 123 F. Supp. 554 (1954);

(3) the case referred to in paragraph (2) was appealed under the case name United States v. Pierce, 235 F. 2d 885 (1956) and that case affirmed the entitlement of certain members of the Band to allotments of approximately equal value to lands allotted to other members of the Band;

(4)(A) to achieve the equalization referred to in paragraph (3), section 3 of the Act (25 U.S.C. 953) provided for the allotment or sale of all remaining tribal lands, with the exception of several specifically designated parcels, including 2 parcels in the Mineral Springs area known as parcel A and parcel B;

(B) section 3 of the Act restricted the distribution of any net rents, profits, or other revenues derived from parcel B to members of the Band and their heirs entitled to equalization of the value of the allotments of those members;

(C) from 1959 through 1984, each annual budget of the Band, as approved by the Bureau

of Indian Affairs, provided for expenditure of all revenues derived from both parcel A and parcel B solely for tribal governmental purposes; and

(D) as a result of the annual budgets referred to in subparagraph (C), no net revenues from parcel B were available for distribution to tribal members entitled to equalization under section 3 of the Act referred to in paragraph (1);

(5) by letter of December 6, 1961, the Director of the Sacramento Area Office of the Bureau of Indian Affairs informed the regional solicitor of the Bureau of Indian Affairs that the equalization of allotments on the Agua Caliente Reservation with respect to those members of the Band who were eligible for equalization had been completed using all available excess tribal land in a manner consistent with—

(A) the decree of the court in the case referred to in paragraph (2); and

(B) the Act;

(6) in 1968, the files of the Department of the Interior with respect to the case referred to in paragraph (3), the closure of which was contingent upon completion of the equalization program, were retired to the Federal Record Center, where they were subsequently destroyed;

(7) on March 16, 1983, the Secretary of the Interior published notice in the Federal Register that full equalization had been achieved within the meaning of section 7 of the Act (25 U.S.C. 957);

(8) section 7 of the Act states that ''allotments in accordance with the provisions of this Act shall be deemed complete and full equalization of allotments on the Agua Caliente Reservation''; and

(9) the regulations governing the equalization of allotments under the Act referred to in paragraph (1) were rescinded by the Secretary, effective March 31, 1983.

SEC. 2. DEFINITIONS.

In this Act:

(1) BAND.—The term ''Band'' means the Agua Caliente Band.

(2) PARCEL B.—The term ''parcel B'' means the parcel of land in the Mineral Springs area referred to as ''parcel B'' in section 3(b) of the Act entitled ''An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes'', approved September 21, 1959, commonly known as the ''Agua Caliente Equalization Act of 1959'' (25 U.S.C. 953(b)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. EQUALIZATION OF ALLOTMENTS.

(a) IN GENERAL.—The full equalization of allotments within the meaning of section 7 of the Act entitled ''An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes'', approved September 21, 1959, commonly known as the ''Agua Caliente Equalization Act of 1959'' (25 U.S.C. 957) is deemed to have been completed.

(b) EXPIRATION OF ENTITLEMENT.—By reason of the achievement of the full equalization of allotments described in subsection (a), the entitlement of holders of equalized allotments to distribution of net revenues from parcel B under section 3(b) of the Act entitled ''An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes'', approved September 21, 1959, commonly known as the ''Agua Caliente Equalization Act of 1959'' (25 U.S.C. 953(b)) shall be deemed to have expired.

SEC. 4. REMOVAL OF RESTRICTION.

(a) IN GENERAL.—The fourth undesignated paragraph in section 3(b) of the Act entitled ''An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes'', approved September 21, 1959, commonly known as the ''Agua Caliente Equalization Act of 1959'' (25 U.S.C. 953(b)), is amended by striking ''east: Provided,'' and all that follows through the end of the paragraph and inserting ''east.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply as if this section had been enacted on March 31, 1983.

(c) SUBSEQUENT DISTRIBUTIONS.—Any per capita distribution of tribal revenues of the Band made after the date of enactment of this Act shall be made to all members of the Band in equal amounts.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

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

Mr. Speaker, H.R. 700 would remove a revenue distribution restriction created in Public Law 86–339, a 1959 statute which related in part to the distribution of certain revenues to certain members of the Agua Caliente Band of Cahuilla Indians.

This bill is an amended version of H.R. 700 which we passed last year. Since we passed H.R. 700 last year, the Bureau of Indian Affairs and the Agua Caliente Band have discovered that a different piece of legislation is needed.

H.R. 700, as amended, reflects the changes which the Senate Committee on Indian Affairs has made to the bill which we passed last year. I agree with those amendments.

H.R. 700, as amended, finds that equalization allotments on the Agua Caliente Reservation have been completed and that the regulations governing the equalization allotments under the 1959 Agua Caliente Equalization Act were rescinded in 1983.

H.R. 700, as amended, provides that the special entitlements of certain members of the Band have expired and, thus, that any per capita distribution of tribal revenues of the Band shall be made to all members of the Band in equal amounts.

This is a fair and equitable bill. It will have no impact on the Federal budget, contains no intergovernmental or private sector mandates, and would impose no costs on state, local or tribal governments. I recommend that H.R. 700 be adopted by this body.

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

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

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

Mr. MILLER of California. Mr. Speaker, I am supporting this bill. We passed it out of the House last year. Basically the bill removes a restriction on a piece of property owned by the Agua Caliente Tribe in downtown Palm Springs, California. The restriction, part of the 1959 law, provides that revenues from this property would first go to the 85 Members of the Tribe who lost lands in the use to create tribal property. This asks Congress to remove the restriction so it can distribute the revenues general rated from the Spa Casino, which sits on the property, to all members of the Tribe.

The House-passed bill would have compensated 85 members with a cash payment of $22,000 each. The Senate determined that the 85 Members have already been compensated and the property restriction was not intended to last indefinitely.

I want to once again, however, state for the record my objection to per capita payments to tribal members from any gambling casino. I think that ultimately, this is unwise, and if we are ever to amend the Indian gaming act, this is one of the issues that Congress will have to reexamine. The administration supports this legislation.

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

Mr. KILDEE. Mr. Speaker, I thank the gentleman from California (Mr. MILLER) for yielding me this time.

Mr. Speaker, I am proud to join the gentlewoman from California (Mrs. BONO) in supporting H.R. 700. As Chairman Richard Milanovich indicated to the members of the Committee on Resources, this bill will resolve a dilemma which has been hanging over the Agua Caliente tribe for almost 50 years.

This legislation reflects the solution to a long-standing problem that the tribe has addressed within their governmental process and structure. The only reason Congress must consider this issue is because back in 1959, we imposed restrictions on how the tribe was to resolve an internal issue. I want to point out that both the Justice Department and the Department of the Interior have reviewed this legislation and the tribe's proposed solution to their problem as embodied in H.R. 700, as amended by the Senate.

The amendments added by the Senate improve the bill and recognize the fact that full equalization to all members of the tribe was achieved in 1961.

Mr. Speaker, this bill enjoys the overwhelming support of the tribe and the 85 affected allottees. In fact, over 60 percent of the voting-age members of the tribe have taken the time to write to this committee expressing their support for this legislation.

Mr. Speaker, I urge my colleagues to support this bill that should have been adopted nearly 40 years ago.

Ms. BONO. Mr. Speaker, I rise today in support of H.R. 700.

The Agua Caliente Band of Indians, located in California's 44th Congressional District, have suffered a dilemma for nearly 50 years. This legislation addresses this problem by seeking to remove the restriction on the distribution of certain revenues from the mineral springs parcel to certain members of the Agua Caliente tribe.

H.R. 4699 recognizes that full equalization under the law was provided to all members of the tribe in 1961. Regrettably, the 1959 act that outlined the equalization procedures, failed to contain a critical provision that removed the distribution restrictions once full

equalization was attained. That mistake is rectified today by this legislation.

Through the passage of this bill, the tribal council has informed me that they intend to provide health insurance and decent housing as well as educational and employment opportunities for its members. This bill will provide the necessary mechanisms for the tribe to make these goals a reality.

This bill enjoys a tremendous amount of support. The House of Representatives passed by voice vote similar legislation introduced by my late husband, Congressman Sonny Bono, and Congressman DALE KILDEE last year. In addition, this legislation has been reviewed by, and enjoys the support of, both the Justice Department and the Department of the Interior.

Finally, this bill reflects an agreement that the tribe and the allottees have reached themselves. As such, it reaffirms our commitment to furthering the Federal policy of self-determination and self-governance.

I urge my colleagues to support this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 700.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

□ 1215

AUTHORIZING LAND TRANSFER FOR CONSTRUCTION OF VISITOR CENTER FOR HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4829) to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center, and for other purposes.

The Clerk read as follows:

H.R. 4829

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

SECTION 1. VISITOR CENTER FOR HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of the Interior may transfer to the Archivist of the United States administrative jurisdiction over land located in the Home of Franklin D. Roosevelt National Historic Site, for use by the Archivist for the construction of a visitor center facility to jointly serve the Home of Franklin D. Roosevelt National Historic Site and the Franklin D. Roosevelt Presidential Library, located in Hyde Park, New York.

(b) CONDITIONS OF TRANSFER.—

(1) PROTECTION OF THE SITE.—The transfer authorized in subsection (a) shall be subject to an agreement between the Secretary and the Archivist that shall include such provisions for the protection of the Home of Franklin D. Roosevelt National Historic Site and the joint use of the facility to be constructed as the Secretary and the Archivist may consider necessary.

(2) CONSIDERATION.—A transfer made pursuant to subsection (a) shall be made without consideration or reimbursement.

(3) TERMINATION.—If use by the Archivist of the land referred to in subsection (a) is terminated by the Archivist at any time, administrative jurisdiction over the land shall automatically revert to the Department of the Interior.

(c) DESCRIPTION OF LAND.—The land referred to in subsection (a) shall consist of not more than 1 acre of land as may be mutually agreed to by the Secretary and the Archivist and more particularly described in the agreement required under subsection (b)(1).

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) will each control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4829 is a bill introduced by my colleague, the gentleman from New York (Mr. JERRY SOLOMON). The gentleman from New York (Mr. SOLOMON) deserves a great amount of credit for working out a bill which responds to a need for improving the management of a site honoring one of our country's great leaders, Franklin D. Roosevelt.

I also want to say the bill's sponsor, the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, has been a great leader here. He will be remembered as a distinguished colleague and friend, and we all wish him well in his future pursuits.

Mr. Speaker, H.R. 4829 authorized the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the home of Franklin D. Roosevelt National Historic Site from the North Carolina Park Service to the Archivist of the United States.

The land transfer is needed so the Archivist can construct a joint library and visitors' center on one acre of land, which will be mutually agreed upon. The transfer of jurisdiction and subsequent construction of the facility will help visitors enjoy the life and story of one of our great presidents. I urge my colleagues to support H.R. 4829.

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

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

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

Mr. MILLER of California. Mr. Speaker, this bill was introduced yesterday by the gentleman from New York (Mr. SOLOMON) and the National Park Service to transfer not one more than one acre of land within the Franklin D. Roosevelt memorial site to the Archivist of the United States to build a joint archival/visitor center.

The NPS supports this initiative. However, there also is a Senate-passed bill here in the House which also deals with the FDR Historic Site. This bill, which the National Park Service wants, simply would allow the National Park Service to acquire lands within the boundaries of the Historic Site using appropriated funds. Currently the NPS can only acquire by donation. We would urge that that bill be put up for consideration.

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

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to my colleague, the gentleman from New York (Mr. SOLOMON), the sponsor of the bill.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from Utah (Mr. HANSEN), as well as the gentleman from California (Mr. MILLER), for their help in bringing this bill to the floor on perhaps the last day, the next-to-the-last, or the next-to-the-next-to-the-last-day, but certainly it will be one of those days.

Mr. Speaker, this bill, which I introduced just yesterday, was inadvertently left out of the Interior appropriation bill. That is why it was introduced as late as yesterday.

The bill, authorizing the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the home of Franklin Delano Roosevelt National Historic Site in Hyde Park, New York, transfers jurisdiction to the Archivist of the United States for the construction of a visitors' center and library.

In the past few years I have made it my personal challenge to return the home of our 32nd president to a place of honor in the national park system. As part of meeting this goal, I was pleased to help the FDR Library, with the help of the gentleman from Ohio (Mr. RALPH REGULA), the gentleman in well. It received $4 million in Federal funds in last year's Treasury-Postal appropriations for the construction of a new library/visitors' center.

This money, along with the private funds, will build a new center that will provide a comprehensive orientation to this site, as well as contribute to the economic growth of the Hudson Valley.

Mr. Speaker, in creating this visitors' center and library, we can significantly upgrade visitors' services at the FDR site, and welcome visitors to spend a moment in this important period of American history.

Following this appropriation, the National Park Service and the National

Archives extensively discussed the best location for the library and visitors' center, finally agreeing that the plot of land within the park would be the most acceptable for the center. However, to build the library there, the National Park Service must transfer authority to the National Archives.

My bill sets forth the legislative language necessary to transfer that authority, and will allow this important project to go forward. This bill has the full support of the National Park Service and the National Archives, and in fact, was written with their complete authorization.

I might also add that the gentleman from Illinois (Mr. SID YATES), who I do not think is on the floor right now, who will be retiring along with me, has been a great friend of the Franklin D. Roosevelt and Eleanor Roosevelt national park system, and has helped me for many years now to make sure that that is going to be preserved.

This site, as I said before, is located in my district in the town of Hyde Park, the gentleman from Illinois was immensely helpful when he was chairman, as of course was the gentleman from Ohio (Mr. RALPH REGULA), who I mentioned before. He has been extremely helpful in preserving the historic site.

Mr. Speaker, I just want to commend the gentleman from Utah (Chairman HANSEN), the gentleman from Alaska (Chairman YOUNG), and their staffs. They have one of the best staffs in this entire Congress, Mr. Speaker, and we thank them for allowing this measure to come to the floor today.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4829.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

GRANT-KOHRS RANCH NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT OF 1998

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2272) to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana.

The Clerk read as follows:

S. 2272

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 ''Grant-Kohrs Ranch National Historic Site Boundary Adjustment Act of 1998''.

SEC. 2. ADDITIONS TO GRANT-KOHRS RANCH NATIONAL HISTORIC SITE.

The Act entitled ''An Act to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes'', approved August 25, 1972 (86 Stat. 632), is amended by striking the last sentence in the first section and inserting: ''The boundary of the National Historic Site shall be as generally described on a map entitled, ''Boundary Map, Grant-Kohrs Ranch National Historic Site'', numbered 80030–B, and dated January, 1998, which shall be on file and available for public inspection in the local and Washington, District of Columbia, offices of the National Park Service, Department of the Interior.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) will each control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, S. 2272 is a bill introduced by Senator CONRAD BURNS and supported by the gentleman from Montana (Mr. RICK HILL). Mr. BURNS has crafted a bill that responds to a need to increase the size of a historic site in Montana.

Mr. Speaker, S. 2272 authorizes the boundary expansion of the Grant-Kohrs Ranch National Historic Site by 120 acres. This parcel is a critical component of the cultural landscape, and better defines the character of this historic site. Including this property into this site will also contribute to conserving the open space surrounded by the ranch.

Mr. Speaker, I urge my colleagues to support S. 2272, and I reserve the balance of my time.

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

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

Mr. MILLER of California. Mr. Speaker, this bill is a National Park Service initiative. It would simply place within the boundaries of the Historic Site 120 acres that the NPS previously purchased as an uneconomic remnant of another parcel they acquired.

Mr. HILL. Mr. Speaker, I rise to strongly support S. 2272 and urge my colleagues to pass this important legislation. This bill, introduced by my Montana colleague, Senator CONRAD BURNS on behalf of the Clinton administration, will amend the boundaries of the Grant-Kohrs Ranch National Historic Site in the State of Montana.

Congress authorized the Grant-Kohrs Ranch National Historic Site on August 25, 1972, to preserve the Grant-Kohrs Ranch. The ranch was in operation from 1860 to 1972. Along with the ranch's existence came a rich history upon which the culture of the West is still built. Preserving the ranch provides a vivid reminder of our Nation's frontier cattle era.

Today the ranch offers an intact 120-year archive, upward of 26,000 artifacts, and 88 historic structures that capture the heritage of the American cowboy and cattlemen. The ranch is the hub of a thriving tourism industry and provides many unique educational opportunities. The Grant-Kohrs Ranch offers a honest recollection of life on the frontier while providing a great experience for visitors and jobs for local residents. The ranch has been designated a National Landmark and is a true asset to Montana.

This legislation allows for a boundary adjustment that will incorporate an additional 120 acres of land into the authorized boundary of the Grant-Kohrs Ranch National Historic Site. The 120 acres included in the new boundary of the ranch are already owned by the National Park Service and their inclusion in the ranch's boundary is recommended as a means of conserving the property of the original ranch from future development.

I hope that my colleagues will join me in recognizing the importance of preserving this portion of Western history by supporting the passage of this bill in the House.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2272.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PRESERVATION OF CULTURAL RESOURCE OF THE ROUTE 66 CORRIDOR

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2133) to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.

The Clerk read as follows:

S. 2133

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

SECTION 1. DEFINITIONS.

In this Act:

(1) ROUTE 66 CORRIDOR.—The term ''Route 66 corridor'' means structures and other cultural resources described in paragraph (3), including—

(A) public land within the immediate vicinity of those portions of the highway formerly designated as United States Route 66; and

(B) private land within that immediate vicinity that is owned by persons or entities

that are willing to participate in the programs authorized by this Act.

(2) CULTURAL RESOURCE PROGRAMS.—The term ''Cultural Resource Programs'' means the programs established and administered by the National Park Service for the benefit of and in support of preservation of the Route 66 corridor, either directly or indirectly.

(3) PRESERVATION OF THE ROUTE 66 CORRIDOR.—The term ''preservation of the Route 66 corridor'' means the preservation or restoration of structures or other cultural resources of businesses, sites of interest, and other contributing resources that—

(A) are located within the land described in paragraph (1);

(B) existed during the route's period of outstanding historic significance (principally between 1933 and 1970), as defined by the study prepared by the National Park Service and entitled ''Special Resource Study of Route 66'', dated July 1995; and

(C) remain in existence as of the date of enactment of this Act.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Cultural Resource Programs at the National Park Service.

(5) STATE.—The term ''State'' means a State in which a portion of the Route 66 corridor is located.

SEC. 2. MANAGEMENT.

(a) IN GENERAL.—The Secretary, in collaboration with the entities described in subsection (c), shall facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of the Route 66 corridor.

(b) DESIGNATION OF OFFICIALS.—The Secretary shall designate officials of the National Park Service stationed at locations convenient to the States to perform the functions of the Cultural Resource Programs under this Act.

(c) GENERAL FUNCTIONS.—The Secretary shall—

(1) support efforts of State and local public and private persons, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and entities in the States for the preservation of the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants;

(2) act as a clearinghouse for communication among Federal, State, and local agencies, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and private persons and entities interested in the preservation of the Route 66 corridor; and

(3) assist the States in determining the appropriate form of and establishing and supporting a non-Federal entity or entities to perform the functions of the Cultural Resource Programs after those programs are terminated.

(d) AUTHORITIES.—In carrying out this Act, the Secretary may—

(1) enter into cooperative agreements, including, but not limited to study, planning, preservation, rehabilitation and restoration;

(2) accept donations;

(3) provide cost-share grants and information;

(4) provide technical assistance in historic preservation; and

(5) conduct research.

(e) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide assistance in the preservation of the Route 66 corridor in a manner that is compatible with the idiosyncratic nature of the Route 66 corridor.

(2) PLANNING.—The Secretary shall not prepare or require preparation of an overall management plan for the Route 66 corridor, but shall cooperate with the States and local public and private persons and entities, State Historic Preservation Offices, nonprofit Route 66 preservation entities, and Indian tribes in developing local preservation plans to guide efforts to protect the most important or representative resources of the Route 66 corridor.

SEC. 3. RESOURCE TREATMENT.

(a) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a program of technical assistance in the preservation of the Route 66 corridor.

(2) GUIDELINES FOR PRESERVATION NEEDS.—

(A) IN GENERAL.—As part of the program under paragraph (1), the Secretary shall establish guidelines for setting priorities for preservation needs.

(B) BASIS.—The guidelines under subparagraph (A) may be based on national register standards, modified as appropriate to meet the needs for preservation of the Route 66 corridor.

(b) PROGRAM FOR COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a program of historic research, curation, preservation strategies, and the collection of oral and video histories of events that occurred along the Route 66 corridor.

(2) DESIGN.—The program under paragraph (1) shall be designed for continuing use and implementation by other organizations after the Cultural Resource Programs are terminated.

(c) GRANTS.—The Secretary shall—

(1) make cost-share grants for preservation of the Route 66 corridor available for resources that meet the guidelines under subsection (a); and

(2) provide information about existing cost-share opportunities.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for the period of fiscal years 2000 through 2009 to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN)

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

Mr. Speaker, S. 2133, sponsored by Senator DOMENICI of the Senate side and the gentlewoman from New Mexico (Mrs. HEATHER WILSON) on the House side, would protect and preserve the Route 66 corridor.

Route 66 was an important part of America's history between 1933 and 1970. This bill would authorize the Secretary to support and collaborate with local entities to facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of Route 66.

The preservation of Route 66 shall include the preservation or restoration of portions of the highway, businesses, and sites of interest, and other contributing resources along the highway that were important during the 1933 to 1970 period.

Mr. Speaker, S. 2133 is a good bill that would help preserve an important part of American history for future generations. I ask my colleagues to support it.

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

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

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

Mr. MILLER of California. Mr. Speaker, this bill and its House companion bill, H.R. 4513, have had no hearings or markups in the House. The bill directs the National Park Service to undertake a number of cultural resource programs along the Route 66 corridor.

The National Park Service already has authority to do such programs. What the National Park Service does not have the authority to do and what is the real purpose of this act is to provide funding to nonfederal entities. This bill includes a $10 million authorization.

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

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

Mr. Speaker, the highway systems of America are probably one of the more important things that link our country together. This particular Route 66 is one which has had shows made about it, and all kinds of history went into it. Many of us have traveled it from one area to the other. I think there was even a song written about it.

We find ourselves in a position later on, now that that is diminishing and going out, we are trying to find a way to take care of our highways. I think it is interesting that President Dwight Eisenhower came to Congress and asked for a penny a gallon so that he could establish an interstate system. Now that interstate system laces the land. If it was not for that, the commerce and trade, the moving of goods and services and people, would almost be impossible.

So this is a very historic time in our lives to see that we have this one that was so interesting and there for such a long time, and that we could have the opportunity of now giving a bill for on behalf of this piece of legislation.

I really respect our new member, the gentlewoman from New Mexico (Mrs. HEATHER WILSON) for introducing this, along with Senator DOMENICI. Every one of us can look at various pieces of highways and trails. As Members know, Mr. Speaker, in the Committee on Resources we have bills regarding historic trails and byways.

As we look at the history of the western movement, and we look at the Mormon pioneers and the people who went on the Santa Fe Trail and the Oregon Trail, they spent absolutely years trying to figure a way to make it from one point to the other. Mr. Speaker, now, as we fly in airplanes and do other things, it is nice to look back and say that at one time this was one of the more interesting and famous areas of

America. If Members will notice now, there there are being documentaries done on it people are talking about it. We would urge people to go take a look at it.

Just last year they reenacted the trip along the trail from Nauvoo to Salt Lake that the early Mormon pioneers did. They used wagons and horses and mules, and it got national attention as they did that. At this particular point, this one is also receiving a lot of national attention, which was a great highway at one time, and immediately following the war was so important. People could speed up and down that highway. I wish they would speed to this floor a little faster so they can speak on pieces of legislation that they find interesting and important.

Mr. Speaker, the purpose of S. 2133 as reported is to designate former United States Route 66, Route 66 National Historic Highway, to authorize the Secretary of the Interior to establish a cultural resource program in support of cultural resources related to Route 66, providing technical assistance to State, local, and private persons, participate in cost-sharing programs, and administer a grant program.

U.S. 66, popularly known as Route 66, is significant as the Nation's first highway linking Chicago with Los Angeles.

□ 1230

In its day, Route 66 symbolized freedom and mobility for every citizen who could afford to own and operate a car.

Beginning at the Corner of Jackson Boulevard and Michigan Avenue in Chicago, Route 66 wound 2,400 miles to Santa Monica, California. Route 66 linked the rural West to the densely populated urban Midwest and Northeast. Gas stations, motels, restaurants and grocery stores were built along the route to serve an increasingly mobile public. Route 66's period of greatest significance was between 1933 and 1970.

Congress authorized a Special Resource Study (Public Law 102–400) for Route 66 in 1990. The study was completed in July 1995. The study found that Route 66 is nationally significant and that representative structures, features, and artifacts remain along this historic route, although remnants of the road are quickly disappearing.

The study identified five alternatives. This legislation closely depicts alternative five. Under this alternative, Route 66 will be designated as a National Historic Highway. Partnerships between the Federal Government and local organizations will be established to preserve historic resources along Route 66. The National Park Service will provide technical assistance, participate in cost-sharing programs, and administer a grant program.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON), one of the sponsors of this legislation.

Mrs. WILSON. Mr. Speaker, it is a real pleasure to be here today to support this bill. In 1990, Senator PETE DOMENICI called for a study of Route 66, America's Main Street. It goes from Chicago all the way to L.A. The report was filed with Congress, and this year Senator DOMENICI and I introduced legislation, both in the House and in the Senate, to designate this road as America's Main Street, and to preserve it to provide a center and a focus for tourism.

Route 66 is 2,448 miles long. It crosses eight States and three time zones. It was commissioned in 1926 when America began its move westward, and we all remember the great part it has played in American history. It was paved from end to end in 1936, and finally decommissioned in 1985. But it still remains an important part of our history, an important part of our culture.

Even though I–55 and I–44 and I–40 and I–15 and I–10 will take us faster, Route 66 is firmly a part of our memories and a part of our history. It is rooted in Americana. John Steinbeck called Route 66 the Mother Road, and it has been called the Main Street of America and the Will Rogers Highway.

Who can forget that Bobby Troup song, ''Get Your Kicks on Route 66,'' which was also recorded by the Acid Visions, Asleep at the Wheel, Charles Brown? And most of us here in this room here today could probably hum a few bars; even Frank Sinatra sang ''Get Your Kicks on Route 66.''

Senate bill, S. 2133, the Senate companion to the House bill, H.R. 4513, is going to help small businesses, including motels and gas stations and diners that have blue plate specials and neon signs outside of their doors; State historical preservation offices, and small towns all along that famous route; and even schools, including a little school called the Route 66 Elementary School in Moriarty, New Mexico. They just had their grand opening in September and they gave to me a hubcap. It says ''Route 66 Elementary Grand Opening, September 19, 1998.'' They have got 259 students there, and they have a Route 66 Diner as well.

The Route 66 National Historic Highway Act authorizes the National Park Service to support State and local and private efforts to preserve Route 66 corridor by providing technical assistance, participating in cost-sharing programs, making grants and loans. It also acts as a clearinghouse for communication among Federal, State, local, private, and American Indian entities interested in the preservation of the Route 66 corridor and it authorizes the expenditure of up to $10 million over 10 years for this purpose.

The U.S. National Park Service endorses this bill and it enjoys bipartisan support. So, whether we live in Chicago, Bloomington, or Springfield, Illinois; or St. Louis or Joplin, Missouri; or Tulsa or Oklahoma City, Oklahoma; or Amarillo; or Santa Fe or Albuquerque, New Mexico; or Santa Rosa, Tucumcari Grants, Winslow, Arizona; Flagstaff, Kingston, Barstow, San Bernardino or Los Angeles, we are part of the Route 66 corridor and part of a great piece of Americana.

I thank Senator DOMENICI for working on this bill on the Senate side, and I appreciate the assistance of the gentleman from Utah (Chairman HANSEN) in bringing it to the floor here as we are closing our business for this year.

Mr. Speaker, I support this bill, and I think that it is something that preserves our unique character as Americans, and I am pleased and very proud to have helped bring it to the floor of the House.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Speaker, I rise in support of this legislation. In 1990, I introduced legislation for a study for the historic preservation of Route 66. I appreciate the leadership on both sides of the aisle for promoting this legislation. In fact, when I introduced the Route 66 legislation I was on the other side of the aisle.

Mr. Speaker, I rise in support of this legislation because of an emotional feeling from my experience traveling Route 66. In fact, between 1942 and 1946, my family left Oklahoma and Arkansas and went to California in search for jobs. When we left Arkansas the first time, there were nine of us in an old 1934 Ford car heading out to California. We were the Oakies and Arkies.

Some may wonder what is the difference in the Okies and the Arkies. The Arkies had two mattresses on top of their car and we just had one from Oklahoma.

But that started probably the largest migration of people ever in the history of our country from rural America to the urban centers of America. That migration started many social problems in the cities, but also created social problems in the rural, economic depressed areas of America.

I know the first trip in 1942 when I was 4 years of age. The gentlewoman from New Mexico (Ms. WILSON) was talking about some of those towns along that route. I remember stopping and we would get the water bag filled that we would have on the front of the car so we could make it across the desert. I can remember when we returned from that first trip, I got out of the car barefooted in Flagstaff, Arizona, and my nose started bleeding because the pavement was so hot at that time.

I point this out because Route 66 was a highway of hope and dreams for a lot of people. The dreams of being able to survive. The dreams of being able to maybe accumulate something along the way. And, I might say, if we look in California today we will find a lot of those successful business leaders and landowners are Okies and Arkies that made the trip.

I know I have talked to a lot of them each year that come back for homecomings, class reunions and family reunions and literally they tell me they would like to come back home to Oklahoma, but they cannot because now their children and grandchildren are in California, so they are locked into staying because they want to be around their family.

I had to step forth today and express my thanks to the gentleman from Utah (Mr. HANSEN) and the gentlewoman from New Mexico (Ms. WILSON), and the leadership of the gentleman from California (Mr. MILLER) and others for pursuing this legislation because Route 66 is not just any road. Yes, it is the Mother Road, the Highway of Hope for many of us. It is a road that allowed a lot of people to survive coming out of the worst economic conditions they possibly could have had during the Great Depression.

I know that my mom and dad and three of us children and other kinfolks traveled that route. I am glad that I made the route back on Route 66 to Oklahoma. I grew up in Bermington, a small rural community in the southeast part of the State of Oklahoma. I think this road will provide many memories, but we will be able to preserve historically many of the hopes and dreams because it made opportunities available for a lot of people.

Mr. Speaker, I thank the gentleman from Utah for letting me have the opportunity to say a few words.

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

Mr. HANSEN. Mr. Speaker, I appreciate the comments of the gentlewoman from New Mexico (Ms. WILSON) and the gentleman from Oklahoma (Mr. WATKINS). I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2133.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. KUCINICH. Mr. Speaker, pursuant to House rule IX, clause 1, I rise to give notice to the House of my intention to offer a Question of Privilege to the House and offer a resolution expressing the sense of the House that its integrity has been impugned because the anti-dumping provision of the Trade and Tariff Act of 1930 (Subtitle B of Title VII) have not been expeditiously enforced.

The text of the resolution is as follows:

Now, therefore, be it *Resolved* by the House of Representatives, that the House of Representatives calls upon the President to—

(1) Immediately obtain voluntary restraint agreements from Japan, Russia, Ukraine, Korea and Brazil which limit those countries in July-to-June Fiscal Year 1999 to the level of their exports as calculated from July-to-June Fiscal Year 1998;

(2) Immediately impose a one-year ban on imports of hot-rolled steel products and plate steel products that are the product or manufacture of Japan, Russia, Ukraine, Korea and Brazil if he is unable to obtain voluntary restraint agreements within 10 days;

(3) pursue with all tools at his disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries within the Commonwealth of Independent States;

(4) establish a task force within the executive branch with responsibility for closely monitoring United States imports or steel; and

(5) report to the Congress by no later than January 5, 1999, with a comprehensive plan for responding to this import surge, including ways of limiting its deleterious effects on employment, prices, and investment in the United States steel industry.

☐ 1245

The SPEAKER pro tempore (Mr. BALLENGER). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Ohio (Mr. KUCINICH) will appear in the RECORD at this point.

The Chair at this point will not determine whether the resolution constitutes a question of privilege. That determination will be made at a time designated for consideration of the resolution.

BANDELIER NATIONAL MONUMENT ADMINISTRATIVE IMPROVEMENT AND WATERSHED PROTECTION ACT OF 1998

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1132) to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

The Clerk read as follows:

S. 1132

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 ''Bandelier National Monument Administrative Improvement and Watershed Protection Act of 1998''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that:

(1) Bandelier National Monument (hereinafter, the Monument) was established by Presidential proclamation on February 11, 1916, to preserve the archeological resources of a ''vanished people, with as much land as may be necessary for the proper protection thereof. . .'' (No. 1322; 39 Stat. 1746).

(2) At various times since its establishment, the Congress and the President have adjusted the Monument's boundaries and purpose to further preservation of archeological and natural resources within the Monument.

(A) On February 25, 1932, the Otowi Section of the Santa Fe National Forest (some 4,699 acres of land) was transferred to the Monument from the Santa Fe National Forest (Presidential Proclamation No. 1191; 17 Stat. 2503).

(B) In December of 1959, 3,600 acres of Frijoles Mesa were transferred to the National Park Service from the Atomic Energy Committee (hereinafter, AEC) and subsequently added to the Monument on January 9, 1991, because of ''pueblo-type archeological ruins germane to those in the monument'' (Presidential Proclamation No. 3388).

(C) On May 27, 1963, Upper Canyon, 2,882 acres of land previously administered by the AEC, was added to the Monument to preserve ''their unusual scenic character together with geologic and topographic features, the preservation of which would implement the purposes'' of the Monument (Presidential Proclamation No. 3539).

(D) In 1976, concerned about upstream land management activities that could result in flooding and erosion in the Monument, Congress included the headwaters of the Rito de los Frijoles and the Cañada de Cochiti Grant (a total of 7,310 acres) within the Monument's boundaries (Public Law 94–578; 90 Stat. 2732).

(E) In 1976, Congress created the Bandelier Wilderness, a 23,267 acres area that covers over 70 percent of the Monument.

(3) The Monument still has potential threats from flooding, erosion, and water quality deterioration because of the mixed ownership of the upper watersheds, along its western border, particularly in Alamo Canyon.

(b) PURPOSE.—The purpose of this Act is to modify the boundary of the Monument to allow for acquisition and enhanced protection of the lands within the Monument's upper watershed.

SEC. 3. BOUNDARY MODIFICATION.

Effective on the date of enactment of this Act, the boundaries of the Monument shall be modified to include approximately 935 acres of land comprised of the Elk Meadows subdivision, the Gardner parcel, the Clark parcel, and the Baca Land & Cattle Co. lands within the Upper Alamo watershed as depicted on the National Park Service map entitled ''Proposed Boundary Expansion Map Bandlier National Monument'' dated July, 1997. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

SEC. 4. LAND ACQUISITION.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary of the Interior is authorized to acquire lands and interests therein within the boundaries of the area added to the Monument by this Act by donation, purchase with donated or appropriated funds, transfer with another Federal agency, or exchange: *Provided,* That no

lands or interests therein may be acquired except with the consent of the owner thereof.

(b) STATE AND LOCAL LANDS.—Lands or interests therein owned by the State of New Mexico or a political subdivision thereof may only be acquired by donation or exchange.

(c) ACQUISITION OF LESS THAN FEE INTERESTS IN LAND.—The Secretary may acquire less than fee interests in land only if the Secretary determines that such less than fee acquisition will adequately protect the Monument from flooding, erosion, and degradation of its drainage waters.

SEC. 5. ADMINISTRATION.

The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national Monument, including lands added to the Monument by this Act, in accordance with this Act and the provisions of law generally applicable to units of National Park System, including the Act of August 25, 1916, an Act to establish a National Park Service (39 Stat. 535; 16 U.S.C. 1 et seq.), and such specific legislation as heretofore has been enacted regarding the Monument.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purpose of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER), each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, S. 1132 is a bill introduced by Senator JEFF BINGAMAN and has support from the gentleman from New Mexico (Mr. REDMOND), both from the State of New Mexico.

Senator BINGAMAN and the gentleman from New Mexico (Mr. REDMOND) have worked to develop a bill that will increase the size of Bandelier National Monument and protect its watershed.

Mr. Speaker, 1132 modifies the boundary to include lands within the upper watershed of the Bandelier National Monument which potentially can threaten the monument with flooding, erosion and water quality. The expansion will include approximately 935 acres of land and can only be acquired with the consent of the landowner.

This boundary expansion will enhance the protection of lands within the Bandelier National Monument.

I urge my colleagues to support S. 1132.

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

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

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

This bill adds 935 acres in the northern boundary of the national monument. The lands include the headwaters of a watershed that drains into the park. The bill has had no hearings or markups in the House.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1132.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the 8 bills just debated.

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

There was no objection.

REGARDING HOUSE RESOLUTION 598

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

Mr. TRAFICANT. While we are waiting, I would just like the Members of Congress to know that later today House Resolution 598 will be brought to the floor relative to the problem of illegal dumping of foreign steel in our markets that has destroyed American families, our economy, destabilized much of our industry. And this is a very important vote in a very important debate today because, regardless of your personal persuasion on trade policy, this is not a debate about free trade today. This is not a debate about fair trade today, to a degree. It is a debate about illegal trade and enforcement of our trade laws.

We can pass laws, but they are not ours to enforce. We will ensure today by the vote of the Congress that this illegal dumping be addressed and challenged. I am hoping that all Members will participate and support that resolution, H. Res. 598.

MORE ON H. RES. 598

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

Mr. GEKAS. Mr. Speaker, I apropos to the remarks by the gentleman from Ohio, I remember the first time that I was in the Oval Office was during the Reagan administration, at which time the President then was adamant about the voluntary restraints that foreign steel producers would be subjected to were we to continue our program and which we assented was necessary to protect our steel making jobs.

Ever since then we have been on a highly visible plain of watching carefully the steel dumping syndrome across the world. I join with the gentleman from Ohio to keep on alert as Members of Congress and as citizens on this clandestine way of ruining our ability to keep our steel industry intact.

When that resolution comes up, I hope that the common sense of our Chamber will take hold.

TREATMENT OF GOVERNMENTAL PENSION PLANS AS STATE PENSION PLANS FOR CERTAIN PURPOSES

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4572) to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income, as amended.

The Clerk read as follows:

H.R. 4572

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

SECTION 1. CLARIFICATION OF APPLICATION OF LIMITATION ON STATE INCOME TAXATION OF PENSION INCOME.

(a) IN GENERAL.—Subparagraph (G) of section 114(b)(1) of title 4, United States Code, is amended by inserting before the semicolon ''or any plan which would be a governmental plan (as so defined) if possessions of the United States were treated as States for purposes of such section 414(d)''.

(b) CORRECTION OF CLERICAL ERROR.—Section 114 of such title 4 is amended by redesignating subsection (e) as subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Ohio (Mr. TRAFICANT), each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

During the last session, the Congress passed a very useful piece of legislation which in essence said that when someone retires with a pension in a particular State and then moves to another State, that we would end the process by which that State could still follow and reach out with its long arm and gain tax revenues from a pensioner no

longer in the State but who earned that pension in that State. We felt that that was an unfair proposition.

I remember very well my congressional classmate Barbara Vucanovich spearheaded the effort because, as it turned out, in her State there were many former California residents who were under double taxation. They were retired in her State, yet they had to pay California taxes on their pensions which were coming from California. But we decided to end that process. We did happily for all Americans.

But in doing so, a glitch occurred with the Commonwealth of Puerto Rico. It appears that the definitions of ''State'' and of ''possessions,'' et cetera, which the bill intended to cover back then in and the law now on the books intended to cover, did not include the status of Puerto Rico as a commonwealth. So all we are doing with this piece of legislation, Mr. Speaker, is bringing Puerto Rico into the plan that was originally set forth for all Americans. And that is why this bill is necessary.

It is a technical amendment because it just catches up with the legislation that we passed last term. But it is not just a technical amendment to those former residents of Puerto Rico who earned a pension there and who live elsewhere now when they have to be compelled to pay taxes to Puerto Rico. So it is more than technical to them, but for our purposes, it is a catchup technical amendment.

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

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

I want to concur with the assessment of this legislation by the gentleman from Pennsylvania (Mr. GEKAS). We want to thank the gentleman from Pennsylvania (Mr. GEKAS) for the fine job he has done not only on this but many other pieces of legislation relative to these matters.

This bill, as stated, clarifies the tax treatment of certain pensions. More specifically, as was stated by the gentleman from Pennsylvania (Mr. GEKAS), technical to others but to the people impacted very substantive, because the bottom line, this deals with an issue passed in the last Congress which protects the pension income of retirees who retire from a State which has an income tax to a State with no income tax, as cited by the gentleman from Pennsylvania (Mr. GEKAS).

Having said that, I believe it is the right thing to do. It makes the correction which is necessary under law. We support the legislation.

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

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

I thank the gentleman from Ohio for cooperating and seconding the proposition before us. I urge support of this bill. I state for the RECORD that the manager's amendment contains one minor clerical change. Mr. Speaker, this does not require a filibuster of any type.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 4572, as amended.

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

A motion to reconsider was laid on the table.

TEMPORARY REENACTMENT OF CHAPTER 12, TITLE 11, UNITED STATES CODE

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4831) to temporarily reenact chapter 12 of title 11 of the United States Code, as amended.

The Clerk read as follows:

H.R. 4831

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

SECTION 1. TEMPORARY REENACTMENT OF BANKRUPTCY PROVISIONS RELATING TO FAMILY FARMERS.

(a) REENACTMENT.—Chapter 12 of title 11 of the United States Code, as in effect on September 30, 1998, is hereby reenacted for the period beginning on October 1, 1998, and ending on April 1, 1999.

(b) CONTINUATION OF CASES.—All cases commenced or pending under chapter 12 of title 11, United States Code, as reenacted under subsection (a), and all matters and proceedings in or relating to such cases, shall be conducted and determined under such chapter as if such chapter were continued in effect after April 1, 1999. The substantive rights of parties in connection with such cases, matters, and proceedings shall continue to be governed under the laws applicable to such cases, matters, and proceedings as if such chapter were continued in effect after April 1, 1999.

SEC. 2. EFFECTIVE DATE.

This Act shall take effect on October 1, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Ohio (Mr. TRAFICANT), each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Throughout a full year now, as the Speaker knows, we have been considering bankruptcy reform. And as it turned out, the House, in a bipartisan vote, overwhelmingly approved bankruptcy reform twice, both in the original bill and in the conference report.

The Senate, on its side, approved on a great bipartisan vote with only one dissenting vote, I think 97 or 98 to 1, a similar bankruptcy reform bill. The conference was never able to have the bill passed in both chambers. It succeeded only in the House. So it sort of fell by its own weight over in the Senate.

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But an important feature of the bankruptcy reform legislation, right from the start, was an extension of chapter 12. What does that mean? Chapter 12 is devoted specifically and uniquely to the farmers of our Nation who experience unique types of financial crises almost on a monthly basis.

We, through chapter 12 in the current code, accord our farmers a special set of rights and abilities to cope with their financial situation. So we had hoped that, with the total bankruptcy reform bill it seemed on a way to a successful conclusion, to also extend the benefits of chapter 12 which we did have in the bill.

But if the bill fell, then chapter 12 had to fall with it. That meant that, on October 1 of this year, the authorization previously in effect for chapter 12 ended.

So what we are about here is an extension of that chapter 12 set of benefits. A leader in this movement, I must tell my colleagues, from the first day that we began contemplating bankruptcy reform was the gentleman from Michigan (Mr. SMITH), who doggedly pursued for his purpose, for his great cause, the farmers' financial situation, the extension of chapter 12.

I had assured him on many occasions that we are going to make sure that it is going to be part of the bankruptcy reform bill, but I really did not expect that it would crash down as it did in the last minutes of this session.

But that sets the stage, then, for the passage of this legislation, which everyone should agree has to occur, else the October 1 end of chapter 12 authority for special treatment of farmers will also crash down. So we are eager to extend the benefits of chapter 12, the sole purpose of this piece of legislation.

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

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

Mr. Speaker, I want to join in support of this legislation. Mr. CONYERS is not here today. He is very busy. He supports extending these protections in bankruptcy, chapter 12 protections for the farmers.

There is a concern that we have, but it is not enough of a concern for us to oppose this legislation. Our concern is that this is but a 6-month extension, and we would have liked to have seen a little more of an extension and perhaps maybe even a permanent correction.

But not being of the committee, and representing the committee on this suspension, I would like to say this: Many Members on this side of the aisle respect the efforts of the gentleman from Pennsylvania (Mr. GEKAS), and we know that the gentleman from Pennsylvania (Mr. GEKAS) has taken what he could in the process with the other body.

What he has brought to the floor is good enough for us. We would like to see it better. We are hoping and appealing to the chairman that, in the next opportunity, that that broader extension and perhaps a permanent delineation could be effected.

Having said that, I would also like to say that I have passed laws on home mortgages and now veterans' VA loans to provide for, upon one-month, 4-day delinquency, a notice of counseling programs available with a 1–800 number where the delinquent owner and mortgage holder can call for assistance. They have had great success in working this out.

I want to also let the Congress know that I am going to attempt to have that type of language inserted for specific small farm and farm activities to make sure and ensure that, when they get in trouble, they will know what the service is.

What the gentleman from Pennsylvania (Mr. GEKAS) is doing today, we support. We would appreciate his consideration in the future.

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

Mr. GEKAS. I yield myself such time as I might consume.

Mr. Speaker, I want to launch a filibuster now to give ample opportunity to our colleague the gentleman from Michigan (Mr. SMITH) to appear if he is on his way so that he may give his personal witness to this legislation.

So I will recite the Gettysburg Address and a few other staples from American history, but I am being urged by staff to bring us to a quick close.

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

Mr. SMITH of Michigan. Mr. Speaker, I thank the chairman for yielding to me.

Mr. Speaker, there is no question that farmers and agriculture are currently in a very serious plight, and there is no question that much-needed work has been done on bankruptcy reform in the 105th Congress. Our bankruptcy laws are too lenient and have become a source of debt evasion rather than a means of equitably resolving differences between debtors and creditors.

While we have been hammering out an agreement, one important issue got lost in the shuffle. Bankruptcy relief for farmers has been allowed to expire during the period of severe hardship for American farmers.

American farmers are going to be losing this year between 10 and 20 percent of their income, over $8 billion, as a drop in farm income. Some farmers have been and are going to be forced into bankruptcy.

There has been a problem of weather, of disease, of low commodity prices, of a loss of Asian markets. What we need to do is we need immediate action to ensure that the chapter 12 reorganization is restored to American producers as soon as possible. Both the chairman and the ranking member also have felt that this is important.

Chapter 12 expired on September 30 of this year. Enacted during the 1986 farm crisis, chapter 12 made significant bankruptcy relief available to a group of Americans that has difficulty in getting credit and managing their assets since the country's founding, and of course that is the American farmers.

Specifically, it opened many of the advantages of chapter 13 filings to farmers who were, for the most part, too indebted to take advantage of chapter 13 and had to use other less advantageous provisions of the bankruptcy code.

For example, chapter 7 was accessible to farmers to give them some of the, if you will, fresh start promise to debtors under the bankruptcy code. But under chapter 7, the farm which might have been in the family for generations was usually lost. Congress needed to find a way to ensure that creditors are protected while at the same time being able to maintain that family farm.

I understand that chapter 12 may need some changes. Both the gentleman from Pennsylvania (Chairman GEKAS) and Senator GRASSLEY, the father of chapter 12, have proposed changing chapter 12 in various ways. It may well be that chapter 12 should be changed, but this needed provision to extend it from the current sunset of last October 1 needs not to lapse.

Currently, we are in the midst of another crisis in the saga of the American farmer. The weather, the disease, the devastated crops, export markets shrinking, commodity prices at historic lows, changes to chapter 12 can and must be maintained.

It is unacceptable to allow the desire for reform to prevent the renewal of this program in this time of need for the American agriculture.

My bill, H.R. 4831, would extend the chapter 12 provisions so that we can debate needed changes in a period of less urgence for farmers. This legislation that makes the farmer provisions of chapter 12 retroactive to last October 1st is supported by the Senate and the administration. I hope all my colleagues will join me today in passing this legislation.

Mr. GEKAS. Mr. Speaker, we thank the gentleman for his heroic efforts in bringing this to a successful conclusion.

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

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 4831, as amended.

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

A motion to reconsider was laid on the table.

ENERGY CONSERVATION REAUTHORIZATION ACT OF 1998

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill (S. 417) to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

The Clerk read as follows:

Senate Amendments to House Amendments:

Page 13, after the matter following line 19, of the House engrossed amendments, insert:

SEC. 9. PURCHASES FROM STRATEGIC PETROLEUM RESERVE BY ENTITIES IN INSULAR AREAS OF UNITED STATES AND FREELY ASSOCIATED STATES.

(a) Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following:

''(j) PURCHASES FROM STRATEGIC PETROLEUM RESERVE BY ENTITIES IN INSULAR AREAS OF UNITED STATES AND FREELY ASSOCIATED STATES.—

''(1) DEFINITIONS.—In this subsection:

''(A) BINDING OFFER.—The term 'binding offer' means a bid submitted by the State of Hawaii for an assured award of a specific quantity of petroleum product, with a price to be calculated pursuant to paragraph (2) of this subsection, that obligates the offeror to take title to the petroleum product without further negotiation or recourse to withdraw the offer.

''(B) CATEGORY OF PETROLEUM PRODUCT.—The term 'category of petroleum product' means a master line item within a notice of sale.

''(C) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that owns or controls a refinery that is located within the State of Hawaii.

''(D) FULL TANKER LOAD.—The term 'full tanker load' means a tanker of approximately 700,000 barrels of capacity, or such lesser tanker capacity as may be designated by the State of Hawaii.

''(E) INSULAR AREA.—The term 'insular area' means the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Freely Associated States of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(F) OFFERING.—The term 'offering' means a solicitation for bids for a quantity or quantities of petroleum product from the Strategic Petroleum Reserve as specified in the notice of sale.

''(G) NOTICE OF SALE.—The term 'notice of sale' means the document that announces—

''(i) the sale of Strategic Petroleum Reserve products;

''(ii) the quantity, characteristics, and location of the petroleum product being sold;

''(iii) the delivery period for the sale; and

''(iv) the procedures for submitting offers.

''(2) IN GENERAL.—In the case of an offering of a quantity of petroleum product during a drawdown of the Strategic Petroleum Reserve—

''(A) the State of Hawaii, in addition to having the opportunity to submit a competitive bid, may—

''(i) submit a binding offer, and shall on submission of the offer, be entitled to purchase a

category of a petroleum product specified in a notice of sale at a price equal to the volumetrically weighted average of the successful bids made for the remaining quantity of the petroleum product within the category that is the subject of the offering; and

''(ii) submit 1 or more alternative offers, for other categories of the petroleum product, that will be binding if no price competitive contract is awarded for the category of petroleum product on which a binding offer is submitted under clause (i); and

''(B) at the request of the Governor of the State of Hawaii, a petroleum product purchased by the State of Hawaii at a competitive sale or through a binding offer shall have first preference in scheduling for lifting.

''(3) Limitation on quantity.—

''(A) IN GENERAL.—In administering this subsection, in the case of each offering, the Secretary may impose the limitation described in subparagraph (B) or (C) that results in the purchase of the lesser quantity of petroleum product.

''(B) PORTION OF QUANTITY OF PREVIOUS IMPORTS.—The Secretary may limit the quantity of a petroleum product that the State of Hawaii may purchase through a binding offer at any offering to 1/12 of the total quantity of imports of the petroleum product brought into the State during the previous year (or other period determined by the Secretary to be representative).

''(C) PERCENTAGE OF OFFERING.—The Secretary may limit the quantity that may be purchased through binding offers at any offering to 3 percent of the offering.

''(4) ADJUSTMENTS.—

''(A) IN GENERAL.—Notwithstanding any limitation imposed under paragraph (3), in administering this subsection, in the case of each offering, the Secretary shall, at the request of the Governor of the State of Hawaii, or an eligible entity certified under paragraph (7), adjust the quantity to be sold to the State of Hawaii in accordance with this paragraph.

''(B) UPWARD ADJUSTMENT.—The Secretary shall adjust upward to the next whole number increment of a full tanker load if the quantity to be sold is—

''(i) less than 1 full tanker load; or

''(ii) greater than or equal to 50 percent of a full tanker load more than a whole number increment of a full tanker load.

''(C) DOWNWARD ADJUSTMENT.—The Secretary shall adjust downward to the next whole number increment of a full tanker load if the quantity to be sold is less than 50 percent of a full tanker load more than a whole number increment of a full tanker load.

''(5) DELIVERY TO OTHER LOCATIONS.—The State of Hawaii may enter into an exchange or a processing agreement that requires delivery to other locations, if a petroleum product of similar value or quantity is delivered to the State of Hawaii.

''(6) STANDARD SALES PROVISIONS.—Except as otherwise provided in this Act, the Secretary may require the State of Hawaii to comply with the standard sales provisions applicable to purchasers of petroleum product at competitive sales.

''(7) ELIGIBLE ENTITIES.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and notwithstanding any other provision of this paragraph, if the Governor of the State of Hawaii certifies to the Secretary that the State has entered into an agreement with an eligible entity to carry out this Act, the eligible entity may act on behalf of the State of Hawaii to carry out this subsection.

''(B) LIMITATION.—The Governor of the State of Hawaii shall not certify more than 1 eligible entity under this paragraph for each notice of sale.

''(C) BARRED COMPANY.—If the Secretary has notified the Governor of the State of Hawaii that a company has been barred from bidding (either prior to, or at the time that a notice of sale is issued), the Governor shall not certify the company under this paragraph.

''(8) SUPPLIES OF PETROLEUM PRODUCTS.—At the request of the Governor of an insular area, the Secretary shall, for a period not to exceed 180 days following a drawdown of the Strategic Petroleum Reserve, assist the insular area or the President of a Freely Associated State in its efforts to maintain adequate supplies of petroleum products from traditional and nontraditional suppliers.''.

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall issue such regulations as are necessary to carry out the amendment made by subsection (a).

(2) ADMINISTRATIVE PROCEDURE.—Regulations issued to carry out the amendment made by subsection (a) shall not be subject to—

(A) section 523 of the Energy Policy and Conservation Act (42 U.S.C. 6393); or

(B) section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the earlier of—

(1) the date that is 180 days after the date of enactment of this Act; or

(2) the date that final regulations are issued under subsection (a).

SEC. 10. INDIAN ENERGY RESOURCE DEVELOPMENT.

Section 2603 of the Energy Policy Act of 1992 (25 U.S.C. 3503) is amended in subsection (c) by striking ''and 1997'' each place it appears and inserting ''1999, 2000, 2001, 2002 and 2003'' in lieu thereof.

SEC. 11. REMEDIAL ACTION.

(a) Section 1001(b)(2)(C) of the Energy Policy Act of 1992 (42 U.S.C. 2296a) is amended by striking ''$65,000,000'' and inserting ''$140,000,000''.

(b) Section 1003(a) of such Act (42 U.S.C. 2296a–2) is amended by striking ''$415,000,000'' and inserting ''$490,000,000''.

(c) Section 1802(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2297g–1) is amended by striking ''$480,000,000'' and inserting ''$488,333,333''.

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).

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 remarks and include extraneous material on S. 417.

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

There was no objection.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, today, the House does consider S. 417, the Energy Conservation Reauthorization Act of 1998. S. 417 improves U.S. energy security by reauthorizing various conservation programs. It also reduces the energy bills paid by low income consumers, cuts the energy bill paid by the taxpayers through improving the energy efficiency of Federal agencies, and promotes energy security by encouraging the use of biodiesel fuel to reduce dependence on the petroleum motor fuels.

This is not a controversial bill. It passed the House on September 28 by a voice vote, and it had very strong bipartisan support. The original House bill was introduced jointly by the ranking member of the Subcommittee on Energy and Power, the gentleman from Texas (Mr. HALL), and was strongly supported by many on the other side of the aisle. When the House considered the bill last month, not one Member rose in opposition.

The Senate approved an amendment to S. 417 that adds three sections to the bill. One section assures that the State of Hawaii has access to oil from the Strategic Petroleum Reserve in the event of a drawdown. Another reauthorizes a program that assists Indian tribes develop energy sources of their own. The final section provides for cleanup of contaminated thorium sites. I have no objections to the Senate amendment.

The first section of the Senate amendment assures the State of Hawaii has access to oil supplies in the event of a Strategic Petroleum Reserve drawdown. The State of Hawaii needs assurance of access to oil during a SPRO drawdown because it is much more dependent on oil in other parts of the U.S.

This amendment does not undermine the SPRO of which I am very favorable to for many years. I have spent the last 4 years fighting to protect the SPRO against misguided attempts to sell off our Nation's oil stockpile. I have done so to assure that the SPRO is available in the event of an oil supply emergency. I would not support the Senate amendment if it undermined the SPRO reserves.

The Senate amendment also reauthorizes a program that provides grants and loans to Indian tribes to assist their development of energy resources. Many Indian tribes are in remote areas that are not well-connected to the electric and natural gas transmission system. This program provides funding to assist Indian tribes develop energy resources.

The new thorium section addresses concerns about the adequacy of funding for contaminated thorium sites. In the Energy Policy Act of 1992, the Federal government accepted responsibility for funding its fair share of cleanup at such sites. The Senate amendment simply ensures the Federal government continues to own up to its responsibility for thorium cleanup.

I urge support for S. 417.

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

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

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I am pleased, of course, today to rise in support of this bill, the underlying vehicle for this package of legislation, H.R. 4017, which was introduced by the chairman of the Subcommittee on Energy and Power, my good friend, the gentleman from Colorado (Mr. DAN SCHAEFER), and have joined him as a cosponsor. That measure passed the House, I think, back in September.

Due to what then appeared to be the lateness of the congressional session, the body of H.R. 4017 was substituted for the text of a bill that was being held at the Speaker's desk, the Senate bill, S. 417, and forwarded to the Senate.

The other body added three other provisions to the measure, and they returned it to us. The provisions would ensure, and this is a very important segment of it, ensure that Hawaii was guaranteed access to the Strategic Petroleum Reserve during an oil supply disruption, and extend the authorization of some things.

But because of the distance of Hawaii, and not being contiguous to the other 48 States, they are in a peculiar and a different position and have an access to the SPRO, as does the State of Texas and other States that are here in the 48.

This bill is a companion to H.R. 2472 that the President signed into law on June 1. A new energy security law reauthorized the SPRO and amended the international energy agency statutes to comply.

Actually, the use of biodiesel, that is a part of this that the gentleman from Illinois (Mr. SHIMKUS) and the gentlewoman from Missouri (Ms. MCCARTHY) have added that will help make biodiesel blended fuel a more attractive option as a replacement fuel under the Energy Policy Act of 1992 that will give them some more leeway and some more help in addition to having access to the SPRO. The use of biodiesel will reduce the carbon dioxide emissions. There is a lot of good things it does.

□ 1315

It reduces other air pollutants, particulates, carbon monoxide and sulfur dioxide. Our new Secretary of Energy also, Mr. Bill Richardson, highlighted these facts when as a member of the House he joined 33 of the other colleagues here writing to then Secretary of Energy Mrs. O'Leary to urge DOE to include a 20 percent biodiesel blend as an alternative fuel under the 1992 Energy Policy Act.

I think it is a good act. I urge that we pass this act.

Mr. Speaker, I am pleased to rise today in support of S. 417. The underlying vehicle for this package of legislation, H.R. 4017, was introduced by the chairman of the Energy and Power Subcommittee, my good friend DAN SCHAEFER. I joined him as an original cosponsor, and that measure passed the House by voice vote on September 28. Due to what then appeared to be the lateness of the congressional session, the body of H.R. 4017 was substituted for the text of a bill that was being held at the Speaker's desk, S. 417, and forwarded to the Senate. The other body added three other provisions to that measure and returned it to us. Those provisions would ensure that Hawaii has guaranteed access to the Strategic Petroleum Reserve during an oil supply disruption, extend the authorization of the Indian Energy Resources Program through 2003, and authorize additional funding for cleanup of a thorium-contaminated site in West Chicago, Illinois.

This bill is a companion measure to H.R. 2472, which the President signed into law on June 1st. That new energy security law reauthorized the Strategic Petroleum Reserve and amended the International Energy Agency statutes.

The bill before us today reauthorizes several small, but important, energy conservation programs for five years. They include: the State Energy Conservation Program and Institutional Conservation Program; and the weatherization conservation program in the Energy Conservation and Production Act.

The bill also includes a number of technical changes to the three statutes that are being reauthorized or amended: the Energy Policy and Conservation Act; the Energy Conservation and Production Act; and the National Energy Conservation Policy Act. I commend the staff, both with our Committee and with the Legislative Counsel's office, for their attention to detail and for the time they have committed to this effort to make our public laws as accurate and as easy to interpret as possible.

Additionally, S. 417 makes legislative and judicial branch entities eligible to enter into Energy Savings Performance Contracts and extends permanently the provisions of the Defense Production Act of 1950 which provide the President with priority contracting authority for projects which maximize domestic energy supplies in times of emergency.

This legislation also includes a very important, bipartisan amendment, authored by Representatives SHIMKUS of Illinois and KAREN MCCARTHY of Missouri, that will help make biodiesel blended fuel a more attractive option as a replacement fuel under the Energy Policy Act of 1992. This amendment sets up a credit mechanism, through which heavy duty vehicle users may accumulate modest credits that may be used, under the existing provisions of the 1992 Act, to help fleets meet their petroleum displacement requirements. This language, which was adopted by the Commerce Committee after lengthy, bipartisan negotiations that included representatives of the Natural Gas Vehicle Coalition and the National Biodiesel Board, is a modified version of H.R. 2568, legislation introduced by Representatives SHIMKUS and MCCARTHY.

Mr. Speaker, the use of biodiesel will reduce carbon dioxide emissions. Biodiesel use also substantially reduces other air pollutants—particulars, carbon monoxide and sulfur dioxide. Our new Secretary of Energy, former House Commerce Committee member Bill Richardson, highlighted these facts when, as a member of this House, he joined with 33 of his colleagues in writing to then-Energy Secretary O'Leary to urge DOE to include a 20 percent biodiesel blend as an alternative fuel under the 1992 Energy Policy Act. I include a copy of this correspondence with my statement and urge my colleagues to support this legislation today so it can be sent to the President for his signature.

U.S. CONGRESS,
Washington, DC, October 25, 1996.

Hon. HAZEL R. O'LEARY,
Secretary, U.S. Department of Energy, Washington, D.C.

DEAR SECRETARY O'LEARY, As members of the U.S. House of Representatives concerned with our nation's energy security, we would like to express our support for biodiesel, a renewable alternative fuel for diesel engines derived from vegetable oils, such as soybean oil. We believe the Department of Energy (DOE) should initiate a rulemaking to include B20, a 20% biodiesel/80% diesel fuel blend, as an alternative fuel under the Energy Policy Act of 1992 (EPACT). B20 is good for farmers, good for the environment, good for the economy and will contribute to national energy security. Including B20 as an alternative fuel would also be consistent with the legislative intent of EPACT.

Biodiesel has important environmental benefits. Biodiesel is registered with the EPA as a fuel and fuel additive. Scientific evidence demonstrates that using B20 reduces most harmful exhaust emissions from diesel engines. Biodiesel can also be processed from recycled cooking oils and waste animal fats.

Biodiesel promotes economic development and energy security. As a renewable fuel, biodiesel offers America's farmers stable, long-term markets for efficiently-produced soybean oil. Biodiesel also means jobs and tax revenues from processing a greater portion of our domestic soybean oil in the U.S. Use of domestic biodiesel improves national energy security by displacing imported energy.

Under current DOS regulations, 75% of affected federal and state government fleet vehicle purchases and 90% of affected fleet vehicle purchases by private alternative fuel suppliers must be alternative fueled vehicles by the year 2001. Future DOE EPACT regulations may extend similar vehicle purchase requirements to municipal and other large private company fleets.

Congress clearly intended that EPACT should be ''fuel neutrial'' Fuel neutrality simply means there is no presumption in the law to favor any particular alternative fuels as a means of compliance with the goals of EPACT. Congress made EPACT fuel neutral to give regulated fleets the flexibility to decide which alternative fuels are compatible with their operations. B20, therefore, will give regulated fleets greater flexibility to comply with EPACT.

B20 is the most popular biodiesel blend tested so far with diesel consumers and engine manufacturers. B20 provides many of the environmental and safety benefits of pure biodiesel at a fraction of the cost. B20 is also compatible with existing diesel engine maintenance and refueling facilities. More than 10 million miles of in-service pilot programs have been conducted across the nation using B20. For these reasons, B20 should be a popular EPACT compliance option for regulated fleets that use diesel vehicles.

Before B20 can be included as an EPACT alternative fuel, the DOE must amend its current regulations. The American Soybean Association and other supporters of B20 have recently submitted a petition to the DOE to initiate a B20 rulemaking. Initiating a rulemaking will allow the DOE to collect data on B20 and to render a reasoned decision. Once all of the data on the benefits of B20 is placed in the public record, we are confident that you will decide to include B20 as an alternative fuel. Therefore, we urge you to immediately initiate a rulemaking to amend existing DOE regulations to include B20 as an EPACT alternative fuel.

The recent re-escalation of conflict in the Middle East has again highlighted our nation's dependence on imported energy. Including B20 as an EPACT alternative fuel will allow domestically produced biodiesel to immediately play a role in reducing that dependence. It will also benefit the environment, our farmers and our economy, as well as assist regulated fleets to comply with EPACT.

We appreciate your active interest in expanding the role of renewable fuels in U.S.

energy policy. Please keep us apprised of your progress on this important matter.

Sincerely,

Tom Latham, — —, Jim Bunning, Dick Durbin, Jerry F. Costello, Doug Bereuer, Jan Meyers, Lane Evans, Bill Richardson, Ed Bryant, John Spratt, Tom Ewing, Tim Hutchinson, John D. Dingell, Glenn Poshard, James A. Leach, — —Ed Whitfield, David Minge, Jim Lightfoot, Collin C. Peterson, Charles T. Canady, Ron Lewis, John Joseph Moakley, Roger F. Wicker, Jim Nussle, Greg Ganske, —,— —, Walter B. Jones, Jr., — —, Dave Camp, Saxby Chambliss, Eva M. Clayton.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, Steven Covey in his book ''The Seven Habits of Highly Effective People'' says one of the most important habits is to think win-win. I am very happy about this bill today and I am very happy to stand in support, particularly of the biodiesel portion of this because this is not just win-win, it really is win-win-win. It is a win for our environment because when you blend soybean oil with diesel fuel, you cut particulates by almost half. If you have ever sat behind a diesel truck or a bus when it was taking off, I think the whole notion of eliminating or cutting those particulates by 50 percent is something that clearly is a win for the environment. It is also a win for our farmers because the Soybean Growers Association says this bill will add between 7 and 10 cents to the price of a bushel of soybeans. Particularly in this market, that is very much an important win for our farmers. But finally it is a win for our energy independence. We really have not had much of an energy policy for the last several years. This is a good step in the right direction.

I want to congratulate the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Colorado (Mr. DAN SCHAEFER), the gentleman from Texas (Mr. HALL) and all of the Members of Congress who have worked on this very important piece of legislation. It really is a win-win-win situation.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I want to associate myself with the comments of our chairman the gentleman from Colorado (Mr. DAN SCHAEFER), the gentleman from Texas (Mr. HALL) and all the supporters of this bill. I believe energy independence should be a goal of the Congress in addition to conservation and our environment. But I have asked for this time for a different reason. Our illustrious chairman, the gentleman from Colorado (Mr. DAN SCHAEFER), this is probably and, unless he has another bill today, could be his last bill.

There are so many Members that love DAN SCHAEFER. He has been a great chairman, a great friend and everybody on both sides of the aisle appreciates that. I want you to know that from the bottom of my heart and I thank you.

I want to cite one example. Although he destroyed the Democrat baseball team every year, he is undefeated with help from guys like SHIMKUS and LARGENT, et cetera, but he even played ILEANA ROS-LEHTINEN and JO ANN EMERSON. And I said to him, ''Chairman, you're playing these two women and if you had any guts you'd call them into your office and cut them,'' naturally jokingly. And he laughed. But then he not only played ILEANA and JO ANN EMERSON, he found the time to put them in the game and reward them, two great women in our Congress, for having practiced. I cite that, because that is about the way DAN SCHAEFER is; fair, he made sure everybody got a shot, he did that with me and my district, and we thank you, Chairman. With that, I support this bill very strongly.

Mr. HALL of Texas. Mr. Speaker, will the gentleman yield?

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

Mr. HALL of Texas. Would the gentleman also join me in this next session if in the event we are both back, and I am hoping we will be, that when we do finally deregulate electricity that that bill be named the Electrical Deregulation Schaefer Bill of 1999 or maybe the Schaefer Bill of the Year 2010 or something like that?

Mr. TRAFICANT. Reclaiming my time, I think we could also say that this chairman has his fingerprints on changing the tax policy in America, too. But if I am back, I want to see a building named after the illustrious chairman.

I thank him for all he has done.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), the author of the biodiesel bill.

Mr. SHIMKUS. Mr. Speaker, I want to thank the gentleman from Colorado (Mr. DAN SCHAEFER) and I want to thank the gentleman from Virginia (Mr. BLILEY) for their hard work and persistence in bringing S. 417 to the floor today. Included in this legislation is language which the gentlewoman from Missouri (Ms. MCCARTHY) and I authored to promote the use of biodiesel fuel.

Our legislation would afford vehicle fleet managers affected by the Energy Policy Act of 1992 more flexibility to comply with the onerous mandates of this act by allowing them to substitute actual biodiesel fuel used for vehicle acquisitions.

This legislation would also enhance our national energy security by developing an environmentally friendly diesel fuel which is made in America. As many of my colleagues know by now, biodiesel is derived from agricultural products such as soybeans, rapeseed or beef tallow. Some producers even make this fuel out of reprocessed deep fryer fat. In short, biodiesel will reduce our nation's dependence on foreign oil imports.

This legislation is supported by numerous organizations, including the American Soybean Association, the Natural Gas Vehicle Coalition, the American Farm Bureau Federation and many others.

Mr. Speaker, I also want to thank a staff member of the House Commerce Committee, Joe Kelliher. He has done excellent work on this issue and has always made his services available to me and my staff. Thank you, Joe.

Mr. ABERCROMBIE. Mr. Speaker, I rise in strong support of S. 417, the Energy Conservation Reauthorization Act of 1998.

The legislation we are considering today is important to the State of Hawaii and the Nation. Hawaii and the Pacific territories have special needs during an energy emergency since we are isolated from the U.S. energy supply by more than 7,000 miles or one-quarter of the way around the globe. Oil accounts for more than 90 percent of Hawaii's energy and almost all of our oil is imported. In addition, we depend entirely on oil for our electricity generation.

The U.S. Strategic Petroleum Reserve in Louisiana and Texas is designed to help all consumers by dampening price rises and using markets to allocate oil efficiently through swaps or proximity delivery. Even so, time emergency deliveries are still problematic. Since all of our oil is delivered by tanker, we are very vulnerable to a cutoff of oil supplies. This bill gives Hawaii emergency access to the Strategic Petroleum Reserve so that we can submit a special bid for oil during a declared emergency.

The oil price from the Strategic Petroleum Reserve would equal the average of all SPR bids accepted by the Department of Energy. This bill also permits Hawaii to enter into an exchange agreement directing the SPR oil to be delivered to locations other than Hawaii.

Another important provision in this bill is the biodiesel amendment. This provision should be important to all farmers and people concerned about the environment. Biodiesel is a renewable alternative fuel derived from vegetable oil or animal fat. It can be made from soybeans, canola, and even waste oils from fast food restaurants.

Biodiesel fuel has many advantages. It is nontoxic. It can cut emissions of particulate matter and hydrocarbons in half. It can also reduce greenhouse gas emissions. Most important, biodiesel can reduce our national reliance on foreign oil.

Biodiesel can be used directly in bus, truck, and marine vessel diesel engines. It does not require new refueling stations, new parts or expensive engine modifications.

Islands are particularly suited to the manufacture of biodiesel fuels, as shown by Pacific Biodiesel. All islands have a difficult time disposing of waste products since landfill space is limited. On the islands of Hawaii, used cooking oils were unnecessarily taking up landfill space. Pacific Biodiesel currently processes 10,000 gallons of used cooking oil each month into premium biodiesel fuel. Many of the hotel buses in Hawaii now use biodiesel fuel that is produced by Pacific Biodiesel. Boats in the marinas are also using this high-quality fuel.

The amendments to this bill will protect Hawaii from an energy crisis. They will also help our farmers and our environment. I urge my colleagues to support S. 417.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in support of S. 417 as amended by the Senate last week. This legislation, a companion to H.R. 4017 of which I am a co-sponsor, represents a bipartisan, bicameral, win-win solution for communities like Kansas City which currently find it cost-prohibitive to comply with the requirements of the Energy Policy Act.

On September 29, 1998, the day after H.R. 4017 passed the House, I participated in a Forum on Transportation, sponsored jointly by the Kansas City Chamber of Commerce and the Mid America Regional Council. When I shared with the Forum participants the news of our success with H.R. 4017 in the House, they were very excited about the opportunities this legislation would present for the use of biodiesel products in metropolitan transportation fleets and for the growth of associated markets, such as agricultural waste products and soybean products.

S. 417 is a step in the right direction—for cleaner air, for less dependence on foreign petroleum, for opening up new markets for indigenous energy use, and for cost-effective compliance with EPAct standards. I urge my colleagues to support this measure. Thank you.

Mr. DINGELL. Mr. Speaker, I am pleased to support S. 417, which incorporates legislation previously reported by the House as well as several new provisions added by the Senate. The bill is companion legislation to H.R. 2472, which was signed into law by the President earlier this year and reauthorized other provisions of the Energy Policy and Conservation Act (EPCA).

The measure before us today reauthorizes several other EPCA programs pertaining to energy conservation for a period of five years. The bill makes needed technical changes to EPCA, the National Energy Conservation Policy Act, and the Energy Conservation and Production Act. In addition, the bill authorizes legislative and judicial branch entities to enter into Energy Savings Performance Contracts and extends a provision of the Defense Production Act of 1950 granting the President priority contracting authority for projects which maximize domestic energy supplies in times of emergency.

In addition to these important reauthorizations, S. 417 amends the Energy Policy Act of 1992 to help biodiesel blended fuel a more attractive option as a replacement fuel. This bipartisan amendment, coauthored by Representative SHIMKUS and Representative KAREN MCCARTHY, will reduce emissions of carbon dioxide and air pollutants.

The legislation also reauthorizes a program initiated under the Energy Policy Act of 1992 to promote energy resource development on Indian reservations, and amends that Act to facilitate the continued clean up of a contaminated thorium site in West Chicago, Illinois.

Finally, the legislation amends EPCA to provide the State of Hawaii special access to the Strategic Petroleum Reserve (SPR) during a declared oil supply emergency. Agreement to include this provision would not have been achieved without the tireless efforts of Mr. ABERCROMBIE, who brought this issue to our attention and helped forge a consensus.

Hawaii depends entirely on oil imports for electric generation, and this provision is critical to ensuring its citizens' well-being during an oil supply emergency. The legislation authorizes Hawaii to submit a special bid for SPR oil during a declared oil emergency, and to purchase the oil at the average price of other bids accepted by the Department of Energy.

Of course, other parties also are entitled to bid on SPR oil in an emergency, and the Secretary of Energy may limit the amount of oil made available to Hawaii under this measure. Finally, in keeping with other provisions in ERCA, the bill allows Hawaii to enter into an exchange agreement directing that SPR oil be delivered to locations other than Hawaii. The right to exchange SPR oil, however, is conditioned on the obligation to deliver oil of similar quantity to Hawaii. This will help ensure that the benefits reach the citizens of Hawaii, rather than speculators who might wish to resell SPR oil for great profit on the open market.

I commend my colleagues on both sides of the aisle for their cooperation in crafting and reaching agreement on this important legislation, and urge my colleagues to support the bill.

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

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

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentleman from Colorado (Mr. DAN SCHAEFER) that the House suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill, S. 417.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendments was concurred in.

A motion to reconsider was laid on the table.

STATE DEPARTMENT BASIC AUTHORITIES ACT AMENDMENT

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4660) to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—DEPARTMENT OF STATE REWARDS PROGRAM

SEC. 101. REVISION OF PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

"SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a program for the payment of rewards to carry out the purposes of this section.

"(2) PURPOSE.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

"(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

"(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

"(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

"(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

"(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

"(B) the killing or kidnapping of—

"(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(ii) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

"(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

"(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

"(c) COORDINATION.—

"(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

"(B) the publication of rewards;

"(C) the offering of joint rewards with foreign governments;

"(D) the receipt and analysis of data; and

"(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

"(2) PRIOR APPROVAL OF ATTORNEY GENERAL REQUIRED.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

''(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed $15,000,000.

''(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

''(4) PERIOD OF AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

''(e) LIMITATIONS AND CERTIFICATION.—

''(1) MAXIMUM AMOUNT.—No reward paid under this section may exceed $5,000,000.

''(2) APPROVAL.—A reward under this section of more than $100,000 may not be made without the approval of the Secretary.

''(3) CERTIFICATION FOR PAYMENT.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

''(4) NONDELEGATION OF AUTHORITY.—The authority to approve rewards of more than $100,000 set forth in paragraph (2) may not be delegated.

''(5) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

''(f) INELIGIBILITY.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

''(g) REPORTS.—

''(1) REPORTS ON PAYMENT OF REWARDS.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

''(2) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

''(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

''(i) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

''(j) DEFINITIONS.—As used in this section:

''(1) ACT OF INTERNATIONAL TERRORISM.—The term 'act of international terrorism' includes—

''(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or nonnuclear-weapon state (as defined in paragraph (5) of that section); and

''(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

''(3) MEMBER OF THE IMMEDIATE FAMILY.—The term 'member of the immediate family', with respect to an individual, includes—

''(A) a spouse, parent, brother, sister, or child of the individual;

''(B) a person with respect to whom the individual stands in loco parentis; and

''(C) any person not covered by subparagraph (A) or (B) who is living in the individual's household and is related to the individual by blood or marriage.

''(4) REWARDS PROGRAM.—The term 'rewards program' means the program established in subsection (a)(1).

''(5) UNITED STATES NARCOTICS LAWS.—The term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

''(6) UNITED STATES PERSON.—The term 'United States person' means—

''(A) a citizen or national of the United States; and

''(B) an alien lawfully present in the United States.''.

SEC. 102. REWARDS FOR INFORMATION CONCERNING INDIVIDUALS SOUGHT FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW RELATING TO THE FORMER YUGOSLAVIA.

(a) AUTHORITY.—In the sole discretion of the Secretary of State (except as provided in subsection (b)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

(1) the arrest or conviction in any country, or

(2) the transfer to, or conviction by, the International Criminal Tribunal for the Former Yugoslavia,

of any individual who is the subject of an indictment confirmed by a judge of such tribunal for serious violations of international humanitarian law as defined under the statute of such tribunal.

(b) PROCEDURES.—

(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, subject to paragraph (3), the offering, administration, and payment of rewards under this section, including procedures for—

(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

(B) the publication of rewards;

(C) the offering of joint rewards with foreign governments;

(D) the receipt and analysis of data; and

(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

(3) Rewards under this section shall be subject to any requirements or limitations that apply to rewards under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) with respect to the ineligibility of government employees for rewards, maximum reward amount, and procedures for the approval and certification of rewards for payment.

(c) REFERENCE.—For the purposes of subsection (a), the statute of the International Criminal Tribunal for the Former Yugoslavia means the Annex to the Report of the Secretary General of the United Nations pursuant to paragraph 2 of Security Council Resolution 827 (1993) (S/25704).

(d) DETERMINATION OF THE SECRETARY.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.

(e) PRIORITY.—Rewards under this section may be paid from funds authorized to carry out section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.). In the Administration and payment of rewards under the rewards program of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.), the Secretary of State shall ensure that priority is given for payments to individuals described in section 36 of that Act and that funds paid under this section are paid only after any and all due and payable demands are met under section 36 of that Act.

(f) REPORTS.—The Secretary shall inform the appropriate committees of rewards paid under this section in the same manner as required by section 36(g) of the State Department Basic Authorities Act of 1956 (22 U.S.C.).

TITLE II—EXTRADITION TREATIES INTERPRETATION ACT OF 1998

SEC. 201. SHORT TITLE.

This title may be cited as the ''Extradition Treaties Interpretation Act of 1998''.

SEC. 202. FINDINGS.

Congress finds that—

(1) each year, several hundred children are kidnapped by a parent in violation of law, court order, or legally binding agreement and brought to, or taken from, the United States;

(2) until the mid-1970's, parental abduction generally was not considered a criminal offense in the United States;

(3) since the mid-1970's, United States criminal law has evolved such that parental abduction is now a criminal offense in each of the 50 States and the District of Columbia;

(4) in enacting the International Parental Kidnapping Crime Act of 1993 (Public Law 103–173; 107 Stat. 1998; 18 U.S.C. 1204), Congress recognized the need to combat parental abduction by making the act of international parental kidnapping a Federal criminal offense;

(5) many of the extradition treaties to which the United States is a party specifically list the offenses that are extraditable and use the word ''kidnapping'', but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);

(6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the offense a felony, and therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and

(7) this circumstance has resulted in a disparity in United States extradition law which should be rectified to better protect the interests of children and their parents.

SEC. 203. INTERPRETATION OF EXTRADITION TREATIES.

For purposes of any extradition treaty to which the United States is a party, Congress authorizes the interpretation of the terms ''kidnaping'' and ''kidnapping'' to include parental kidnapping.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

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 this measure.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, this measure enjoys strong bipartisan support in the Congress and the executive branch. It raises the rewards that can be offered to arrest terrorists, narcotraffickers and Yugoslav war criminals. The House passed this measure by voice vote on October 8 and the Senate passed it yesterday.

When the other body considered this measure, it deleted the separate funding authorization for rewards related to the arrest of Yugoslav war criminals and added the text of S. 1266, the Extradition Treaties Interpretation Act. S. 1266 passed the Senate by voice vote last year and would permit divided American parents to levy extradition requests on their former spouses who have kidnapped their children. I will note that this language also has strong bipartisan support and the backing of the administration.

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

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 4660, as amended.

I would like to commend the gentleman from New York (Mr. GILMAN) for his leadership in bringing H.R. 4660 to the floor today. I understand that the Senate has amended the bill. The amendment will interpret the term ''kidnapping'' in any extradition treaty to which the U.S. is a party to include parental kidnapping.

The amendment will result in three important changes: First, it will cure a disparity between list and dual criminality extradition treaties. Parental kidnapping is an extraditable offense under dual criminality treaties but not list treaties. Second, it will enable the Departments of State and Justice to pursue extradition requests under list treaties for parental kidnapping. This change will grant law enforcement officials the necessary flexibility to process extradition requests. Currently we have two outstanding list treaty requests that cannot be processed because this legislation is not in place. Finally, it will harmonize the term ''parental kidnapping'' in list treaties with U.S. domestic law which makes parental kidnapping a crime. The bill has the support of the Department of Justice and State, and State and local prosecutors.

Mr. Speaker, I support this important bill and I urge its adoption.

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

Mr. GEJDENSON. Mr. Speaker, if I can yield to the chairman of the committee for a question, I think we are doing good work here. Some of us are concerned that the implementation language for the chemical treaty, the ban on chemical weapons, could end up dying because there are so many other issues that have been added to that particular bill. I am just wondering what the chairman's intention is. I can guarantee you near Democratic support if it is a clean bill on the chemical treaty. If it has a number of other items on it, I am afraid we may not see that bill pass in this session. I think that would just be wrong. It is late in the session. We have got agreement on the chemical portion. I would hope the chairman's plan is to bring a clean bill to the floor rather rapidly.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I would be pleased to relate the status. We have been negotiating with regard to the proponents of the omnibus bill to try to get as much of our reauthorization language in as well as the chemical weapons measure. We are awaiting a final decision with regard to that. It is still under negotiation.

Mr. GEJDENSON. I hope the chairman could at this point release the chemical treaty while he is negotiating in the omnibus. The advantage of that, of course, is that this is an important thing that I think the chairman should if he does not, I think he does support, we ought to get that done and you can continue to negotiate on the other matter.

Mr. GILMAN. If the gentleman will yield further, we certainly recognize the importance of the chemical weapons bill. I want to assure the gentleman we will try our best to try to make certain that we get the reauthorization language and the chemical weapons measure before the full House before we adjourn.

□ 1330

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

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

In concluding, Mr. Speaker, this bill says to terrorists they can run but they cannot hide. Terrorists everywhere will have to live with the paranoia that a price is on their head dead or alive, and it sends a very important message, too, toward criminals, Number 1; and 2, Karadzic and Milosevic that their days of freedom are numbered.

Mr. Speaker, I urge support for the measure.

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

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4660.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 3:00 p.m.

Accordingly (at 1 o'clock and 31 minutes p.m.), the House stood in recess until approximately 3:00 p.m.

□ 1508

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 3 o'clock and 8 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2370. An act to amend the Organic Act of Guam to clarify local executive and legislative provisions in such Act, and for other purposes.

H.R. 3055. An act to deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 2536. An act to protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1525) ''An Act to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers

who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.''.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES

Mr. ENGLISH of Pennsylvania. Mr. Speaker, pursuant to House Resolution 589, I hereby give notice that the following suspensions will be considered today:

Senate Concurrent Resolution 120, Eney, Chestnut, Gibson Memorial Building; and Senate Concurrent Resolution 83, remembering the contributions of George Washington to the Nation.

REGARDING STEEL IMPORTS

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 598) calling on the President to take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes.

The Clerk read as follows:

H. RES. 598

Whereas the current financial crises in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel consuming countries, along with a collapse in the domestic demand for steel in these countries;

Whereas the crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel producing countries—the People's Republic of China, Japan, South Korea, India, Taiwan, Indonesia, Thailand, and Malaysia—have increased by 79 percent in the first 5 months of 1998 compared to the same period in 1997;

Whereas year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and Ukraine now approach 2,500,000 net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets;

Whereas the United States, through the International Monetary Fund, generously participates in a bailout of the crisis countries on terms that do not deter and in fact encourage them to export their way out of the crisis; and

Whereas there is a well-recognized need for improvements in the enforcement of United States trade laws to provide an effective response to such situations: Now, therefore, be it

Resolved, That—

(1) in accordance with rule IX, clause 1, of the Rules of the House of Representatives, it is the sense of the House of Representatives that its integrity has been impugned by the failure of the executive branch to expeditiously enforce title VII of the Tariff Act of 1930 in response to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions; and

(2) the House of Representatives calls upon the President—

(A) to immediately review, for the 10-day period beginning on the date of the adoption of this resolution, the entry into the customs territory of the United States of all steel products that are the product or manufacture of Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, or Brazil;

(B) if, after the 10-day period described in subparagraph (A), the President finds that the Governments of Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, or Brazil are not abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States, to immediately impose a 1-year ban on the imports of all steel products that are the product or manufacture of Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, or Brazil;

(C) to establish a task force within the executive branch to closely monitor imports of steel products into the United States from other countries to determine whether or not international trade agreements are being violated; and

(D) not later than January 5, 1999, to report to Congress on any other actions the President has taken, or intends to take, to ensure that all trading partners of the United States abide by the spirit and letter of international trade agreements with respect to imports of steel products into the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Illinois (Mr. CRANE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I ask unanimous consent that I be allowed to yield 10 minutes to the gentleman from Ohio (Mr. TRAFICANT) and ask that he be allowed to further yield that time.

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

There was no objection.

GENERAL LEAVE

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution, House Resolution 598, now under consideration.

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

There was no objection.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I rise today in support of House Resolution 598. This resolution calls on the administration to act. That is exactly what this issue really boils down to. We in Congress can look at this issue all we want, but without the administration enforcing the laws that we pass, it will be for naught.

This resolution is in response to the crisis facing the U.S. steel industry. But it is not just steel. It is not just the 100,000 jobs that are directly related to the steel industry that may be affected by this growing crisis. It is also about the many other industries that may similarly face import challenges that will arise from the financial crises around the world. This issue is not about protectionism. On a level playing field, American steel producers can compete with anyone in the world. The real issue is whether we are prepared to regard with indifference the wholesale dumping of subsidized and devalued foreign steel products into our domestic market and whether our basic industries are allowed to compete in a marketplace with rules, or a Hobbesian state of nature.

I urge my colleagues to vote for this resolution as a means to send a powerful message to our trading partners that Congress will not tolerate predatory trading practices and a strong message to the Clinton administration that the time has come for concrete action to protect American jobs.

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

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume. I rise in opposition to H. Res. 598 which calls upon the President to impose an import ban on steel products from 11 steel producing countries. While I support using our trade laws to address the question of whether steel is being traded unfairly resulting in injury to the U.S. industry and its workers, I oppose H. Res. 598 because it would circumvent this established process in violation of our obligations in the World Trade Organization.

The normal procedure provided under law for U.S. industries to seek relief from dumped imports begins with the domestic industry filing an antidumping petition with the Commerce Department. The law in this area has been developed in compliance with U.S. obligations in the Antidumping Code under the WTO.

H. Res. 598 not only violates the procedures established under U.S. law for making dumping determinations, it calls for action, specifically an outright import ban, that is well beyond the remedy prescribed in this situation. The action proposed by H. Res. 598 would make us vulnerable to challenge in the WTO and possible retaliation by our trading partners against U.S. exports in their own markets, a completely counterproductive result. Moreover, noncompliance with our own antidumping procedures makes it more difficult for us to convince our trading partners not to erect arbitrary barriers

to U.S. exports that they consider undesirable. As Ben Franklin rightly pointed out, ''A good example is the best sermon.''

Recently I understand that the U.S. steel industry filed a number of anti-dumping petitions with the Commerce Department in compliance with U.S. law. I would encourage them to continue to pursue relief consistent with U.S. law. Passage of H. Res. 598, however, undermines U.S. interests and objectives in the WTO and puts at risk U.S. exports in other sectors.

I urge my colleagues to oppose H. Res. 598.

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

Mr. TRAFICANT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR) the distinguished minority whip.

Mr. BONIOR. I thank my colleague for yielding time. Mr. Speaker, all across the United States, from the mighty foundries of the Monongahela Valley to the mills in Gary, Indiana, the men and women who make the steel that makes America strong are in danger of losing their jobs. They are in danger of losing their jobs because foreign steel is being dumped into the United States, dumped below cost. It is the same old story. We have heard this before. While a lot of these countries set quotas to limit the import of U.S. steel, we have an open market. Of course the result is America has become a dumping ground.

Have we not seen this happen before? I have seen it happen in autos, I have seen it happen in agriculture products. In steel, Russia, Korea, Japan, Indonesia, these and other countries are flooding the United States with cheap steel.

□ 1515

Just over the past year imports from Russia rose 45 percent, from Korea they jumped 9 percent. Japan, they doubled. Imports from Indonesia tripled. Their economies are in such shambles and they are so desperate for dollars that they are willing to sell their steel for less than it cost them to produce.

Mr. Speaker, it is wrong, it is illegal, and we will not allow it to continue.

The United States should do what it can to help these countries return to prosperity; it is in our interests. But this does not mean, it does not mean sacrificing American jobs to do so, and we are talking about 100,000 plus jobs here.

There are steel workers in my State of Michigan right now that are doing well, but they see what is happening, and they see the oncoming typhoon and the oncoming storm out in the Pacific. They want to keep their jobs. Layoffs have begun.

Enough is enough. We have got to take strong action to guarantee a fair market and save our steel industry. Tens of thousands of jobs are at risk. We need action today, not a year from now, not a few months, but today.

Stop the illegal dumping and support the resolution of my colleague.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA), probably the most aggressive leader in this body on this issue and the chairman of the Congressional Steel Caucus.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding this time to me, and first I would like to commend the gentleman from Alabama (Mr. ADERHOLT) for all of his work with the Congressional Steel Caucus to protect steel jobs in the United States. I understand that he will support H. Res. 598 today, and certainly I will, and I urge all my colleagues to do so.

This resolution calls on the President to take all necessary measures. What are these? The tools are there.

One, the most significant and far-reaching powers under the International Economic Emergency Powers Act. Under this act, the President may block imports to deal with any unusual and extraordinary threat to the national security, foreign policy or the economy of the United States if he declares a national emergency, and this is a threat to our economy.

Two, under the anti-dumping laws the President may impose anti-dumping duties that equal the amount of dumping if injury to the United States industry is shown, and these duties may be imposed retroactively if the administration finds critical circumstances which they can do; and B, the President may accelerate the statutory deadlines for determining whether dumping exists so that duties may be imposed sooner.

Three, under the countervailing duty law the President may impose countervailing duties that equal the amount of any subsidy provided by the foreign government if injury to the U.S. industry is shown, and this injury is not only to the U.S. industries' star people, people that will not have a paycheck between now and Christmas, people that will be suffering because of layoffs due to the dumping.

Four, under section 201 the President may take action including imposing duties, a tariff rate quota or quantitative restrictions to respond to a surge of imports that is exactly what this bill calls for that is substantially causing serious injury to the United States industry.

Lastly, under section 301 the President must take unilateral action, action on his part alone if he determines that a country is taking action in violation of trade agreements.

The President has the tools. Mr. President, use them.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON).

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

Mr. HOUGHTON. Mr. Speaker, I have been sort of a hard hat all my life about countries and industries taking advantage of the United States. One of the hardest things for me to have seen in terms of our basic materials are consumer electronics, things like that, where as countries come in and put our businesses out of business and yet at the same time we cannot get back into their countries.

Now having said that, we must be careful in how we counterattack. The idea of banning steel I think is very, very risky. We have provisions in the trade law called 301 and super 301 as against dumping which we can enact. They are on the books; we can do something about it.

Furthermore, even with the depreciation of the currency where there is no dumping at all there are opportunities to use section 201 which allows endangered industries to appeal and get some sort of relief.

Those 2 provisions are on our books. We must use them, use those provisions. That is what the trade law was supposed to do.

Mr. TRAFICANT. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY), who along with the gentleman from Ohio (Mr. REGULA), the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. ENGLISH), is largely responsible for these measures.

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) for yielding this time to me, and I think thank you's are also in order for the leadership for finally bringing this important issue to a vote on a real steel resolution for the House of Representatives, and I do want to add my compliments as well to the gentleman from Ohio (Mr. REGULA) for his leadership on this issue.

The gentleman from Illinois in his remarks indicated that we might be vulnerable, if we pass this resolution today, to retaliation. I will sharply disagree. We have been attacked already. Imports are up from Japan in the first 7 months of this year 114 percent. We have been attacked by Indonesia whose exports to the United States of steel products are up over 300 percent. We have been attacked by South Korea whose steel exports to the United States are up 89 percent.

Now, as I mentioned earlier on the floor today, there is a letter being circulated by the so-called American Institute for International Steel. Because the steel companies on behalf of themselves and behalf of those workers whose jobs are threatened have finally filed trade cases to protect themselves in their very existence, the International Steel Institute has sent out a letter dated September 30 saying the earliest date for the withholding of liquidations would be December 9. Under the law, any imports that arrive during this period, i.e., September 30 to December 9, cannot be touched by any dumping duty that may be found.

Thank you, International Steel Institute. The translation is, dump now,

dump often, dump a lot but do it by December 9.

I am not worried about retaliation, Mr. Speaker. I am worried about the attack we are under.

The administration has not acted and that is why we are here today in this House under the bipartisan resolution of the gentleman from Ohio (Mr. TRAFICANT) to call upon the administration to act.

I would further disagree with the assertions of the gentleman from Illinois (Mr. CRANE). This does not demand a ban. It allows a ban, and I ask my colleagues to support the Traficant bipartisan resolution.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Pennsylvania (Mr. ENGLISH) has 6½ minutes remaining. The gentleman from Illinois (Mr. CRANE) has 16½ minutes remaining. The gentleman from Ohio (Mr. TRAFICANT) has 6 minutes remaining.

Mr. CRANE. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. DREIER), our distinguished colleague from the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the distinguished chairman of the Subcommittee on Trade for yielding.

Mr. Speaker, this resolution is very troubling. It demands that the President impose a 1-year ban on foreign steel imports which is completely counter to our anti-dumping laws and the rules-based trading system that we have in both the general agreement on tariffs and trades and the World Trade Organization.

Mr. Speaker, the bill is an outrageous Smoot-Hawley-style response to the economic difficulties brought about by the Asian financial crisis. Support for this caveman economic policy would show the world that the United States Congress is prepared to repeat the mistakes of the great depression.

There is no question that American steel producers are facing a stiff test from foreign steel that is priced at devalued currencies. However, steel is not the only American industry challenged by the economic downturn in Asia and Russia and which threatens to spread to Latin America. In California, millions of working families depend on producing computers, electronic components, industrial machinery, communications equipment, aircraft, semiconductors, textiles, apparel, autos, glassware, engineering and management services and a whole range of agriculture interests, and all are facing tough times because of the very, very sad problems that we are facing with the international economy.

Why are we taking one industry, steel, and offering it the most outrageous protectionist, special interest assistance while so many of those industries that I mentioned and so many workers go without help?

Of course, my colleagues Congressmen Smoot and Hawley might simply propose that we build the same steel wall of protectionism around all of those industries as well. The line forms right out on the Capitol steps just behind the steel guys.

The right response to the very real international economic challenges facing this country is to focus on broad, national solutions, rather than attempting to protect one single industry.

Mr. Speaker, this resolution is bad trade policy. It offers nothing more than a rapid descent into a collapse of the international trading regime and a repeat of the 1930s. It is an insult to the millions of hard working Americans feeling the pressure of the global economy who do not work in steel mills.

I urge opposition to this resolution.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

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

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it says in the resolution that the countries are not abiding by the letter of international trade agreements. In the gentleman's opinion, should we allow these countries to violate, that is an operative word, violate, international trade agreements?

Mr. DREIER. Reclaiming my time, no, I do not believe they should. Based on what I have seen, this resolution is a violation of, as I said, not only our anti-dumping laws but the rules-based trading system that has been put into place by the WTO and the general agreement on tariffs and trade.

Mr. REGULA. Do not we have a problem with these countries who are violating trade agreements and dumping into our markets? Should they not be enforced? Should they not be required to meet the law?

Mr. DREIER. I strongly support enforcement of those agreements and I believe it should be done by way of the WTO, which is an organization which an overwhelming majority of the United States Congress got us involved in.

My view is that this resolution is counter to the structure that has been put into place to address this, and if the gentleman looks at those industries, as I said, in my State of California and in other parts of the country, that are being devastated because of the crisis that exists in the Pacific Rim and now in Latin America, it seems to me that moving in one single area is a real mistake for us and could have a devastating impact.

Mr. REGULA. Mr. Speaker, if the gentleman will continue to yield, maybe we should broaden this to take in some of the other illegal and dumped imports into our markets.

Mr. DREIER. Reclaiming my time, I would say once again that there are a litany of industries and there may be some people who believe that we should take on every single industry, go ahead and pull up the drawbridge, and while 96 percent of the world's consumers are outside of our borders and we are trying our darnedest to take advantage of that, we clearly would get into a major international trade war. That is why I believe that this is very bad policy.

I would be happy to further yield to the gentleman, if he would like.

Mr. REGULA. I think the only thing, I think the gentleman would agree that if we are going to have trade agreements and they are going to mean anything, they should be respected by our trading partners and they should not be allowed to violate them?

Mr. DREIER. I totally agree in strong enforcement of those but I believe that this kind of action is, in fact, counterproductive.

Mr. REGULA. Mr. Speaker, I thank the gentleman.

Mr. TRAFICANT. Mr. Speaker, what is the breakdown of the time?

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. ENGLISH) has 6½ minutes remaining. The gentleman from Illinois (Mr. CRANE) has 11½ minutes remaining. The gentleman from Ohio (Mr. TRAFICANT) has 6 minutes remaining.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

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

Mr. WELLER. Mr. Speaker, I rise in support of this bipartisan effort to help save steel jobs in Illinois and throughout this country.

The question is simple. When we are losing jobs, steel jobs, good paying jobs in Illinois, why has there been no action by the Clinton administration? Why does the Clinton administration do nothing while Illinois steel workers lose jobs? We have 6,000 steel workers in Illinois and, frankly, this resolution is a call to arms. It is a call for action.

□ 1530

There are over 20 firms producing steel or steel product in the district I have the privilege of representing. It is an issue of jobs for the folks back home.

Here is what it means. Birmingham Steel shut down for a week, is now only working four days a week. Belson Steel has cut their payroll by 10 percent. Acme Steel in Chicago has filed bankruptcy. Northwestern Steel and Wire Company has said it may cut up to 450 jobs at Illinois mills.

It is time for action, Mr. Speaker. Japanese steel imports have almost doubled, Korean steel imports are up 89 percent, imports in general are up 45 percent. To quote Marc Pozan of Belson Scrap and Steel, ''it is not a flood, it is a deluge.'' We need to put a stop to it. It is time for action.

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

[From the Kankakee Daily Journal, Oct. 11, 1998]

STEEL IMPORTS HIT AREA HARD

(By Roy Bernard)

A tidal wave of foreign steel and scrap is swamping the U.S. market, and its impact is being felt by two Bourbonnais businesses.

Birmingham Steel was forced to close one week at the beginning of September, idling 285 workers, said plant manager John Ohm.

He added that since then, employees have returned to work in the mini-mill, but their schedules have been reduced to 32-hour work weeks. Birmingham Steel's workforce in Joliet also had a one-week stoppage, and now people there are working four days a week instead of five.

The company is trying to avoid permanent cutbacks.

''There is a flood of foreign steel into this country,'' Ohm said. ''We've had to cut back both operations, but we're not planning any layoffs.''

Meanwhile, at nearby Belson Scrap and Steel, the company is facing a double whammy. Cheaper foreign scrap is being shipped to the United States and Belson can't compete on price.

At the same time, the Belson Steel Center is losing business from companies that are buying cheaper foreign steel.

''Warehouses and manufacturers normally buy their steel from the domestic markets,'' said Marc Pozan, president of Belson Scrap & Steel.

The two-way attack has resulted in a 10 percent reduction in the number of Belson's employees, or about 15 workers, he said.

Foreign scrap and steel is ''affecting every part of our business,'' Pozan said.

''This glut of foreign steel is causing an oversupply of steel for the consuming industry,'' he added. ''They're cutting back production and using less scrap. There is an oversupply of scrap.''

Because of the dumping of foreign steel, the Belson Steel Center has had to lower its price for its product and that caused a decrease in the company's profits and forced the Belson's to reduce its overhead by laying off workers, said Pozan.

The steel is coming from Asia and lately Russia. Many of the Asian and Russian companies are desperate to keep their employees working, so they are selling the steel for even less than what it costs to produce, Pozan said.

He is calling for the federal government to step in and issue tariffs on foreign steel.

''I strongly urge that something needs to be done to deal with these foreign practices,'' Pozan said. ''Countries are giving these companies subsidies to sell steel cheaper in our market.

''We need to put tariffs on this foreign steel, to stop this flood of imported steel. It's not a flood, it's a tidal wave,'' Pozan added.

For people who make a little extra income collecting steel and aluminum cans, they will find the price soon will be dropping. Belson's is paying 32 cents a pound for aluminum. About three years ago, the price was 45 cents a pound.

Pozen said he began noticing signs of the foreign flood about three months ago. Most ports are seeing 50 percent increases in steel imports this year.

Ohm said Birmingham Steel saw the first signs of steel dumping in the South in May and June. Since then, the foreign steel has made its way up the Mississippi River and into the Chicago area.

Birmingham Steel in Bourbonnais Township continues to buy domestic scrap because it is too expensive to ship the scrap upriver to Chicago.

The company's plants in the South have been buying foreign scrap. While that might appear to make the Southern mills more efficient, Ohm noted that the Bourbonnais Township facility underwent extensive modernization, and that makes the cost of reinforcing bar production here to be competitive with the Southern plants.

''That modernization has certainly helped us,'' said Ohm.

One of the possible bright spots for Belson and Birmingham Steel is the announcement that the Chapel Steel Co. and the Alabama Metal Industries Corp. are moving to the former CBI building, which is near Belson's and Birmingham Steel. Both new companies are from Birmingham, Ala.

''This is great news for the area,'' said Pozan. ''Hopefully, they will buy some scrap and some steel. We hope the companies will be great trading partners.''

Ohm said Alabama Metal Industries operated a facility in Chicago and is moving to CBI. Alabama Metal ''has been a customer, so I don't see any benefit except that the company will be closer to us.''

Chapel Steel would be a new customer that could bring more business to Birmingham Steel, Ohm said.

Mr. TRAFICANT. Mr. Speaker, I yield one minute to the gentleman from Minnesota (Mr. OBERSTAR), our distinguished ranking member of the Committee on Transportation and Infrastructure and a fighter for years for the steel industry and for fairness.

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

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

Mr. Speaker, I am for free trade, fairly conducted. Steel? Why steel? Because it is the most versatile building material of an industrial society. It is vital to a nation's progress, both here and abroad.

Twenty years ago when steel was under assault, we were told then by the free-traders, the unlimited, no-holds-barred free-traders, you are old, outmoded and inefficient; you ought to modernize. That is why foreign steel is coming into this country.

Today, 350,000 jobs fewer, $50 billion more invested in the steel industry and an efficient industry that produces the best steel in the world, we are now told, oh, you are trying to draw a moat around the industry.

All we are trying to do is tell the Federal Government, enforce the laws that set forth the conditions for free and fair trade. The previous speaker said, why has the Clinton Administration done nothing?

Well, we asked the same question in 1981 of the Reagan Administration; because there are free-traders in both administrations that say no-holds-barred, play by the Marquis of Queensberry rules, while our adversaries are using black-belt karate.

It is time to stand up for steel.

Mr. Speaker, I yield two minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

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

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

Mr. Speaker, I am pleased to rise in strong support of the bipartisan resolution offered by the gentleman from Ohio (Mr. TRAFICANT). We have a growing concern that steel imports are flooding into our Nation without any effective response from the administration. Scores of our Nation's highly efficient steel producers are at risk, as are the jobs of thousands of steel workers across the country.

While I know that several of my colleagues on this side of the aisle have some concerns and reservations about the imposition of an immediate ban on steel imports into this country, surely our trade negotiators can now begin the long overdue effort to put voluntary constraints in place on below-market-priced steel from foreign nations that are dumping steel and steel products into our Nation.

This resolution asks for a report and monitoring by the administration on the extent to which our international trade agreements are being violated. I think it is long past due for the administration to demand, as this resolution does, that our trade partners abide by the spirit and letter of our trade agreements.

Despite the fact that American firms are now the lowest cost, most flexible producers among the industrialized nations, our overall merchandise trade deficit in 1997 reached $198 billion. At current rates this deficit is expected to reach some $282 billion by the end of the year. Our deficit with Japan is expected to reach $72 billion in this year alone.

Accordingly, Mr. Speaker, in the interests of protecting our steel industry, I urge adoption of this measure.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. NEY), a strong friend of steel.

Mr. NEY. Mr. Speaker, I want to commend the gentleman from Ohio (Mr. TRAFICANT) and the gentleman from Ohio (Mr. REGULA) for their hard work on an extremely important issue.

Somebody mentioned today about special interests. We are talking about special interests today: American men and women, working Americans. That is a good special interest. There is nothing wrong with working people and for this Congress to stand up for them.

It is time for the Congress to wake up. It is time for the White House to wake up. I talked to day to the mayor of Weirton, West Virginia. He is having a rally tonight in Weirton.

They have to rally and try to beg their government to do something to help them? The mayors in Europe did not have to beg European governments to help them. What is going on? What is wrong with our thinking?

The United States wheel workers of America, the gentleman from Ohio (Mr. TRAFICANT), the gentleman from Ohio (Mr. REGULA), many others, the companies, are in this fight for their survival; not for the holy dollar. For

the survival of workers, their communities, their families, their ability to pay for their schools, their ability to pay their taxes, their ability to keep their communities going and to survive. That is what this argument is about.

It is a very clear choice. Now is the time to stand up for a change for our workers. Now is the time to stand up for a change for our jobs. Now is the time to stand up for America. Vote yes.

Here is your vote. It is very clear cut. Are you going to vote for Weirton, West Virginia, New Philadelphia, Ohio, and Zanesville, Ohio, or Russia? Are you going to vote for Steubenville, Ohio, Toronto, Ohio, Youngstown, Ohio, Bellaire, Ohio, or Japan? That is the clear-cut choice.

A yes vote stands up for a change for working Americans. This is good for the country, this is good for our workers. I urge support of this measure.

Mr. TRAFICANT. I to yield 30 seconds to the gentleman from Pennsylvania (Mr. DOYLE), a great young member from the Pittsburgh area.

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

Mr. DOYLE. Mr. Speaker, I rise today to urge support of the Traficant resolution. The U.S. steel industry and its workers are suffering tremendously from reduced orders as a result of dumping by Asian and Russian producers, but the administration has not acted to stop this illegal practice.

The members of the European Union have been smart enough to protect their steel industry from dumping by erecting temporary barriers to steel imports during the financial crisis. Their steel industry will weather this storm.

American steel workers, the most efficient in the world, cannot continue to be besieged by foreign steel products, while waiting indefinitely for trade cases to be settled. Damage to the American steel industry is extensive, severe and rapidly growing. The House must act today.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is a privilege for me to yield one minute to the gentleman from Indiana (Mr. BUYER), a friend of steel.

Mr. BUYER. Mr. Speaker, I am here to also speak on behalf of steel workers across the country, and particularly those in Indiana, who are in the midst of an unprecedented flood of foreign steel.

The steel industry is an industry fueled on the backs of hard-working Americans. I toured the Bethlehem steel net and spoke with many of the steel workers. They are the best in the world, but they can compete only if it is fair competition.

A decade ago the steel makers were forced, again feeling the surge of imports being dumped on our markets at below cost, and we acted, but it was only a short-term fix.

I suppose what bothers me most is when I look across the country at many different industries, steel is an industry that is most vital to our Nation's security. It is a national security issue, and that is what has me most concerned.

I am a supporter of GATT, I am a supporter of NAFTA, and I voted against Fast Track. You say why would you vote against Fast Track? Because it bothers me that the administration has negotiated so many trade agreements out there, and then they do not even enforce the trade agreement and even violated some of those trade agreements.

This is a prime example where the administration should be leaning forward, not with bended-knee to these nays nations that violate these trade agreements. So this is a strong message. Let us do the right thing and let us back the American worker.

Mr. TRAFICANT. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois (Mr. EVANS), the distinguished ranking member on the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I rise on behalf of the hard working steel workers in my district and the 450 employees of Northwestern Steel and Wire who were informed last week that their jobs would be eliminated at the end of this year.

We have a responsibility to our steel industry and its employees to ensure a level playing field. This means aggressively enforcing our own trade laws and imposing a moratorium on steel imports from Asia, Russia and Brazil until our industry is back on its feet. This means demanding that the administration provide us with concrete evidence that they have responded to this steel crisis.

We can no longer stand idly by as more and more steel workers lose their jobs. I urge my colleagues to support the Traficant resolution.

Mr. TRAFICANT. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. KUCINICH), one of the youngest mayors ever elected in the big city of Cleveland, doing a fine job in Cleveland.

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

Mr. KUCINICH. Mr. Speaker, I rise on behalf of Cleveland steel workers. Steel imports have reached a crisis level. Thousands of steel workers are in danger of losing their jobs. We have to take strong action, which is what this resolution does.

Opponents are more concerned with the integrity of the World Trade Organization than with the integrity of American anti-dumping laws and the jobs of American steel workers. I say we should stand up for steel and American steel workers. Support H. Con. Resolution 598.

Mr. TRAFICANT. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL), a distinguished member of the Committee on Transportation and Infrastructure.

Mr. PASCRELL. Mr. Speaker, a one-year ban is a reasonable and just response to the countries that have defied international law and compromised the security of our own Nation.

As to the issue of the World Trade Organization, all I can say is that we do not represent the World Trade Organization. We represent the American people. They want action. They do not want consultation, they do not want negotiation, they do not want litigation. They want jobs. And that is what we are here to uphold, and that is what we should be standing for today. Everybody should be voting yes on this resolution.

Members of this body did not take an oath to uphold and protect GATT; we took an oath to uphold and protect the Constitution of the United States. Do it!

And the Constitution says that Congress shall have the power and authority to regulate commerce with foreign nations—not the WTO.

Finally, the President took an oath to uphold and enforce the laws of the United States—not the WTO. That's what we're asking the President to do: uphold the trade laws of the United States.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield one minute to the gentleman from California (Mr. HORN), a strong friend of steel.

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

Mr. Speaker, I happen to represent the two largest ports in the United States, the Port of Long Beach and the Port of Los Angeles. I want to see steel moving both ways through those great ports. They are among the top in the world. But, right now, 90 percent of the steel from those ports comes in from Asia. Only 10 percent goes out from the United States.

Now, if this were 1959 when we had the six month steel strike, that would be one thing. We were not competitive then. We are now competitive. We have quality steel, and we can match wits with anybody. But when you get into dumping, and we had a lot of that in the fifties, we have had it periodically, it means they are simply selling below market price, and that is what they are doing now in this recession that has cut its way across Asia.

We need to call them to the bar of justice. The fact is, the laws are on the books. The administration knows it. Now let us have the administration use the power and enforce the law. The only thing these countries understand is a tough trading mission, and if we are going to have fair trade, that is what we have to have.

□ 1545

Mr. TRAFICANT. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. ENGLISH) for the purpose of closing debate.

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from Pennsylvania (Mr. ENGLISH) will be recognized for the remainder of the time of

the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. Speaker, I again rise in strong opposition to House Resolution 598. I do this not because I dispute the seriousness of the issue at hand, but because I believe that the methods being used are significantly misguided, and will lead to a downward spiral of protectionism.

The proponents of this resolution argue that the Asian financial crisis has led countries to dump their products on the U.S. market at below fair market prices. In response, the proponents of House Resolution 598 call upon the President to impose a 1-year ban on imports of steel products from the countries listed in the resolution, many of whom are suffering from severe financial and economic difficulties.

I believe that this response would send a very bad signal to the governments of the targeted countries, at a time when the United States is encouraging them to adopt market-opening policies which will bring long-term stability to their economies. Moreover, terminating U.S. purchases of steel from these countries through an import ban would likely worsen the economic crisis faced by these countries and create more turmoil in the region.

I believe it is in our interest to maintain a more constructive approach to this problem by working with our friends and allies in this critical region of the world. On this basis, the gentleman from Texas (Chairman ARCHER) introduced a resolution, House Concurrent Resolution 350, which was brought to the House floor for a vote on October 12.

This resolution called upon the President to pursue vigorous enforcement of U.S. trade laws with respect to steel; to negotiate with Japan, Korea, and the European Union to eliminate barriers and open their markets to the glut of steel on the market; to closely monitor import levels; and to report to Congress by January 5 on the impact the significant increase in steel imports is having on employment, prices, and investment in the United States.

Passage of House Concurrent Resolution 350 would have sent a strong, clear, and united message to the President and to the world that Congress is deeply concerned about this issue. Unfortunately, many of the proponents of the resolution before us today chose to politicize this matter by voting against House Concurrent Resolution 350, and they defeated the resolution.

Mr. Speaker, I have no disagreement with the proponents of House Resolution 598 about the seriousness of the impact that the increase in steel imports is having on the U.S. industry and on its workers. However, I believe that their approach is not only the wrong solution, but that it may lead to more severe problems in Asia that could have far more serious repercussions for the world.

I urge my colleagues to oppose House Resolution 598.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my privilege to yield all my remaining time to the gentleman from Ohio (Mr. TRAFICANT), the prime sponsor of this legislation, to close debate.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. TRAFICANT) is recognized for 3½ minutes.

Mr. TRAFICANT. Mr. Speaker, I thank my neighbor, who has done an outstanding job in western Pennsylvania, which has been devastated for yielding.

I want to rise to thank the gentleman from Ohio (Mr. RALPH REGULA). If it were not for him working out the machinations of whatever instrument might pass, we would not be here; the gentleman from Ohio (Mr. BOB NEY) representing steelworkers; the gentleman from California (Mr. STEVE HORN) for looking at fairness; the gentleman from Indiana (Mr. PETE VISCLOSKY).

Let me just say, Mr. Speaker, in October of 1977 the first major steel mill in America closed, and it was in my district. Since then, thousands and thousands and thousands of workers not only have lost their jobs, their homes, their pensions, their health care, they lost everything. But do Members know what? They never lost hope, hope that the Congress of the United States would some day look at illegal trade.

This is not a debate about free trade. Many free traders understand the game, and who was more of a staunch free trader than Ronald Reagan? But in the early eighties, when Japan literally almost destroyed an American icon, Harley-Davidson, Ronald Reagan said, enough is enough. He imposed quotas. He imposed sanctions. He forced the Japanese to open up 20 percent of their semiconductor business market. Ronald Reagan did what he had to do that day. Many of us felt he could have even done more.

We know this president is not going to implement a ban, but we also know that this House is telling the President, by God, if you are going to worry about violating the WTO and GATT, what about their illegal trade? Is that not a violation of the WTO and GATT?

The President must act. The Congress today will tell the President, he has not acted. He must use whatever means necessary to stop illegal trade. That is a violation of law.

I want to say one last thing. I think Congress is coming together to look at a major phenomenon, Mr. Speaker. We are the marketplace. We cannot be a protectionist Nation, but we cannot allow our Nation's sovereignty and national security to be put at risk by illegal practices.

There is a mechanism for it. If this president has the anatomy to do what is necessary, they may take him to the WTO. By God, so be it. If we are going to have a WTO, let us have a ruling. We allow the President to take that stand.

I appreciate the support offered by the gentleman from New York (Mr. GILMAN) more than the gentleman knows. I think it shows that many free traders want fairness. We will not tolerate illegal trade. I am asking for an aye vote on behalf of American workers, American business. I am asking for an aye vote on behalf of farmers, on behalf of vegetable growers, on behalf of our high-tech industries.

I want to thank the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Ohio (Mr. REGULA) for the great job they have done.

Mr. STUPAK. Mr. Speaker, I rise today to urge the Republican leadership to take up H. Res. 598, a resolution demanding the Administration to stop the illegal dumping that is going on in our nation's steel markets.

While, the House Leadership delays and refuses to schedule a vote on this urgent issue, American jobs are being lost every day. In my district, jobs are being lost because American steel producers cannot compete with the illegally priced steel.

The resolution would call for an immediate review and investigation of this situation. It would call for a one year ban on steel from any country that refuses to enforce international trade law. It would establish a task force to ensure that this critical situation is closely monitored. Finally, the resolution asks for a report to Congress from the Administration for its plan for dealing with this crisis.

Mr. Speaker, while the Republicans play politics, Americans are losing their jobs. Stop playing politics and pass H. Res. 598.

Mr. COYNE. Mr. Speaker, I rise today in support of this important legislation, and in support of America's threatened steel workers.

Mr. Speaker, today foreign countries like Japan, Russia, and Brazil are dumping millions of tons of steel in this country below cost. Their economies are in trouble, and they are trying to export their way out of financial calamity.

I am concerned about America and American jobs. American steel workers should not bear the burden of solving the world's economic crisis.

My good friend, Mr. TRAFICANT, has introduced the legislation which is before us today, and I for one am going to vote in support of it. This resolution calls upon the President to impose a one-year ban on steel imports from Japan, Russia, and Brazil. In addition, it calls for the administration to closely monitor steel imports from other countries to determine whether they, too, are dumping steel in the United States.

America's steel workers and their families are depending on us today to do the right thing. They need our help in combating this unfair competition from overseas. I urge my colleagues today to join me in standing in solidarity with America's steel workers and pass this important resolution.

Mr. SOUDER. Mr. Speaker, I rise in support of H. Res. 598. This is an issue we have struggled with for a while now and I am pleased to see increasing support here in the House. The US steel industry, a highly competitive world-class producer, is being inundated by unfairly traded imports. In one year, from June 1997 to June 1998, steel imports from Japan grew by 113.7%, from Korea, 89.5%, and from Russian, 50.6%.

This is not because they are producing better steel, and they certainly aren't more efficient. Since restructuring in the mid-80's the US steel industry is the world leader in quality, efficiency and productivity. On an even playing field, US steel producers are second to none.

Dumping of steel is occurring because many countries in economic crisis have adopted policies of exporting their way out of their mess. They will do this at any cost, including selling prices that don't remotely cover their costs of production.

Foreign steel is being sold in the US at far below market value. Import prices, traditionally $20–$30 per ton less than domestic prices, are now $80–$100 per ton less than domestic prices—according to David Higbee, President of Sawhill Tubular Division of Armco, Inc.

The combination of massive tonnages of steel arriving at US ports and the aggressively low prices at which they are being sold has caused intense price distortion through our industry, even during a period of strong domestic demand for steel products. In the face of deterioriating prices, US producers have been forced to cut production, slash expenditures, and lay off employees.

This is not trade based on comparative advantage. It's time we require those foreign countries that we assist to stop unfairly propping up their dying steel industries at the expense of our American companies.

I believe the onus should be put on foreign companies and governments to prove that they are not dumping steel below cost. They simply need to be held accountable for selling one penny below their manufacturing cost. A slap on the wrist with a countervailing duty just isn't enough.

We are not talking about protecting American industry here. Rather, it's about achieving equity. A foreign company selling steel under market value is a question of competitiveness. A foreign company selling steel under cost is a question of fairness.

I would also like to submit for the RECORD the remarks of Keith Busse, CEO of Steel Dynamics International, during a hearing of the steel caucus last month.

It is time to send a message to those countries that knowingly dump with intent to cause severe injury to our steel industry. We can no longer in good faith continue to help those that continuously injure us.

STATEMENT OF KEITH BUSSE, PRESIDENT AND CEO, STEEL DYNAMICS, INC., MEMBER, BOARD OF DIRECTORS, STEEL MANUFACTURERS ASSOCIATION

Mr. Chairman, and Members of the Steel Caucus, I appreciate the opportunity to appear before you today along with other representatives of the US steel industry. I am Keith Busse, President & CEO of Steel Dynamics Inc. (SDI), in Butler, Indiana. SDI is a minimill producing carbon steels utilizing the electric arc furnace production process and thin slab casting to make hot rolled, cold rolled, and galvanized sheet steels. The company, which is one of the nations newest and most efficient steel producers, was established in 1994. We cast our first heat of steel in 1996 and became profitable in only 6 months. Since 1994, SDI has invested over $600 million in equipment, implementing the most advanced technology. This year, we completed the installation of an additional thin slab caster and a new state-of-the-art cold rolling mill. Later this year, SDI will commission a revolutionary new technology to manufacture virgin iron units for consumption in electric arc furnaces at a cost of $90 million. We also anticipate starting construction late this year of a $350 million structural mill, also in Indiana.

SDI is one of the most cost efficient steel producers in the world. We provide 560 high-paying manufacturing jobs at our new mill in Indiana, and hundreds more in related industries. Accordingly, we support free trade flows based on comparative advantage.

I am commenting today on behalf of my company and also for the Steel Manufacturers Association (SMA), the primary trade association of steel minimills, which account for almost half of the steel produced in the US today. The SMA consists of 61 member companies, geographically dispersed across North America, with representation in 88 Congressional districts and 34 states.

THE U.S. STEEL INDUSTRY

The steel industry has undergone a remarkable transformation, beginning in the mid-1980s and continuing today as evidenced by SDI's success. Steel's revival can be attributed in large part to the minimills—efficient, low-cost producers that have grown rapidly during a time when many other steel companies in the US contracted or shut down.

With few exceptions, the minimills have seldom relied solely on US antidumping and countervailing duty laws to challenge unfairly traded imports. Competition is so strong in our end of the business that we believe in exhausting all competitive means available to improve our efficiency, in order to meet importers' prices, rather than just reacting with trade law cases. In the past, we have been successful in meeting or beating our foreign competitors' prices. Events of the past few months, however, have reached crisis proportions, with even the most competitive US steel producers responding to import prices that reflect a desire of certain foreign producers to earn dollars at any price—at selling prices that don't remotely cover their costs of production. Even Nucor, the largest minimill and now the second largest steel company in the US, a company who has long supported a free trade stance, has recently written to members of the Administration complaining about the surge of unfairly traded imports at insane dumped prices. In response to the import surge, Nucor has recently announced two price reductions on hot rolled sheets, steels' most common product, a $50–$60 per ton (16–20%↓).

THE PROBLEM

The US steel industry, a highly competitive world-class producer, is being inundated by unfairly traded imports. In one year, from June 1997 to June 1998, steel imports from Japan grew by 113.7%, from Korea, 89.5%, and from Russia, 50.6%. Steel from Russia, Japan, Korea, and other trading partners is being sold in the US today at far below market value, and in some instances below variable cost of production, in the home countries.

The import surge can be specifically linked to the Asian and Russian economic crises. To some extent the crisis is driven by emerging nations whose currencies have been sharply devalued, a crisis that we have never before faced and that our trade laws are not prepared to handle. Collapsing non-market economies where cost accounting is an unknown art is also a major trade problem that can threaten this nation's basic industries. The other driver in this calamity relates to Japan's failed financial programs, which are now substantially affecting it as well as other nearby nations.

A diversion of steel trade into the US is occurring from Asian economies, which are no longer importing steel, and have also lost their own home markets. Other industrial countries have either closed or limited access to their own markets through negotiated bilateral agreements or understandings to limit their steel imports from Asia and Eastern Europe.

The countries in crisis have adopted policies of exporting their way out of their economic mess, at any cost, including selling at prices far below costs of production.

The result is wreaking havoc on the US steel industry—injuring almost every US steel producer, including some of the most competitive steel mills in the world.

The combination of massive tonnages of steel arriving at US ports of entry and the aggressively low prices at which they are being sold has caused intense price distortion across the US steel industry, even during a period of strong domestic demand for steel products. Deteriorating prices have forced US producers to cut back production, slash expenditures, and lay off their own employees in reaction to the flood of imports traded far below market value.

This is not trade based on comparative advantage. We are, in fact, confronted with an economic crisis in the US steel industry, stemming directly from the structural mismanagement by several other governments of their economies.

INADEQUACY OF US TRADE LAWS

In time of trouble, the steel industry has often looked to US antidumping and countervailing duty laws to remedy the problems caused by unfairly traded imports. Unfortunately, these remedies take time, and, if successful, often provide relief too late to forestall serious injury from occurring. Furthermore, US trade laws were not designed to address structural failures of economic management by governments, triggering massive currency devaluations or the disruptive incursions of non-market economies in the world steel market.

US trade laws require US steel producers to prove injury before a remedy, in the form of a duty or quota, can be applied. Trade law remedies are limited in scope and may not be able to address effectively the structural economic problems that are contributing to massive import surges.

SMA members do support the maintenance and strict enforcement of our nation's trade laws, as one component of US trade policy. Our trade laws are effective in responding to dumping and subsidization on a product-by-product basis involving a limited number of steel trading partners. Alone, they are insufficient to cope with the structural flood of imports we face today.

PROPOSED STEPS

Neither the US Government nor its steel industry can afford to wait for the trade law process to take its course. Accordingly, we propose the following specific actions, and urge the Congress to request the Administration to implement these measures:

INITIATE BILATERAL DISCUSSIONS WITH OFFENDING COUNTRIES

In Russia, steelmakers simply do not know their cost of production. Having visited and talked with many of these producers I can assure you that cost accounting, as we know it, is not an art which is practiced there. US steel industry analysts and US steel companies agree that Russian steel producers are selling at prices that don't remotely cover their costs. Other countries, including Japan, are also engaging in similar predatory behavior in the US market.

US acceptance of undervalued imports is an ineffective way to help these countries obtain hard currency or solve the World's economic crisis.

We respectfully request Members of the Congress to urge the Administration to

begin bilateral discussions with the exporting countries currently responsible for the disruptions in the US steel market, with a goal towards establishing voluntary export limitations, similar to those which the European Union has had in place with its East European trading partners.

EXERCISE LEVERAGE

Our trade negotiators should use every possible forum to alert our trading partners to the nature and depth of injury their policies are causing the US steel industry.

US trade negotiators should warn of potentially severe steel import limitations emanating from trade cases, and suggest that offending governments and their industries take immediate action to alleviate US market disruptions.

CONCURRENT RESOLUTION

Mr. Chairman, and the other Members of the Steel Caucus, we would like to express our appreciation for the concurrent resolution you intend to introduce ''calling on the President to take all necessary measures to respond to the surge of steel imports.'' We shall urge the Members of Congress in those states and districts in which our member companies have plants to support this resolution. In addition, we urge the Congressional Steel Caucus to press the Administration to initiate bilateral discussions with the countries that have caused this problem, in order to provide us with some potential for prompt relief.

Thank you for your continuing support and for the opportunity to address the Congressional Steel Caucus on this urgent matter.

Mr. ADERHOLT. Mr. Speaker, I would like to announce my support of House Resolution 598, introduced by Mr. TRAFICANT. I am pleased that today Members have an opportunity to vote on a tough, reasonable House Resolution addressing this issue.

The leadership has been negotiating almost around the clock with the Clinton administration on the budget, so I appreciate their attention to this also very important matter of aiding the U.S. steel industry.

With all the budget talks going on, why have we members of the Congressional Steel Caucus pressed so hard for a vote on steel in these last days of the session? It is because the U.S. steel industry is in a crisis. It is too late to make leisurely proposals as if we were addressing a problem of the future. The problem is NOW; orders to U.S. steel companies are at 50% of normal NOW; families are out of work NOW.

Some oppose a one-year ban on certain foreign steel products and say that such an action is too strong. Consider these two facts: (1) U.S. companies wishing to file a trade petition about dumping must first spend six months gathering data so that their case will be taken seriously; (2) there is approximately six months of foreign steel currently piled up in ports from Alabama to Maryland to Ohio.

Voting yes on this resolution is the very least we should do as Members of Congress to help a U.S. industry which is unfairly being sacrificed in the name of global stability. I have said before and say again—it is wrong to kill U.S. jobs for the purpose of keeping afloat foreign governments and economies.

The U.S. steel industry has streamlined and modernized. No one can compete against unfair, below production-cost prices. This resolution is similar to my bill H.R. 4762, and I commend Mr. TRAFICANT on his long-term leadership on this issue. Vote yes on this resolution to urge President Clinton to take immediate action. I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, let us be clear, the government of South Korea provided Hanbo Steel with a $6 billion subsidy to continue producing steel. Hanbo is producing the same steel that sits in our ports and results in American steel workers losing their jobs.

Its time we stand up for steel. If the South Koreans protect their workers at our expense, why do we stand back and allow them to continue this illegal act. It is an abomination. This has nothing to do with free trade and whether you support increased trade. This issue is about how we react when other nations take advantage of our strong economy and our market.

Its time to take a stand. I urge all members to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a cosponsor of H. Res. 598, I rise to speak in favor of the passage of this resolution, which expresses the sense of the House that provisions of the Trade and Tariff act of 1930 must be vigorously enforced.

We all know that several regions of the world are currently suffering from tremendous economic turmoil. Specifically, East Asia, Russia, and South America have all suffered catastrophic fiscal upheavals causing government and industry to take drastic action to save what little money they have.

One of the actions that countries such as Russia and Brazil have taken is to flood our markets with cheap imports. Those imports include steel, which has had a drastic effect on our industry here at home. Just this year, steel imports from Asia have increased 70%, and Russian importers are enjoying their highest-ever level of steel exports to the United States. The result is that the steel industry here at home has been forced to lower their prices in order to compete—20% in the last three months.

This resolution tries to remedy the situation by asking the government to vigorously enforce treaties that govern this type of trade, such as the Trade and Tariff Act of 1930. Although I am sympathetic to the plight of those countries, we must still vigorously enforce our laws to avoid desuetude and the entrenchment of a policy that does us substantial more harm than good.

H. Res. 598 also calls on the Administration to immediately review, for a period of ten days, the import of hot-rolled steel products into the United States from Japan, Russia, Brazil and numerous other countries that have been accused of dumping. This review would help us collect information that will affirm or deny whether or not these countries have been undercutting our industry.

To further enhance our understanding of the problem, the resolution also asks the Administration to establish a task force which would further investigate our importation practices, as they relate to steel, and verify whether or not our current trade agreements, treaties, and laws are being violated in any way. I applaud this effort, because it provides us with another resource for getting reliable information that is necessary for our assessment of the national economy.

Lastly, the resolution asks the Administration to provide us with a report, early next year, detailing what steps should be taken to ensure the enforcement of our laws and the protection of our steel industry. Hopefully, this report can be used to start a bipartisan and cooperative relationship with the Administration that can be used to make better foreign policy decisions for the benefit of all of our industries.

While we do live in a global economy, we are still a nation of laws—laws that must be respected and enforced by all who encounter them. I urge all of my colleagues to support this resolution and the American worker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on the pending motion, and then each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Resolution 598, the pending motion;

S. 1733, by the yeas and nays;

H.R. 700, concurring in the Senate amendment, de novo;

H.R. 4829, de novo;

S. 2272, de novo;

S. 2133, de novo; and

S. 1132, by the yeas and nays.

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

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON TODAY

Mr. ENGLISH of Pennsylvania (during consideration of H. Res. 598). Mr. Speaker, Pursuant to House Resolution 589, I hereby give notice of the following suspension to be considered today:

H.R. 2204, Coast Guard Authorization Act of 1997.

REGARDING STEEL IMPORTS

The SPEAKER pro tempore. The pending business is question is the question of suspending the rules and agreeing to the resolution, H. Res. 598.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and agree to the resolution, H. Res. 598.

The question was taken.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 345, nays 44, not voting 45, as follows:

[Roll No. 532]

YEAS—345

Abercrombie	Baker	Bartlett
Aderholt	Baldacci	Bass
Andrews	Barcia	Bateman
Bachus	Barrett (NE)	Becerra
Baesler	Barrett (WI)	Bentsen

Bereuter
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Calvert
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hunter
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—44

Archer
Armey
Ballenger
Barton
Bilbray
Bliley
Bono
Brady (TX)
Burr
Camp
Campbell
Coble
Crane
Davis (VA)
DeLay
Dreier
Dunn
Fawell
Fossella
Hayworth
Herger
Houghton
Hulshof
Knollenberg
Kolbe
Livingston
Manzullo
McCollum
Miller (FL)
Nethercutt
Northup
Packard
Paul
Ramstad
Rogan
Rohrabacher
Royce
Sanford
Sessions
Shadegg
Smith (MI)
Stump
Sununu
Thomas

NOT VOTING—45

Ackerman
Allen
Barr
Berman
Blunt
Callahan
Collins
Cooksey
Deal
Ehlers
Fowler
Frank (MA)
Frost
Furse
Graham
Green
Greenwood
Hastings (WA)
Hefner
Hutchinson
Hyde
Inglis
Johnson, E. B.
Kaptur
Kennelly
Lantos
Largent
Lipinski
McDade
McGovern
McIntosh
McIntyre
Meehan
Pelosi
Peterson (PA)
Poshard
Pryce (OH)
Scarborough
Taylor (NC)
Thompson
Torres
Waters
Weldon (FL)
Weldon (PA)
Wilson

□ 1615

Messrs. ARCHER, THOMAS, SMITH of Michigan, COBLE, FOSSELLA, and BRADY of Texas changed their vote from ''yea'' to ''nay.''

Mr. BARTLETT of Maryland changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 532, I was inadvertently detained. Had I been present, I would have voted ''yes.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1733.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 1733, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 1, not voting 47, as follows:

[Roll No. 533]

YEAS—386

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHale
McHugh
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica

Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—47

Ackerman
Allen
Barr
Berman
Blunt
Callahan
Collins
Cooksey
Deal
Ehlers
Fawell
Fowler
Frank (MA)
Frost
Furse
Graham
Green
Greenwood
Hastings (WA)
Hefner
Hutchinson
Hyde
Inglis
Johnson, E. B.
Kaptur
Kennelly
Lantos
Largent
Lewis (CA)
Lipinski
McDade
McGovern
McInnis
McIntosh
McIntyre
Meehan
Pelosi
Poshard
Pryce (OH)
Scarborough
Taylor (NC)
Thompson
Torres
Waters
Weldon (FL)
Weldon (PA)
Wilson

□ 1624

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVING RESTRICTION ON DISTRIBUTION OF REVENUES TO CERTAIN MEMBERS OF AGUA CALIENTE BAND OF CAHUILLA INDIANS

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and concurring in the Senate amendment to the bill, H.R. 700.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 700.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING LAND TRANSFER FOR CONSTRUCTION OF VISITOR CENTER FOR HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 4829.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4829.

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

A motion to reconsider was laid on the table.

GRANT-KOHRS RANCH NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT OF 1998

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 2272.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2272.

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

A motion to reconsider was laid on the table.

PRESERVATION OF CULTURAL RESOURCE OF THE ROUTE 66 CORRIDOR

The SPEAKER pro tempore. The pending business is the question de novo of suspending rules and passing the Senate bill, S. 2133.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2133.

The question was taken.

RECORDED VOTE

Mr. MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 190, not voting 43, as follows:

[Roll No. 534]

AYES—201

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Castle
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cook
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (IL)
Davis (VA)
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fox
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Schaefer, Dan
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—190

Abercrombie
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gephardt
Gonzalez
Goode
Gordon

Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jefferson
John
Johnson (WI)
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thurman
Tierney
Towns
Turner
Velazquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—43

Ackerman
Allen
Barr
Berman
Blunt
Callahan
Collins
Cooksey
Deal
Ehlers
Fowler
Frank (MA)
Frost
Furse
Graham
Green
Greenwood
Hastings (WA)
Hefner
Hutchinson
Hyde
Inglis
Johnson, E. B.
Kaptur
Kennelly
Lantos
Largent
Lipinski
McDade
McGovern
McIntosh
McIntyre
Meehan
Norwood
Pelosi
Poshard
Pryce (OH)
Scarborough
Thompson
Torres
Waters
Weldon (FL)
Weldon (PA)

□ 1636

Mr. CUNNINGHAM and Mr. BROWN of California changed their vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

BANDELIER NATIONAL MONUMENT ADMINISTRATIVE IMPROVEMENT AND WATERSHED PROTECTION ACT OF 1998

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question of suspending the rules and passing the Senate bill, S. 1132.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1132, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 194, nays 190, not voting 50, as follows:

[Roll No. 535]

YEAS—194

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Chenoweth
Christensen
Coburn
Combest
Cook
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Granger
Gutknecht
Hansen
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Miller (FL)
Moran (KS)
Morella
Nethercutt
Neumann
Ney
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Schaefer, Dan
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Gejdenson
Gephardt
Gonzalez
Goode
Goodlatte
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Jones
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Myrick
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thurman
Tierney
Towns
Turner
Velazquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—50

Ackerman
Allen
Barr
Berman
Blunt
Brown (FL)
Callahan
Collins
Cooksey
Deal
Edwards
Ehlers
Fawell
Fowler
Frank (MA)
Frost
Furse
Graham
Green
Greenwood
Hastings (WA)
Hefner
Hobson
Hutchinson
Hyde
Inglis
Johnson, E. B.
Kaptur
Kennelly
Lantos
Largent
Lipinski
McCollum
McGovern
McIntosh
McIntyre
Meehan
Mica
Northup
Norwood
Pelosi
Poshard
Pryce (OH)
Scarborough
Spratt
Thompson
Torres
Waters
Weldon (FL)
Weldon (PA)

□ 1643

Mr. Crane changed his vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 535, I was inadvertently detained. Had I been present, I would have voted ''yes.''

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 361, RHINOCEROS AND TIGER CONSERVATION ACT OF 1998

Mr. CRANE. Mr. Speaker, I rise to raise a question of the privileges of the House, and I offer a privileged resolution (H. Res. 601) returning to the Senate the bill S. 361, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 601

Resolved, That the bill of the Senate (S. 361) entitled the ''Rhinoceros and Tiger Conservation Act of 1998'', in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House

and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore (Mr. GUTKNECHT). In the opinion of the Chair, the resolution constitutes a question of the privileges of the House.

The gentleman from Illinois (Mr. CRANE) is recognized for 30 minutes.

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

Mr. Speaker, this resolution is necessary to return to the Senate the bill S. 361, because it contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. S. 361 would create a new basis for applying import restrictions and therefore violates this constitutional requirement.

S. 361 proposes amending the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, import and export of products intended for human consumption or application that contain, or are labeled as containing, any substance derived from rhinoceroses or tigers. The legislation passed by the other body would have the effect of creating a new basis and mechanism for applying import restrictions. The provision would have a direct effect on tariff revenues. The proposed change in our import laws is a ''revenue affecting'' infringement on the prerogatives of the House which constitutes a revenue measure in the constitutional sense. Therefore, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. For example, on April 16, 1996, the House returned to the Senate S. 1463, amending the definition of industry under the Safeguard Law with respect to investigations involving imports of perishable agricultural products. On February 25, 1992, the House returned to the Senate S. 884, requiring the President to impose sanctions, including import restrictions, against countries that fail to eliminate large-scale driftnet fishing.

I want to emphasize that this action does not constitute a rejection of the Senate bill on its merits. In fact, the House passed H.R. 2807 on April 28, 1998, which contains an import ban on the same products covered by the Senate bill. S. 361, however, was passed by the other body as a freestanding bill in contravention to the constitutional requirement that revenue measures originate in the House of Representatives. Since the passage of S. 361, the Senate amended the House-passed bill, H.R. 2807, on October 13, 1998, and on the following day the House agreed to the Senate amendments. By amending a House-passed bill which already contained a revenue provision, the Senate acted on this matter in compliance with the Constitution and the House has responded by concurring in the Senate language.

Accordingly, the proposed action today is purely procedural in nature and is necessary to preserve the prerogatives of the House to originate all revenue matters. It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.

Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR ACQUISITION OF LANDS FORMERLY OCCUPIED BY FRANKLIN D. ROOSEVELT FAMILY

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2241) to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2241

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

SECTION 1. GENERAL AUTHORITY.

The Secretary of the Interior (hereinafter referred to as the ''Secretary'') is authorized to acquire, by purchase with donated or appropriated funds, by donation, or otherwise, lands and interests in lands located in Hyde Park, New York, that were owned by Franklin D. Roosevelt or his family at the time of his death as depicted on the map entitled ''F.D. Roosevelt Property Entire Park'' dated July 26, 1962, and numbered FDR–NHS 3008. Such map shall be on file for inspection in the appropriate offices of the National Park Service.

SEC. 2. ADMINISTRATION.

Lands and interests therein acquired by the Secretary shall be added to, and administered by the Secretary as part of the Home of Franklin D. Roosevelt National Historic Site or the Eleanor Roosevelt National Historic Site, as appropriate.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DIRECTING CLERK OF THE HOUSE TO MAKE A TECHNICAL CORRECTION IN ENROLLMENT OF H.R. 3910, AUTHORIZING AUTOMOBILE NATIONAL HERITAGE AREA IN MICHIGAN

Mr. HANSEN. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 351) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3910, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 351

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 3910) to authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes, the Clerk of the House of Representatives shall strike section 406 and insert the following new section 406:

SEC. 406. TERMINATION OF CORRIDOR COMMISSION.

Section 9(a) of such Act (102 Stat. 4556) is amended by striking ''on the day occurring 5 years after the date of the enactment of this Act'' and inserting ''on November 18, 2003''.

SEC. . CORRECTIONS.

(a) EFFECTIVE DATE.—Subsections (b) and (c) shall take effect immediately after the later of—

(1) the enactment of the Hydrographic Services Improvement Act of 1998; or

(2) the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 is amended to read as follows:

''SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to the Administrator the following:

''(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 303 and 304, except for conducting hydrographic surveys, $33,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, and $35,000,000 for fiscal year 2001.

''(2) To conduct hydrographic surveys under section 303(a)(1), including the leasing of ships, $33,000,000 for fiscal year 1999, $35,000,000 for fiscal year 2000, and $37,000,000 for fiscal year 2001. Of these amounts, no more than $16,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

''(3) To carry out geodetic functions under the Act of 1947, $25,000,000 for fiscal year 1999, $30,000,000 for fiscal year 2000, and $30,000,000 for fiscal year 2001.

''(4) To carry out tide and current measurement functions under the Act of 1947, $22,500,000 for each of fiscal years 1999 through 2001. Of these amounts $4,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current and maintain the national tide network, and $7,000,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 303(b)(4).''.

(c) REPEAL OF REPORT REQUIREMENTS.—Section 305 of the Hydrographic Services Improvement Act of 1998 is amended by striking subsections (a) and (d).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DIRECTING CLERK OF THE HOUSE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 3461, APPROVING THE GOVERNING INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND POLAND

Mr. HANSEN. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 352) directing the Clerk of the House of Representatives to make technical corrections in the enrollment of a bill, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 352

Resolved by the House of Representatives (the Senate concurring) That, in the enrollment of the bill, H.R. 3461, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 305, strike subsections (a) and (d).

(2) Amend section 306 to read as follows:

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator the following:

(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 303 and 304, except for conducting hydrographic surveys, $33,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, and $35,000,000 for fiscal year 2001.

(2) To conduct hydrographic surveys under section 303(a)(1), including the leasing of ships, $33,000,000 for fiscal year 1999, $35,000,000 for fiscal year 2000, and $37,000,000 for fiscal year 2001. Of these amounts, no more than $16,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

(3) To carry out geodetic functions under the Act of 1947, $25,000,000 for fiscal year 1999, $30,000,000 for fiscal year 2000, and $30,000,000 for fiscal year 2001.

(4) To carry out tide and current measurement functions under the Act of 1947, $22,500,000 for each of fiscal years 1999 through 2001. Of these amounts $4,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current and maintain the national tide network, and $7,000,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 303(b)(4).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMEMBERING THE CONTRIBUTIONS OF GEORGE WASHINGTON TO THE NATION

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 83) remembering the life of George Washington and his contributions to the Nation, and I ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 83

Whereas December 14, 1999, will be the 200th anniversary of the death of George Washington, the father of our Nation and the protector of our liberties;

Whereas the standards established by George Washington's steadfast character and devotion to duty continue to inspire all men and women in the service of their country and in the conduct of their private lives;

Whereas the Mount Vernon Ladies' Association of the Union, which maintains the Mount Vernon estate and directs research and education programs relating to George Washington's contribution to our national life, has requested all Americans to participate in the observance of this anniversary;

Whereas bells should be caused to toll at places of worship and institutions of learning for the duration of 1 minute commencing at 12 o'clock noon, central standard time, throughout the Nation, on the 200th anniversary of the death of George Washington;

Whereas the flag of the United States should be lowered to half staff on the 200th anniversary of the death of George Washington; and

Whereas the example set by George Washington is of the utmost importance to the future of the Nation, and it is the responsibility of private and government institutions to prepare for the observation of the 200th anniversary of the death of George Washington: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) calls upon the Nation to remember the life of George Washington and his contributions to the Nation; and

(2) requests and authorizes the President of the United States—

(A) to issue a proclamation calling upon the people of the United States—

(i) to commemorate the death of George Washington with appropriate ceremonies and activities; and

(ii) to cause and encourage patriotic and civic associations, veterans and labor organizations, schools, universities, and communities of study and worship, together with citizens everywhere, to develop programs and research projects that concentrate upon the life and character of George Washington as it relates to the future of the Nation and to the development and welfare of the lives of free people everywhere; and

(B) to notify the governments of all Nations with which the United States enjoys relations that our Nation continues to cherish the memory of George Washington with affection and gratitude by furnishing a copy of this resolution to those governments.

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) is recognized for 1 hour.

Mr. GILMAN. Mr. Speaker, I yield half of my time to the gentleman from Maryland (Mr. CUMMINGS).

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. GILMAN) and the gentleman from Maryland (Mr. CUMMINGS) will each control 30 minutes.

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY).

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

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of this legislation remembering our first President and founding father George Washington.

This legislation will commemorate the 200th anniversary of George Washington's death on December 14, 1999.

George Washington was a peerless military leader in the Revolutionary War, able Chairman of the Constitutional Convention and brilliant first President.

George Washington is truly the father of this great country. Because of George Washington's actions in life, we are free and we are Americans.

''Our cause is noble,'' Washington said, ''It is the cause of mankind!''

Pursuit of liberty and justice under God is still the most inspiring, the most successful, most revolutionary idea the world has ever known.

Mr. Speaker, as Americans, let us rededicate ourselves to the ideals by which George Washington lived his life.

I believe another great Virginian, Thomas Jefferson, may have said it best when describing George Washington: His integrity was the most pure and his justice the most inflexible we have ever known.

He is in every sense of the word a wise and great person.

As the bicentennial of Washington's death approaches, I ask the House to join me in celebrating the life of our founding father George Washington.

Let us dedicate this year long commemoration to learning more about his fascinating life and career.

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

Mr. Speaker, the resolution before us is to honor George Washington. Next year will be the 200th year of his death. Many of the Nation's children will not and do not know that he is the first President of the United States.

In a document promoting the celebration of Washington's bicentennial, it states that, quote, 200 years after Washington's death, the importance of his leadership has not dwindled. But our knowledge of and respect for Washington has declined to an incredibly low level. In just four decades, Washington's coverage in history textbooks has been reduced so dramatically that some teachers complain that he has been relegated to ''footnote status.'' Educators admit that the teaching of history is woefully inadequate and that only 2 out of 10 students graduating from high school can be described as proficient in history. Today we have reached an agreement on a budget bill

that includes over $1 billion for 100,000 new teachers to reduce class size in the early grades. Statistics have shown that smaller class sizes contribute greatly toward a student's learning as a result of which their knowledge of math and science will be greatly enhanced and so will their knowledge of our Nation's great history and its leaders.

With that, Mr. Speaker, I urge all Members to support this very, very important resolution honoring President George Washington.

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

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 thank the gentleman from Maryland for his supporting remarks.

Mr. Speaker, S. Con. Res. 83 remembers the life of George Washington and his contributions to our Nation. This concurrent resolution is similar to H. Con. Res. 209 which I introduced along with Speaker GINGRICH earlier this year.

I want to thank the Speaker and the gentleman from Indiana (Mr. BURTON) who is the distinguished chairman of our Committee on Government Reform and Oversight for his assistance in moving this important resolution. In addition. I would like to thank the Senator from Virginia (Mr. WARNER) for his assistance in the Senate and the gentleman from Maryland (Mr. CUMMINGS) for his support.

As my colleagues may know, December 14, 1999, will be the 200th anniversary of the death of George Washington, the father of our Nation and the protector of our liberties. Throughout his life Washington projected selfless bravery and astute decision-making, all of which helped to formulate our great Nation into what it is today.

No American in the history of our Nation has been more revered and respected than George Washington. His home, Mount Vernon, is our country's oldest and most famous historic preservation property. Each year over 1 million visitors come to see, to learn and to be inspired by the near hallowed estate owned by this extraordinary man.

Finally, I want to thank the Mount Vernon Ladies Association for all of their tireless efforts, day in and day out, to preserve both the heritage of George Washington and his home in Mount Vernon.

The passage of this resolution will allow the Mount Vernon Ladies Association to engage individuals from all walks of life to mark the occasion of the 200th anniversary of George Washington's death in 1999.

Accordingly, I ask our colleagues to join the Speaker, the Mount Vernon Ladies Association and myself in supporting this concurrent resolution which will celebrate this outstanding public servant and human being.

S. Con. Res. 83 will remember the life of George Washington and his contributions to our Nation. This concurrent resolution is similar to H. Con. Res. 209, which I introduced, along with Speaker GINGRICH earlier this year.

I want to thank the Speaker, my colleague, the gentlemen from Indiana, the distinguished chairman of the Government Reform Committee, Mr. BURTON, for his assistance in moving this important resolution. In addition, I would like to thank the Senator from Virginia, Mr. WARNER for his assistance in the Senate.

As my colleagues may know, December 14, 1999, will be the 200th anniversary of the death of George Washington, the father of our Nation, and the protector of our liberties. Throughout his life, George Washington projected selfless bravery and astute decision-making all of which helped to formulate our great Nation into what it is today.

No American in the history of our Nation has been more revered and respected than George Washington. His home, Mount Vernon, is our country's oldest and most famous historic preservation property. Each year, over one million visitor come to see, to learn, and to be inspired by the near hallowed estate owned by this extraordinary man.

Finally, I want to thank the Mount Vernon Ladies Association for all of their tireless efforts, day in and day out, to preserve both the heritage of George Washington and his home in Mount Vernon.

The passage of this resolution will allow the Mount Vernon Ladies Association to engage individuals from all walks of life, to mark the occasion of the 200th anniversary of George Washington's death in 1999.

Accordingly, I ask my colleagues to join the Speaker, and the Mount Vernon Ladies Association and myself in supporting this concurrent resolution which will celebrate this outstanding public servant and human being.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in support of this resolution.

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

There was no objection.

Mr. DAVIS of Virginia. Mr. Speaker, as a Virginian and the former chairman of Fairfax County, where Mount Vernon is located, I am very pleased to be able to speak in support of S. Con. Res. 83, Remembering the life of George Washington and his contributions to the Nation. I am proud to rise in support of this resolution honoring the Father of our country as we near the historic bicentennial of his death.

The death of George Washington on December 14, 1799 was met with a period of national mourning that was unprecedented, even by modern standards. Many Americans believed that the very existence and security of our country would be jeopardized without his leadership and presence. However, in this day and age, many do not know how to respond to the question—who is George Washington?

The answer to this question may seem apparent, but many of our fellow Americans no longer seem to know the answer. While he may continue to be the most recognized national figure thanks to his image appearing on the dollar bill and due to his name being used by many towns, cities, counties and even a State, evidence suggests that too few Americans truly understand what he stood for or that our country owes its very existence to his leadership, dedication, hard work, and personal sacrifice.

Washington's service to the Nation goes far beyond his remarkable leadership during the Revolutionary War and his precedent-setting terms as our first president. Washington was also considered the ''first farmer'' of America, a conservationist, and environmentalist ahead of his time. He helped to found the Nation's capital, he supported education with both political influence and personal donations, and he sent a very important message to the world when he freed his slaves in his will. Washington was not just a great man—he was a good man, who always strived to do what was best for his Nation.

As we approach the new millennium, it is imperative that we as Americans not lose sight of the monumental contributions made by George Washington to our Nation. In a eulogy delivered several days after his death, Henry ''Light-Horse Harry'' Lee said that George Washington was ''A citizen, first in war, first in peace and first in the hearts of his countrymen.''

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

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

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred.

A motion to reconsider was laid on the table.

□ 1700

ENEY, CHESTNUT, GIBSON MEMORIAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 120) to redesignate the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., as the ''Eney, Chestnut, Gibson Memorial Building.''

The Clerk read as follows:

S. CON. RES. 120

Whereas the United States Capitol Police force has protected the Capitol and upheld the beacon of democracy in America;

Whereas 3 officers of the United States Capitol Police have lost their lives in the line of duty;

Whereas Sgt. Christopher Eney was killed on August 24, 1984, during a training exercise;

Whereas officer Jacob ''J.J.'' Chestnut was killed on July 24, 1998, while guarding his post at the Capitol; and

Whereas Detective John Gibson was killed on July 24, 1998, while protecting the lives of visitors, staff, and the Office of the Majority Whip of the House of Representatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., shall be known and designated as the ''Eney, Chestnut, Gibson Memorial Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

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

Senate Concurrent Resolution 120 redesignates the United States Capitol Police Headquarter Building located at 119 D Street, Northeast, Washington, D.C., as the Eney, Chestnut, Gibson Memorial Building in honor of the three Capitol Police officers who made an ultimate sacrifice by giving their lives in the line of service.

Officer Eney was killed in training exercises in August 1984. Officers Chestnut and Gibson were struck down in the line of fire defending the Members of this body, congressional staff and visitors just a few weeks ago on July 24.

This certainly is a most fitting tribute to these fallen heroes. I support the resolution and urge my colleagues to join me in support.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank my distinguished friend and colleague, the gentleman from Ohio (Mr. TRAFICANT), who does such an able job representing us on this committee and in the Congress, for yielding this time to me.

Mr. Speaker, I rise today in strong support of S.Con.Res. 120, a concurrent resolution to rename the Capitol Police Headquarters in the memory of Officers Christopher Eney, Jacob Chestnut and Detective John Gibson.

Mr. Speaker, the distinguished majority leader and I had the opportunity today to participate in the laying of a wreath at the memorial which commemorates those brave American police officers, our domestic defenders who have laid down their life for peaceful and safe communities.

Mr. Speaker, almost 15,000 Americans wearing a uniform or in the service of our law enforcement levels at the Federal, state and local have lost their lives. That is a big number. This year alone, Mr. Speaker, 64,000 officers will be assaulted on the streets and in the communities of America. An officer will be killed once every 54 hours in America. Twelve officers, in addition to Mr. Chestnut and Mr. Gibson, Detective Gibson and Officer Chestnut, were killed in July of 1998. These stark statistics were given at that memorial service in which the majority leader and I participated today.

I introduced a resolution similar to this in the House with Senator PAUL SARBANES on September 18, 1998, passed Senator SARBANES' resolution, nonpartisan-bipartisan, no pride of authorship, but a pride only in the service that these brave men have given. It passed the Senate on October 8.

I want to thank my colleague and friend, the gentleman from Texas (Mr. DELAY); the gentleman from Pennsylvania (Mr. SHUSTER); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and, as I said earlier, my good friend the gentleman from Ohio (Mr. TRAFICANT) as well as the gentleman from California (Mr. KIM) for bringing this bill to the floor in a timely fashion. Susan Brita of the Democratic staff I would also like to personally thank for her attention to this bill as well as the majority staff for their hard work in ensuring its consideration here today.

This resolution names; the building does not have a name right now, but this resolution names the United States Capitol Police Headquarters as the Eney, Chestnut, Gibson Memorial Building. It is right and proper that we do this. This name was selected not by any of us, but by the Capitol Police themselves and reflects the order in which each man lost his life. These men are fallen heroes of the Capitol Police Force.

Let me read now, if I can, Mrs. Eney's remarks that are included at the memorial. She said this:

It is not how those officers died that made them heroes, it is how they lived.

I hope Mrs. Eney is watching today along with Mrs. Chestnut and Mrs. Gibson. I had the opportunity to talk to Wendy today and to Lynn and see the pain of their loss and the anguish that they were experiencing. There is nothing that we can do perhaps to relieve that pain, but it is proper for us to recognize the sacrifice and service of those they loved.

These men are fallen heroes. Officer Christopher Eney lost his life during a training exercise in August 1984, training to be ready to defend this Capitol with his life, if need be. Just as Officer Chestnut and Detective Gibson had trained and were prepared and did, in fact, give their lives in the defense not just of the people in this body, not just of those who work in this building, not even just for those who visit this building, or a combination of all, but in a very real sense in defense of the democracy for which this building stands.

Officer Chestnut and Detective Gibson were struck down in the line of duty on July 24 of this year while defending innocent citizens, staff and Members from a maniacal and senseless shooting spree in our Nation's Capitol. Last week indeed, Mr. Speaker, a grand jury indicted the shooter, charged him with murder in the shooting deaths of Officer Chestnut and Detective Gibson. Hopefully that trial will proceed speedily and will reach a just and appropriate result.

Mr. Speaker, August 24, the day on which Christopher Eney died, and July 24, the day on which Detective Gibson and Officer Chestnut gave their lives, those two dates should forever remind us that the risk is always present for those we ask to defend a free society.

As a Capitol Hill family, we in Congress wish to join the Capitol Hill Police Force and the families of the deceased in honoring the memory of their colleagues and loved ones who died while performing their duties by renaming their headquarters after them.

It is appropriate for the Congress to pass this resolution. The men and women of law enforcement, like those we ask to join the Armed Services and defend freedom abroad, are responsible for us being able to meet in this body, in a society that honors peace and order. The least that we could do, as a body and as a people, is to honor our fallen officers by naming the headquarters where they served with dignity and pride and commitment and courage.

I urge my colleagues to support this resolution.

Mr. KIM. Mr. Speaker, I yield 5 minutes to the majority whip, the gentleman from Texas (Mr. DELAY).

Mr. DeLAY. Mr. Speaker, I rise certainly in support of this legislation and am very proud to support it. I want to thank my good friend, the gentleman from Maryland (Mr. HOYER) because I went to the same ceremony just to honor not only the Capitol heroes that have fallen but police officers that have fallen around the country, just to support them.

The gentleman from Maryland (Mr. HOYER) was very gracious in including me in the ceremony. It was a great honor for me to be a part of the ceremony and because of his graciousness and hospitality and thoughtfulness, I really appreciate what he did.

This is a resolution that I am very proud that is coming to the floor. It is obviously on a day like today, when we are honoring all the fallen law enforcement officers around the country, and those that are still living, to pass a resolution like this, particularly in light of the fact that Christopher Eney, who died in a training incident, is also being honored along with Officer Chestnut and Detective Gibson.

The Capitol Police have only lost three officers in its entire history. Christopher Eney was the first, and unfortunately on the same day we lost two more. The Capitol Police Officers want to name their headquarters for these three officers and I, like the gentleman from Maryland (Mr. HOYER), think that is more than appropriate and certainly honorable that their fellow officers want to do so.

Earlier this year, the body knows that my office was the scene of this tragic incident that shook the Nation and it was there that a gunman came into the United States Capitol and started shooting and he killed Officer Chestnut, wounded a tourist and then shot and fatally wounded Detective Gibson.

Before he died, Detective Gibson was able to shoot the gunman, saving the lives of many innocent bystanders, including members of my staff. For that, my staff and I will be eternally grateful.

We also are grateful to the families that sacrificed these officers. As most can expect, these families are having a very hard time but need to understand that the Nation is praying for them and their families; that they have a lot of support not only within the law enforcement community in Washington, D.C. and in the Metroplex area but in this House and around the country.

The memorial fund that was set up for J.J. and John has been more than successful, although I would like it to be even bigger, but we are very encouraged by the kind of support that we are seeing coming from all around the Nation.

Chestnut and Gibson and Eney are certainly American heroes, not only because they died in the line of duty but also because they exemplified the best of the American spirit when they were alive. All three were family men. All three were patriots. All three were dedicated to the proposition that America is the land of the free and the home of the brave.

John Gibson served on my security detail and became a very close friend to me. We discussed many things in our time together. We talked about our families. We talked about our country and we talked about God. I continue to miss the professional manner, the uncommon wisdom and the wry sense of humor that John brought to our office every day, and I will miss him for the rest of my life.

Both John Gibson and J.J. Chestnut died so that others might live. They gave their lives in the defense of the United States Capitol and they died as American heroes. Naming the U.S. Capitol Police headquarters after these three men, J.J. Chestnut, John Gibson and Christopher Eney, is an altogether, if insufficient, way to memorialize their contributions to the United States Congress and to this country, and I am honored to ask the Members to support this resolution.

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

Mr. Speaker, I want to pay tribute, before I pay tribute to these officers, to the gentleman from Texas (Mr. DELAY) and to the gentleman from Maryland (Mr. HOYER). They have worked so hard to pay tribute to such a needy, worthy situation in our Nation's history, in our Capitol history, that the gentleman from Maryland (Mr. HOYER) and the gentleman from Texas (Mr. DELAY) deserve the thanks of every Member, of every family and every police officer in America.

As an old sheriff, I want to thank the gentleman from Texas (Mr. DELAY) and I want to thank the gentleman from Maryland (Mr. HOYER).

□ 1715

Having said that, as sheriff, I lost a deputy who was shot at short range, Sonny Litch, a beautiful family, left two youngsters, and it is a sad, tragic day.

What we do here today is appropriate and fitting. I want to join with the gentleman from Maryland (Mr. HOYER) and the gentleman from Texas (Mr. DELAY) and the good Senator from the other side. I want to thank the gentleman from California (Mr. KIM), Rick and Susan, for helping with this, and I hope that this will last forever and their memory will last forever for the great service, the ultimate sacrifice, they give to their Nation. Every law enforcement officer deserves a pat on the back because every day they put their life on the line.

With that, I urge an aye vote.

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

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

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 120.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. Con. Res. 120.

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

There was no objection.

PROVIDING FOR CONCURRENCE BY THE HOUSE, WITH AN AMENDMENT, IN SENATE AMENDMENT TO H.R. 2204, COAST GUARD AUTHORIZATION ACT OF 1997

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 602) providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 2204.

The Clerk read as follows:

H. RES. 602

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes, and the Senate amendment thereto, and to have concurred in the Senate amendment with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coast Guard Authorization Act of 1998''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. LORAN-C.

TITLE II—COAST GUARD MANAGEMENT

Sec. 201. Severance pay.
Sec. 202. Authority to implement and fund certain awards programs.
Sec. 203. Use of appropriated funds for commercial vehicles at military funerals.
Sec. 204. Authority to reimburse Novato, California, Reuse Commission.
Sec. 205. Law enforcement authority for special agents of the Coast Guard Investigative Service.
Sec. 206. Report on excess Coast Guard property.
Sec. 207. Fees for navigation assistance service.
Sec. 208. Aids to navigation report.

TITLE III—MARINE SAFETY

Sec. 301. Extension of territorial sea for certain laws.
Sec. 302. Penalties for interfering with the safe operation of a vessel.
Sec. 303. Great Lakes Pilotage Advisory Committee.
Sec. 304. Alcohol testing.
Sec. 305. Protect marine casualty investigations from mandatory release.
Sec. 306. Safety management code report and policy.
Sec. 307. Oil and hazardous substance definition and report.
Sec. 308. National Marine Transportation System.
Sec. 309. Availability and use of EPIRBS for recreational vessels.
Sec. 310. Search and rescue helicopter coverage.
Sec. 311. Petroleum transportation.
Sec. 312. Seasonal Coast Guard helicopter air rescue capability.
Sec. 313. Ship reporting systems.

TITLE IV—MISCELLANEOUS

Sec. 401. Vessel identification system amendments.
Sec. 402. Conveyance of Coast Guard Reserve training facility, Jacksonville, Florida.
Sec. 403. Documentation of certain vessels.
Sec. 404. Conveyance of Nahant parcel, Essex County, Massachusetts.
Sec. 405. Unreasonable obstruction to navigation.
Sec. 406. Financial responsibility for oil spill response vessels.
Sec. 407. Conveyance of Coast Guard property to Jacksonville University in Jacksonville, Florida.
Sec. 408. Penalty for violation of International Safety Convention.
Sec. 409. Coast Guard City, USA.
Sec. 410. Conveyance of Communication Station Boston Marshfield Receiver Site, Massachusetts.
Sec. 411. Clarification of liability of persons engaging in oil spill prevention and response activities.
Sec. 412. Vessels not seagoing motor vessels.
Sec. 413. Land conveyance, Coast Guard Station Ocracoke, North Carolina.
Sec. 414. Conveyance of Coast Guard property in Sault Sainte Marie, Michigan.

Sec. 415. Interim authority for dry bulk cargo residue disposal.
Sec. 416. Conveyance of lighthouses.
Sec. 417. Conveyance of Coast Guard LORAN Station Nantucket.
Sec. 418. Conveyance of decommissioned Coast Guard vessels.
Sec. 419. Amendment to conveyance of vessel S/S RED OAK VICTORY.
Sec. 420. Transfer of Ocracoke Light Station to Secretary of the Interior.
Sec. 421. Vessel documentation clarification.
Sec. 422. Dredge clarification.
Sec. 423. Double hull alternative designs study.
Sec. 424. Vessel sharing agreements.
Sec. 425. Reports.
Sec. 426. Report on tonnage calculation methodology.
Sec. 427. Authority to convey National Defense Reserve Fleet Vessels.
Sec. 428. Authority to convey National Defense Reserve Fleet Vessel, JOHN HENRY.
Sec. 429. Applicability of authority to release restrictions and encumbrances.
Sec. 430. Barge APL–60.
Sec. 431. Vessel financing flexibility.
Sec. 432. Hydrographic functions.

TITLE V—ADMINISTRATIVE PROCESS FOR JONES ACT WAIVERS

Sec. 501. Findings.
Sec. 502. Administrative waiver of coastwise trade laws.
Sec. 503. Revocation.
Sec. 504. Definitions.
Sec. 505. Sunset.

TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Assessments.
Sec. 604. Northern Gulf of Mexico hypoxia.
Sec. 605. Authorization of appropriations.
Sec. 606. Protection of States' rights.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard, as follows:

(1) For the operation and maintenance of the Coast Guard—

(A) for fiscal year 1998, $2,715,400,000; and

(B) for fiscal year 1999, $2,854,700,000; of which $25,000,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 and of which not less than $408,000,000 shall be available for expenses related to drug interdiction.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto—

(A) for fiscal year 1998, $399,850,000, of which $2,000,000 shall be made available for concept evaluation for a replacement vessel for the Coast Guard icebreaker MACKINAW; and

(B) for fiscal year 1999, $510,300,000, of which $5,300,000 shall be made available to complete the conceptual design for a replacement vessel for the Coast Guard icebreaker MACKINAW;

to remain available until expended, of which $20,000,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 and of which not less than $62,000,000 shall be available for expenses related to drug interdiction.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—

(A) for fiscal year 1998, $19,000,000; and

(B) for fiscal year 1999, $18,300,000;

to remain available until expended, of which $3,500,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code—

(A) for fiscal year 1998, $653,196,000; and

(B) for fiscal year 1999, $691,493,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) for fiscal year 1998, $17,000,000; and

(B) for fiscal year 1999, $26,000,000,

to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $26,000,000 for each of fiscal years 1998 and 1999, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of—

(1) 37,944 as of September 30, 1998; and

(2) 38,038 as of September 30, 1999.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training—

(A) for fiscal year 1998, 1,424 student years; and

(B) for fiscal year 1999, 1,424 student years.

(2) For flight training—

(A) for fiscal year 1998, 98 student years; and

(B) for fiscal year 1999, 98 student years.

(3) For professional training in military and civilian institutions—

(A) for fiscal year 1998, 283 student years; and

(B) for fiscal year 1999, 283 student years.

(4) For officer acquisition—

(A) for fiscal year 1998, 814 student years; and

(B) for fiscal year 1999, 810 student years.

SEC. 103. LORAN-C.

(a) FISCAL YEAR 1999.—There are authorized to be appropriated to the Department of Transportation, in addition to the funds authorized for the Coast Guard for operation of the LORAN-C System, for capital expenses related to LORAN-C navigation infrastructure, $10,000,000 for fiscal year 1999. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) COST-SHARING PLAN.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for cost-sharing arrangements among Federal agencies for such capital and operating expenses related to LORAN-C navigation infrastructure, including such expenses of the Coast Guard and the Federal Aviation Administration.

TITLE II—COAST GUARD MANAGEMENT

SEC. 201. SEVERANCE PAY.

(a) WARRANT OFFICERS.—Section 286a(d) of title 14, United States Code, is amended by striking the last sentence.

(b) SEPARATED OFFICERS.—Section 286a of title 14, United States Code, is amended by striking the period at the end of subsection (b) and inserting '', unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay.''.

(c) EXCEPTION.—Section 327 of title 14, United States Code, is amended by striking the period at the end of paragraph (b)(3) and inserting '', unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay.''.

SEC. 202. AUTHORITY TO IMPLEMENT AND FUND CERTAIN AWARDS PROGRAMS.

Section 93 of title 14, United States Code, is amended—

(1) by striking ''and'' after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting ''; and''; and

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

''(w) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including State and local governments and commercial and nonprofit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution (including reasonable expenses of ceremony and presentation).''.

SEC. 203. USE OF APPROPRIATED FUNDS FOR COMMERCIAL VEHICLES AT MILITARY FUNERALS.

Section 93 of title 14, United States Code, as amended by section 202 of this Act, is further amended—

(1) by striking ''and'' after the semicolon at the end of paragraph (v);

(2) by striking the period at the end of paragraph (w) and inserting ''; and''; and

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

''(x) rent or lease, under such terms and conditions as are considered by the Secretary to be advisable, commercial vehicles to transport the next of kin of eligible retired Coast Guard military personnel to attend funeral services of the service member at a national cemetery.''.

SEC. 204. AUTHORITY TO REIMBURSE NOVATO, CALIFORNIA, REUSE COMMISSION.

The Commandant of the United States Coast Guard may use up to $25,000 to provide economic adjustment assistance for the City of Novato, California, for the cost of revising the Hamilton Reuse Planning Authority's reuse plan as a result of the Coast Guard's request for housing at Hamilton Air Force Base. If the Department of Defense provides such economic adjustment assistance to the City of Novato on behalf of the Coast Guard, then the Coast Guard may use the amount authorized for use in the preceding sentence to reimburse the Department of Defense for the amount of economic adjustment assistance provided to the City of Novato by the Department of Defense.

SEC. 205. LAW ENFORCEMENT AUTHORITY FOR SPECIAL AGENTS OF THE COAST GUARD INVESTIGATIVE SERVICE.

(a) AUTHORITY.—Section 95 of title 14, United States Code, is amended to read as follows:

"§ 95. Special agents of the Coast Guard Investigative Service law enforcement authority

''(a)(1) A special agent of the Coast Guard Investigative Service designated under subsection (b) has the following authority:

''(A) To carry firearms.

''(B) To execute and serve any warrant or other process issued under the authority of the United States.

''(C) To make arrests without warrant for—

''(i) any offense against the United States committed in the agent's presence; or

''(ii) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

''(2) The authorities provided in paragraph (1) shall be exercised only in the enforcement of statutes for which the Coast Guard has law enforcement authority, or in exigent circumstances.

''(b) The Commandant may designate to have the authority provided under subsection (a) any special agent of the Coast Guard Investigative Service whose duties include conducting, supervising, or coordinating investigation of criminal activity in programs and operations of the United States Coast Guard.

''(c) The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Commandant and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary of Transportation or the Attorney General.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 14, United States Code, is amended by striking the item related to section 95 and inserting the following:

''95. Special agents of the Coast Guard Investigative Service law enforcement authority.''.

SEC. 206. REPORT ON EXCESS COAST GUARD PROPERTY.

Not later than 9 months after the date of enactment of this Act, the Administrator of the General Services Administration and the Commandant of the Coast Guard shall submit to the Congress a report on the current procedures used to dispose of excess Coast Guard property and provide recommendations to improve such procedures. The recommendations shall take into consideration measures that would—

(1) improve the efficiency of such procedures;

(2) improve notification of excess property decisions to and enhance the participation in the property disposal decisionmaking process of the States, local communities, and appropriate non-profit organizations;

(3) facilitate the expeditious transfer of excess property for recreation, historic preservation, education, transportation, or other uses that benefit the general public; and

(4) ensure that the interests of Federal taxpayers are protected.

SEC. 207. FEES FOR NAVIGATION ASSISTANCE SERVICE.

Section 2110 of title 46, United States Code, is amended by adding at the end thereof the following:

''(k) The Secretary may not plan, implement or finalize any regulation that would promulgate any new maritime user fee which was not implemented and collected prior to January 1, 1998, including a fee or charge for any domestic icebreaking service or any other navigational assistance service. This subsection expires on September 30, 2001.''.

SEC. 208. AIDS TO NAVIGATION REPORT.

Not later than 18 months after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to Congress a report on the use of the Coast Guard's aids to navigation system. The report shall include an analysis of the respective use of the aids to navigation system by commercial interests, members of the general public for personal recreation, Federal and State government for public safety, defense, and other similar purposes. To the extent practicable within the time allowed, the report shall include information regarding degree of use of the various portions of the system.

TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR CERTAIN LAWS.

(a) PORTS AND WATERWAYS SAFETY ACT.—Section 102 of the Ports and Waterways Safety Act (33 U.S.C. 1222) is amended by adding at the end the following:

''(5) 'Navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.''.

(b) SUBTITLE II OF TITLE 46.—

(1) Section 2101 of title 46, United States Code, is amended—

(A) by redesignating paragraph (17a) as paragraph (17b); and

(B) by inserting after paragraph (17) the following:

''(17a) 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.''.

(2) Section 2301 of that title is amended by inserting ''(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)'' after ''of the United States''.

(3) Section 4102(e) of that title is amended by striking ''operating on the high seas'' and inserting ''owned in the United States and operating beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured''.

(4) Section 4301(a) of that title is amended by inserting ''(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)'' after ''of the United States''.

(5) Section 4502(a)(7) of that title is amended by striking ''on the high seas'' and inserting ''beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured, and which are owned in the United States''.

(6) Section 4506(b) of that title is amended by striking paragraph (2) and inserting the following:

''(2) is operating—

''(A) in internal waters of the United States; or

''(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.''.

(7) Section 8502(a)(3) of that title is amended by striking ''not on the high seas'' and inserting: ''not beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured''.

(8) Section 8503(a)(2) of that title is amended by striking paragraph (2) and inserting the following:

''(2) operating—

''(A) in internal waters of the United States; or

''(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.''.

SEC. 302. PENALTIES FOR INTERFERING WITH THE SAFE OPERATION OF A VESSEL.

(a) IN GENERAL.—Section 2302 of title 46, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 2302. Penalties for negligent operations and interfering with safe operation";

and

(2) in subsection (a) by striking ''that endangers'' and inserting ''or interfering with the safe operation of a vessel, so as to endanger''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 46, United States Code, is amended by striking the item relating to section 2302 and inserting the following:

''2302. Penalties for negligent operations and interfering with safe operation.''.

SEC. 303. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.

Section 9307 of title 46, United States Code, is amended to read as follows:

"§ 9307. Great Lakes Pilotage Advisory Committee

''(a) The Secretary shall establish a Great Lakes Pilotage Advisory Committee. The Committee—

''(1) may review proposed Great Lakes pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate;

''(2) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to Great Lakes pilotage;

''(3) may make available to the Congress recommendations that the Committee makes to the Secretary; and

''(4) shall meet at the call of—

''(A) the Secretary, who shall call such a meeting at least once during each calendar year; or

''(B) a majority of the Committee.

''(b)(1) The Committee shall consist of 7 members appointed by the Secretary in accordance with this subsection, each of whom has at least 5 years practical experience in maritime operations. The term of each member is for a period of not more than 5 years, specified by the Secretary. Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

''(2) The membership of the Committee shall include—

''(A) 3 members who are practicing Great Lakes pilots and who reflect a regional balance;

''(B) 1 member representing the interests of vessel operators that contract for Great Lakes pilotage services;

''(C) 1 member representing the interests of Great Lakes ports;

''(D) 1 member representing the interests of shippers whose cargoes are transported through Great Lakes ports; and

''(E) 1 member representing the interests of the general public, who is an independent expert on the Great Lakes maritime industry.

''(c)(1) The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

''(2) The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. The representatives shall, as appropriate, report to and advise the Committee on matters relating to Great Lakes pilotage. The Secretary's designated representative shall act as the executive secretary of the Committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

''(d)(1) The Secretary shall, whenever practicable, consult with the Committee before

taking any significant action relating to Great Lakes pilotage.

''(2) The Secretary shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

''(e)(1) A member of the Committee, when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

''(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS–18 of the General Schedule under section 5332 of title 5 including travel time; and

''(B) travel or transportation expenses under section 5703 of title 5.

''(2) A member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

''(f)(1) The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on September 30, 2003.

''(2) 2 years before the termination date set forth in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.''.

SEC. 304. ALCOHOL TESTING.

(a) ADMINSTRATIVE PROCEDURE.—Section 7702 of title 46, United States Code, is amended by striking the second sentence of subsection (c)(2) and inserting the following: ''The testing may include preemployment (with respect to dangerous drugs only), periodic, random, and reasonable cause testing, and shall include post-accident testing.''.

(b) INCREASE IN CIVIL PENALTY.—Section 2115 of title 46, United States Code, is amended by striking ''$1,000'' and inserting ''$5,000''.

(c) INCREASE IN NEGLIGENCE PENALTY.—Section 2302(c)(1) of title 46, United States Code, is amended by striking ''$1,000 for a first violation and not more than $5,000 for a subsequent violation; or'' and inserting ''$5,000; or''.

(d) POST SERIOUS MARINE CASUALTY TESTING.—

(1) Chapter 23 of title 46, United States Code, is amended by inserting after section 2303 the following:

''§2303a. Post serious marine casualty alcohol testing

''(a) The Secretary shall establish procedures to ensure that after a serious marine casualty occurs, alcohol testing of crew members or other persons responsible for the operation or other safety-sensitive functions of the vessel or vessels involved in such casualty is conducted no later than 2 hours after the casualty occurs, unless such testing cannot be completed within that time due to safety concerns directly related to the casualty.

''(b) The procedures in subsection (a) shall require that if alcohol testing cannot be completed within 2 hours of the occurrence of the casualty, such testing shall be conducted as soon thereafter as the safety concerns in subsection (a) have been adequately addressed to permit such testing, except that such testing may not be required more than 8 hours after the casualty occurs.''.

(2) The table of sections at the beginning of chapter 23 of title 46, United States Code, is amended by inserting after the item related to section 2303 the following:

''2303a. Post serious marine casualty alcohol testing''.

SEC. 305. PROTECT MARINE CASUALTY INVESTIGATIONS FROM MANDATORY RELEASE.

Section 6305(b) of title 46, United States Code, is amended by striking all after ''public'' and inserting a period and ''This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States.''.

SEC. 306. SAFETY MANAGEMENT CODE REPORT AND POLICY.

(a) REPORT ON IMPLEMENTATION AND ENFORCEMENT OF THE INTERNATIONAL SAFETY MANAGEMENT CODE.—

(1) The Secretary of Transportation (in this section referred to as the ''Secretary'') shall conduct a study—

(A) reporting on the status of implementation of the International Safety Management Code (hereinafter referred to in this section as 'Code');

(B) detailing enforcement actions involving the Code, including the role documents and reports produced pursuant to the Code play in such enforcement actions;

(C) evaluating the effects the Code has had on marine safety and environmental protection, and identifying actions to further promote marine safety and environmental protection through the Code;

(D) identifying actions to achieve full compliance with and effective implementation of the Code; and

(E) evaluating the effectiveness of internal reporting and auditing under the Code, and recommending actions to ensure the accuracy and candidness of such reporting and auditing.

These recommended actions may include proposed limits on the use in legal proceedings of documents produced pursuant to the Code.

(2) The Secretary shall provide opportunity for the public to participate in and comment on the study conducted under paragraph (1).

(3) Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the results of the study conducted under paragraph (1).

(b) POLICY.—

(1) Not later than 9 months after submission of the report in subsection (a)(3), the Secretary shall develop a policy to achieve full compliance with and effective implementation of the Code. The policy may include—

(A) enforcement penalty reductions and waivers, limits on the use in legal proceedings of documents produced pursuant to the Code, or other incentives to ensure accurate and candid reporting and auditing;

(B) any other measures to achieve full compliance with and effective implementation of the Code; and

(C) if appropriate, recommendations to Congress for any legislation necessary to implement one or more elements of the policy.

(2) The Secretary shall provide opportunity for the public to participate in the development of the policy in paragraph (1).

(3) Upon completion of the policy in paragraph (1), the Secretary shall publish the policy in the Federal Register and provide opportunity for public comment on the policy.

SEC. 307. OIL AND HAZARDOUS SUBSTANCE DEFINITION AND REPORT.

(a) DEFINITION OF OIL.—Section 1001(23) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(23)) is amended to read as follows:

''(23) 'oil' means oil of any kind or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include any substance which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and which is subject to the provisions of that Act;''.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Congress on the status of the joint evaluation by the Coast Guard and the Environmental Protection Agency of the substances to be classified as oils under the Federal Water Pollution Control Act and title I of the Oil Pollution Act of 1990, including opportunities provided for public comment on the evaluation.

SEC. 308. NATIONAL MARINE TRANSPORTATION SYSTEM.

(a) IN GENERAL.—The Secretary of Transportation, through the Coast Guard and the Maritime Administration, shall, in consultation with the National Ocean Service of the National Oceanic and Atmospheric Administration, the Corps of Engineers, and other interested Federal agencies and departments, establish a task force to assess the adequacy of the nation's marine transportation system (including ports, waterways, harbor approach channels, and their intermodal connections) to operate in a safe, efficient, secure, and environmentally sound manner.

(b) TASK FORCE.—

(1) The task force shall be chaired by the Secretary of Transportation or his designee and may be comprised of the representatives of interested Federal agencies and departments and such other nonfederal entities as the Secretary deems appropriate.

(2) The provisions of the Federal Advisory Committee Act shall not apply to the task force.

(c) ASSESSMENT.—

(1) In carrying out the assessment under this section, the task force shall examine critical issues and develop strategies, recommendations, and a plan for action. Pursuant to such examination and development, the task force shall—

(A) take into account the capability of the marine transportation system, the adequacy of depth of approach channels and harbors, and the cost to the Federal Government to accommodate projected increases in foreign and domestic traffic over the next 20 years;

(B) consult with senior public and private sector officials, including the users of that system, such as ports, commercial carriers, shippers, labor, recreational boaters, fishermen, and environmental organizations;

(C) sponsor public and private sector activities to further refine and implement (under existing authority) the strategies, recommendations, and plan for action;

(D) evaluate the capability to dispose of dredged materials that will be produced to accommodate projected increases referred to in subparagraph (A); and

(E) evaluate the future of the navigational aid system including the use of virtual aids to navigation on electronic charts.

(2) The Secretary shall report to Congress on the results of the assessment no later than July 1, 1999. The report shall reflect the views of both the public and private sectors. The Task Force shall cease to exist upon submission of the report in this paragraph.

SEC. 309. AVAILABILITY AND USE OF EPIRBS FOR RECREATIONAL VESSELS.

The Secretary of Transportation, through the Coast Guard and in consultation with the National Transportation Safety Board and recreational boating organizations, shall, within 24 months of the date of enactment of this Act, assess and report to Congress on the use of emergency position indicating beacons (EPIRBs) and similar devices by operators of recreational vessels on the Intracoastal Waterway and operators of recreational vessels beyond the Boundary Line. The assessment shall at a minimum—

(1) evaluate the current availability and use of EPIRBs and similar devices by the operators of recreational vessels and the actual

and potential contribution of such devices to recreational boating safety; and

(2) provide recommendations on policies and programs to encourage the availability and use of EPIRBS and similar devices by the operators of recreational vessels.

SEC. 310. SEARCH AND RESCUE HELICOPTER COVERAGE.

Not later than 9 months after the date of enactment of this Act, the Commandant shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) identifying waters out to 50 miles from the territorial sea of Maine and other States that cannot currently be served by a Coast Guard search and rescue helicopter within 2 hours of a report of distress or request for assistance from such waters;

(2) providing options for ensuring that all waters of the area referred to in paragraph (1) can be served by a Coast Guard search and rescue helicopter within 2 hours of a report of distress or request for assistance from such waters;

(3) providing an analysis assessing the overall capability of Coast Guard search and rescue assets to serve each area referred to in paragraph (1) within 2 hours of a report of distress or request for assistance from such waters; and

(4) identifying, among any other options the Commandant may provide as required by paragraph (2), locations in the State of Maine that may be suitable for the stationing of a Coast Guard search and rescue helicopter and crew, including any Coast Guard facility in Maine, the Bangor Air National Guard Base, and any other locations.

SEC. 311. PETROLEUM TRANSPORTATION.

(a) DEFINITIONS.—In this section:

(1) FIRST COAST GUARD DISTRICT.—The term ''First Coast Guard District'' means the First Coast Guard District described in section 3.05-1(b) of title 33, Code of Federal Regulations.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

(3) WATERS OF THE NORTHEAST.—The term ''waters of the Northeast''—

(A) means the waters subject to the jurisdiction of the First Coast Guard District; and

(B) includes the waters of Long Island Sound.

(b) REGULATIONS RELATING TO WATERS OF THE NORTHEAST.—

(1) TOWING VESSEL AND BARGE SAFETY FOR WATERS OF THE NORTHEAST.—

(A) IN GENERAL.—Not later than December 31, 1998, the Secretary shall promulgate regulations for towing vessel and barge safety for the waters of the Northeast.

(B) INCORPORATION OF RECOMMENDATIONS.—

(i) IN GENERAL.—Except as provided in clause (ii), the regulations promulgated under this paragraph shall give full consideration to each of the recommendations for regulations contained in the report entitled ''Regional Risk Assessment of Petroleum Transportation in the Waters of the Northeast United States'' issued by the Regional Risk Assessment Team for the First Coast Guard District on February 6, 1997, and the Secretary shall provide a detailed explanation if any recommendation is not adopted.

(ii) EXCLUDED RECOMMENDATIONS.—The regulations promulgated under this paragraph shall not incorporate any recommendation referred to in clause (i) that relates to anchoring or barge retrieval systems.

(2) ANCHORING AND BARGE RETRIEVAL SYSTEMS.—

(A) IN GENERAL.—Not later than November 30, 1998, the Secretary shall promulgate regulations under section 3719 of title 46, United States Code, for the waters of the Northeast, that shall give full consideration to each of the recommendations made in the report referred to in paragraph (1)(B)(i) relating to anchoring and barge retrieval systems, and the Secretary shall provide a detailed explanation if any recommendation is not adopted.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) prevents the Secretary from promulgating interim final regulations that apply throughout the United States relating to anchoring and barge retrieval systems that contain requirements that are as stringent as the requirements of the regulations promulgated under subparagraph (A).

SEC. 312. SEASONAL COAST GUARD HELICOPTER AIR RESCUE CAPABILITY.

The Secretary of Transportation is authorized to take appropriate actions to ensure the establishment and operation by the Coast Guard of a helicopter air rescue capability that—

(1) is located at Gabreski Airport, Westhampton, New York; and

(2) provides air rescue capability from that location from April 15 to October 15 each year.

SEC. 313. SHIP REPORTING SYSTEMS.

Section 11 of the Ports and Waterways Safety Act (Public Law 92-340; 33 U.S.C. 1230), is amended by adding at the end of the following:

''(d) SHIP REPORTING SYSTEMS.—The Secretary, in cooperation with the International Maritime Organization, is authorized to implement and enforce two mandatory ship reporting systems, consistent with international law, with respect to vessels subject to such reporting systems entering the following areas of the Atlantic Ocean: Cape Cod Bay, Massachusetts Bay, and Great South Channel (in the area generally bounded by a line starting from a point on Cape Ann, Massachusetts at 42 deg. 39' N., 70 deg. 37' W; then northeast to 42 deg. 45' N., 70 deg. 13' W; then southeast to 42 deg. 10' N., 68 deg. 31 W, then south to 41 deg. 00' N., 68 deg. 31' W; then west to 41 deg. 00' N., 69 deg. 17' W; then northeast to 42 deg. 05' N., 70 deg. 02' W, then west to 42 deg. 04' N., 70 deg. 10' W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42 deg. 39' N., 70 deg. 37' W) and in the coastal waters of the Southeastern United States within about 25 nm along a 90 nm stretch of the Atlantic seaboard (in an area generally extending from the shoreline east to longitude 80 deg. 51.6' W with the southern and northern boundary at latitudes 30 deg. 00' N., 31 deg. 27' N., respectively).''.

TITLE IV—MISCELLANEOUS

SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.

(a) IN GENERAL.—Chapter 121 of title 46, United States Code, is amended—

(1) by striking ''or is not titled in a State'' in section 12102(a);

(2) by adding at the end thereof the following:

''§12124. Surrender of title and number

''(a) A documented vessel shall not be titled by a State or required to display numbers under chapter 123, and any certificate of title issued by a State for a documented vessel shall be surrendered in accordance with regulations prescribed by the Secretary of Transportation.

''(b) The Secretary may approve the surrender under subsection (a) of a certificate of title for a vessel covered by a preferred mortgage under section 31322(d) of this title only if the mortgagee consents.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 121 of title 46, United States Code, is amended by adding at the end thereof the following:

''12124. Surrender of title and number''.

(c) OTHER AMENDMENTS.—Title 46, United States Code, is amended—

(1) by striking section 31322(b) and inserting the following:

''(b) Any indebtedness secured by a preferred mortgage that is filed or recorded under this chapter, or that is subject to a mortgage, security agreement, or instruments granting a security interest that is deemed to be a preferred mortgage under subsection (d) of this section, may have any rate of interest to which the parties agree.'';

(2) by striking ''mortgage or instrument'' each place it appears in section 31322(d)(1) and inserting ''mortgage, security agreement, or instrument'';

(3) by striking section 31322(d)(3) and inserting the following:

''(3) A preferred mortgage under this subsection continues to be a preferred mortgage even if the vessel is no longer titled in the State where the mortgage, security agreement, or instrument granting a security interest became a preferred mortgage under this subsection.'';

(4) by striking ''mortgages or instruments'' in subsection 31322(d)(2) and inserting ''mortgages, security agreements, or instruments'';

(5) by inserting ''a vessel titled in a State,'' in section 31325(b)(1) after ''a vessel to be documented under chapter 121 of this title,'';

(6) by inserting ''a vessel titled in a State,'' in section 31325(b)(3) after ''a vessel for which an application for documentation is filed under chapter 121 of this title,''; and

(7) by inserting ''a vessel titled in a State,'' in section 31325(c) after ''a vessel to be documented under chapter 121 of this title,''.

SEC. 402. CONVEYANCE OF COAST GUARD RESERVE TRAINING FACILITY, JACKSONVILLE, FLORIDA.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) the land and improvements thereto comprising the Coast Guard Reserve training facility in Jacksonville, Florida, is deemed to be surplus property; and

(2) the Commandant of the Coast Guard shall dispose of all right, title, and interest of the United States in and to that property, by sale, at fair market value.

(b) RIGHT OF FIRST REFUSAL.—Before a sale is made under subsection (a) to any other person, the Commandant of the Coast Guard shall give to the city of Jacksonville, Florida, the right of first refusal to purchase all or any part of the property required to be sold under that subsection.

SEC. 403. DOCUMENTATION OF CERTAIN VESSELS.

(a) GENERAL WAIVER.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for each of the following vessels:

(1) SEAGULL (United States official number 1038605).

(2) BAREFOOT CONTESA (United States official number 285410).

(3) PRECIOUS METAL (United States official number 596316).

(4) BLUE HAWAII (State of Florida registration number FL0466KC).

(5) SOUTHERN STAR (United States official number 650774).

(6) KEEWAYDIN (United States official number 662066).

(7) W.G. JACKSON (United States official number 1047199).

(8) The vessel known as hopper barge E–15 (North Carolina State official number 264959).

(9) MIGHTY JOHN III (formerly the NIAGARA QUEEN, Canadian registration number 318746).

(10) MAR Y PAZ (United States official number 668179).

(11) SAMAKEE (State of New York registration number NY 4108 FK).

(12) NAWNSENSE (United States official number 977593).

(13) ELMO (State of Florida registration number FL5337BG).

(14) MANA-WANUI (United States official number 286657).

(15) OLD JOE (formerly TEMPTRESS; United States official number 991150).

(16) M/V BAHAMA PRIDE (United States official number 588647).

(17) WINDWISP (United States official number 571621).

(18) SOUTHLAND (United States official number 639705).

(19) FJORDING (United States official number 594363).

(20) M/V SAND ISLAND (United States official number 542918).

(21) PACIFIC MONARCH (United States official number 557467).

(22) FLAME (United States official number 279363).

(23) DULARGE (United States official number 653762).

(24) DUSKEN IV (United States official number 952645).

(25) SUMMER BREEZE (United States official number 552808).

(26) ARCELLA (United States official number 1025983).

(27) BILLIE-B-II (United States official number 982069).

(28) VESTERHAVET (United States official number 979206).

(29) BETTY JANE (State of Virginia registration number VA 7271 P).

(30) VORTICE, Bari, Italy, registration number 256.

(31) The barge G. L. 8 (Canadian official number 814376).

(32) YESTERDAYS DREAM (United States official number 680266).

(33) ENFORCER (United States official number 502610).

(34) The vessel registered as State of Oregon registration number OR 766 YE.

(35) AMICI (United States official number 658055).

(36) ELIS (United States official number 628358).

(37) STURE (United States official number 617703).

(38) CAPT GRADY (United States official number 626257).

(39) Barge number 1 (United States official number 933248).

(40) Barge number 2 (United States official number 256944).

(41) Barge number 14 (United States official number 501212).

(42) Barge number 18 (United States official number 297114).

(43) Barge number 19 (United States official number 503740).

(44) Barge number 21 (United States official number 650581).

(45) Barge number 22 (United States official number 650582).

(46) Barge number 23 (United States official number 650583).

(47) Barge number 24 (United States official number 664023).

(48) Barge number 25 (United States official number 664024).

(49) Barge number 26 (United States official number 271926).

(50) FULL HOUSE (United States official number 1023827).

(51) EMBARCADERO (United States official number 669327).

(52) S.A., British Columbia (Canada official number 195214).

(53) FAR HORIZONS (United States official number 1044011).

(54) LITTLE TOOT (United States official number 938858).

(55) EAGLE FEATHERS (United States official number 1020989).

(56) ORCA (United States official number 665270).

(57) TAURUS (United States official number 955814).

(58) The barge KC–251 (United States official number CG019166; National Vessel Documentation Center number 1055559).

(59) VIKING (United States official number 224430).

(60) SARAH B (United States official number 928431).

(b) FALLS POINT.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FALLS POINT, State of Maine registration number ME 5435 E.

(c) COASTAL TRADER.—Section 1120(g) of the Coast Guard Authorization Act of 1996 (Public Law 104–324; 110 Stat. 3978) is amended by inserting ''COASTAL TRADER (United States official number 683227),'' after ''vessels''.

(d) NINA, PINTA, AND SANTA MARIA REPLICAS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade only for the purpose of carrying passengers for hire for each of the vessels listed in paragraph (2).

(2) VESSEL DESCRIPTIONS.—The vessels referred to in paragraph (1) are the following:

(A) NINA (United States Coast Guard vessel identification number CG034346).

(B) PINTA (United States Coast Guard vessel identification number CG034345).

(C) NAO SANTA MARIA (United States Coast Guard vessel identification number CG034344).

(e) DOCUMENTATION OF VESSEL COLUMBUS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), sections 12102 and 12106 of title 46, United States Code, and the endorsement limitation in section 5501(a)(2)(B) of Public Law 102–587, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel COLUMBUS (United States official number 590658).

(2) LIMITATION.—Coastwise trade referred to in paragraph (1) may not include the transportation of dredged material from a project in which the stated intent of the Corps of Engineers, in its Construction Solicitation, or of another contracting entity, is that the dredged material is—

(A) to be deposited above mean high tide for the purpose of beach nourishment;

(B) to be deposited into a fill area for the purpose of creation of land for an immediate use identified in the Construction Solicitation other than disposal of the dredged material; or

(C) for the intention of immediate sale or resale unrelated to disposal.

(f) FOILCAT.—

(1) IN GENERAL.—Notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Passenger Vessel Act (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FOILCAT (United States official number 1063892). The endorsement shall provide that the vessel shall operate under the certificate of documentation only within the State of Hawaii and that the vessel shall not operate on any route served by a passenger ferry as of the date the Secretary of Transportation issues a certificate of documentation under this Act.

(2) TERMINATION.—The endorsement issued under paragraph (1) shall be in effect for the vessel FOILCAT for the period—

(A) beginning on the date on which the vessel is placed in service to initiate a high-speed marine ferry demonstration project sponsored by the State of Hawaii; and

(B) ending on the last day of the 36th month beginning after the date on which it became effective under subparagraph (A).

SEC. 404. CONVEYANCE OF NAHANT PARCEL, ESSEX COUNTY, MASSACHUSETTS.

(a) IN GENERAL.—The Commandant of the Coast Guard, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the United States Coast Guard Recreation Facility Nahant, Massachusetts, to the Town of Nahant (the ''Town'') unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(b) IDENTIFICATION OF PROPERTY.—The Commandant may identify, describe, and determine the property to be conveyed under this section.

(c) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to such terms and conditions as the Commandant may consider appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(d) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(1) the property, or any part thereof, ceases to be owned and used by the Town;

(2) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (c); or

(3) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 405. UNREASONABLE OBSTRUCTION TO NAVIGATION.

Notwithstanding any other provision of law, the liftbridge over the back channel of the Schuylkill River in Philadelphia, Pennsylvania, is deemed to unreasonably obstruct navigation.

SEC. 406. FINANCIAL RESPONSIBILITY FOR OIL SPILL RESPONSE VESSELS.

Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended—

(1) in subsection (a)(1), by striking ''(except'' and all that follows through ''Act)'' and inserting a comma; and

(2) by adding at the end of subsection (c) the following:

''(4) CERTAIN TANK VESSELS.—Subsection (a)(1) shall not apply to—

''(A) a tank vessel on which the only oil carried as cargo is an animal fat or vegetable

oil, as those terms are used in section 2 of the Edible Oil Regulatory Reform Act; and

''(B) a tank vessel that is designated in its certificate of inspection as an oil spill response vessel (as that term is defined in section 2101 of title 46, United States Code) and that is used solely for removal.''.

SEC. 407. CONVEYANCE OF COAST GUARD PROPERTY TO JACKSONVILLE UNIVERSITY IN JACKSONVILLE, FLORIDA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey to Jacksonville University, located in Jacksonville, Florida, without consideration, all right, title, and interest of the United States in and to the property comprising the Long Branch Rear Range Light, Jacksonville, Florida.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—Any conveyance of any property under this section shall be made—

(1) subject to the terms and conditions the Commandant may consider appropriate; and

(2) subject to the condition that all right, title, and interest in and to property conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by Jacksonville University.

SEC. 408. PENALTY FOR VIOLATION OF INTERNATIONAL SAFETY CONVENTION.

(a) IN GENERAL.—Section 2302 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) A vessel may not transport Government-impelled cargoes if—

''(A) the vessel has been detained and determined to be substandard by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention and determination in an electronic form, including the name of the owner of the vessel; or

''(B) the operator of the vessel has on more than one occasion had a vessel detained and determined to be substandard by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention and determination in an electronic form, including the name of the owner of the vessel.

''(2) The prohibition in paragraph (1) expires for a vessel on the earlier of—

''(A) 1 year after the date of the publication in electronic form on which the prohibition is based; or

''(B) any date on which the owner or operator of the vessel prevails in an appeal of the violation of the relevant international convention on which the detention is based.

''(3) As used in this subsection, the term 'Government-impelled cargo' means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect January 1, 1999.

SEC. 409. COAST GUARD CITY, USA.

The Commandant of the Coast Guard may recognize the community of Grand Haven, Michigan, as ''Coast Guard City, USA''. If the Commandant desires to recognize any other community in the same manner or any other community requests such recognition from the Coast Guard, the Commandant shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives 90 days prior to approving such recognition.

SEC. 410. CONVEYANCE OF COMMUNICATION STATION BOSTON MARSHFIELD RECEIVER SITE, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Coast Guard Communication Station Boston Marshfield Receiver Site, Massachusetts, to the Town of Marshfield, Massachusetts (the ''Town'') unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(2) LIMITATION.—The Commandant shall not convey under this section the land on which is situated the communications tower and the microwave building facility of that station.

(3) IDENTIFICATION OF PROPERTY.—

(A) The Commandant may identify, describe and determine the property to be conveyed to the Town under this section.

(B) The Commandant shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Commandant. The cost of the survey shall be borne by the Town.

(b) TERMS AND CONDITIONS.—Any conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the following terms and conditions:

(A) The Commandant may reserve utility, access, and any other appropriate easements on the property conveyed for the purpose of operating, maintaining, and protecting the communications tower and the microwave building facility.

(B) The Town and its successors and assigns shall, at their own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner as necessary to ensure the operation, maintenance, and protection of the communications tower and the microwave building facility.

(C) Any other terms and conditions the Commandant considers appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(c) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(1) the property, or any part thereof, ceases to be owned and used by the Town;

(2) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (b); or

(3) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 411. CLARIFICATION OF LIABILITY OF PERSONS ENGAGING IN OIL SPILL PREVENTION AND RESPONSE ACTIVITIES.

(a) CLARIFICATION OF LIABILITY FOR PREVENTING SUBSTANTIAL THREAT OF DISCHARGE.—Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (a)(8) by striking ''to minimize or mitigate damage'' and inserting ''to prevent, minimize, or mitigate damage'';

(2) by striking ''and'' after the semicolon at the end of subsection (a)(23), by striking the period at the end of subsection (a)(24) and inserting ''; and'', and by adding at the end of subsection (a) the following:

''(25) 'removal costs' means—

''(A) the costs of removal of oil or a hazardous substance that are incurred after it is discharged; and

''(B) in any case in which there is a substantial threat of a discharge of oil or a hazardous substance, the costs to prevent, minimize, or mitigate that threat.''; and

(3) in subsection (c)(4)(A), by striking the period at the end and inserting the following: ''relating to a discharge or a substantial threat of a discharge of oil or a hazardous substance.''.

(b) OIL SPILL MECHANICAL REMOVAL.—Section 311(a)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(2)) is amended—

(1) by striking ''and (C)'' and inserting '', (C)''; and

(2) by inserting before the semicolon at the end the following: '', and (D) discharges incidental to mechanical removal authorized by the President under subsection (c) of this section''.

SEC. 412. VESSELS NOT SEAGOING MOTOR VESSELS.

(a) VESSEL TURMOIL.—

(1) IN GENERAL.—The vessel described in paragraph (2) is deemed for all purposes, including title 46, United States Code, and all regulations thereunder, to be a recreational vessel of less than 300 gross tons, if—

(A) it does not carry cargo or passengers for hire; and

(B) it does not engage in commercial fisheries or oceanographic research.

(2) VESSEL DESCRIBED.—The vessel referred to in paragraph (1) is the vessel TURMOIL (British official number 726767).

(b) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary may establish a pilot program to exempt a vessel of at least 300 gross tons as measured under chapter 143 or chapter 145 of title 46, United States Code, from the requirement to be inspected under section 3301(7) of title 46, United States Code, as a seagoing motor vessel, if—

(A) the vessel does not carry any cargo or passengers for hire;

(B) the vessel does not engage in commercial service, commercial fisheries, or oceanographic research; and

(C) the vessel does not engage in towing.

(2) EXPIRATION OF AUTHORITY.—The authority to grant the exemptions under this subsection expires 2 years after the date of enactment of this Act. Any specific exemptions granted under this subsection shall nonetheless remain in effect.

SEC. 413. LAND CONVEYANCE, COAST GUARD STATION OCRACOKE, NORTH CAROLINA.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey, without consideration, to the State of North Carolina (in this section referred to as the ''State''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, in Ocracoke, North Carolina, consisting of such portion of the Coast Guard Station Ocracoke, North Carolina, as the Secretary considers appropriate for purposes of the conveyance.

(b) CONDITIONS.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) That the State accept the property to be conveyed under that subsection subject to such easements or rights of way in favor of the United States as the Secretary considers to be appropriate for—

(A) utilities;

(B) access to and from the property;

(C) the use of the boat launching ramp on the property; and

(D) the use of pier space on the property by search and rescue assets.

(2) That the State maintain the property in a manner so as to preserve the usefulness of the easements or rights of way referred to in paragraph (1).

(3) That the State utilize the property for transportation, education, environmental, or other public purposes.

(c) REVERSION.—(1) If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Upon reversion under paragraph (1), the property shall be under the administrative jurisdiction of the Administrator of General Services.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a), and any easements or rights of way granted under subsection (b)(1), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a), and any easements or rights of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 414. CONVEYANCE OF COAST GUARD PROPERTY IN SAULT SAINTE MARIE, MICHIGAN.

(a) REQUIREMENT TO CONVEY.—The Secretary of Transportation (in this section referred to as the ''Secretary'') shall promptly convey, without consideration, to American Legion Post No. 3 in Sault Sainte Marie, Michigan, all right, title, and interest of the United States in and to the parcel of real property described in section 202 of the Water Resources Development Act of 1990 (Public Law 101–640), as amended by section 323 of the Water Resources Development Act of 1992 (Public Law 102–580), comprising approximately 0.565 acres, together with any improvements thereon.

(b) CONDITION.—The conveyance under subsection (a) shall be subject to the condition that the property be used as a clubhouse for the American Legion Post No. 3.

(c) REVERSION.—(1) If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Upon reversion under paragraph (1), the property shall be under the administrative jurisdiction of the Administrator of General Services.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the American Legion Post No. 3.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 415. INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.

(a) IN GENERAL.—

(1) Subject to subsection (b), the Secretary of Transportation shall continue to implement and enforce the United States Coast Guard 1997 Enforcement Policy for Cargo Residues on the Great Lakes and revisions thereto that are made in accordance with that Policy (hereinafter in this section referred to as the ''Policy'') for the purpose of regulating incidental discharges from vessels of residues of dry bulk cargo into the waters of the Great Lakes under the jurisdiction of the United States.

(2) Any discharge under this section shall comply with all terms and conditions of the Policy.

(b) EXPIRATION OF INTERIM AUTHORITY.—The Policy shall cease to have effect on the date which is the earliest of—

(1) the effective date of regulations promulgated pursuant to legislation enacted subsequent to the enactment of this Act providing for the regulation of incidental discharges from vessels of dry bulk cargo residue into the waters of the Great Lakes under the jurisdiction of the United States is enacted; or

(2) September 30, 2002.

SEC. 416. CONVEYANCE OF LIGHTHOUSES.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the Coast Guard, or the Administrator of the General Services Administration, as appropriate, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to each of the following properties:

(A) Light Station Sand Point, located in Escanaba, Michigan, to the Delta County Historical Society.

(B) Light Station Dunkirk, located in Dunkirk, New York, to the Dunkirk Historical Lighthouse and Veterans' Park Museum.

(C) The Mukilteo Light Station, located in Mukilteo, Washington, to the City of Mukilteo.

(D) Eagle Harbor Light Station, located in Michigan, to the Keweenaw County Historical Society.

(E) Cape Decision Light Station, located in Alaska, to the Cape Decision Lighthouse Society.

(F) Cape St. Elias Light Station, located in Alaska, to the Cape St. Elias Light Keepers Association.

(G) Five Finger Light Station, located in Alaska, to the Juneau Lighthouse Association.

(H) Point Retreat Light Station, located in Alaska, to the Alaska Lighthouse Association.

(I) Hudson-Athens Lighthouse, located in New York, to the Hudson-Athens Lighthouse Preservation Society.

(J) Georgetown Light, located in Georgetown County, South Carolina, to the South Carolina Department of Natural Resources.

(K) Coast Guard Light Station Two Harbors, located in Lake County, Minnesota, to the Lake County Historical Society.

(2) IDENTIFICATION OF PROPERTY.—The Commandant or Administrator, as appropriate, may identify, describe, and determine the property to be conveyed under this subsection.

(3) EXCEPTION.—The Commandant or Administrator, as appropriate, may not convey any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions required by this section and other terms and conditions the Commandant or the Administrator, as appropriate, may consider, including the reservation of easements and other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, the conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property shall immediately revert to the United States if—

(A) the property, or any part of the property—

(i) ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of maritime history;

(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this Act; or

(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (5) established by the Commandant or the Administrator, as appropriate, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); or

(B) at least 30 days before that reversion, the Commandant or the Administrator, as appropriate, provides written notice to the owner that the property is needed for national security purposes.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property under this section shall be made subject to the conditions that the Commandant or Administrator, as appropriate, considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Commandant or Administrator, as appropriate;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining and inspecting aids to navigation, and for the purpose of enforcing compliance with subsection (b); and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The owner of the property is not required to maintain any active aid to navigation equipment on the property, except private aids to navigation permitted under section 83 of title 14, United States Code.

(5) MAINTENANCE OF PROPERTY.—The owner of the property shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant or the Administrator, as appropriate, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—In this section:

(1) AIDS TO NAVIGATION.—The term ''aids to navigation'' means equipment used for navigation purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, or other associated equipment which are operated or maintained by the United States.

(2) OWNER.—The term ''owner'' means the person identified in subsection (a)(1), and includes any successor or assign of that person.

(3) DELTA COUNTY HISTORICAL SOCIETY.—The term ''Delta County Historical Society''

means the Delta County Historical Society (a nonprofit corporation established under the laws of the State of Michigan, its parent organization, or subsidiary, if any).

(4) DUNKIRK HISTORICAL LIGHTHOUSE AND VETERANS' PARK MUSEUM.—The term ''Dunkirk Historical Lighthouse and Veterans' Park Museum'' means Dunkirk Historical Lighthouse and Veterans' Park Museum located in Dunkirk, New York, or, if appropriate as determined by the Commandant, the Chautauqua County Armed Forces Memorial Park Corporation, New York.

(5) LAKE COUNTY HISTORICAL SOCIETY.—The term ''Lake County Historical Society'' means the Lake County Historical Society (a nonprofit corporation established under the laws of the State of Minnesota), its parent organization or subsidiary, if any, and its successors and assigns.

(d) NOTIFICATION.—Not less than one year prior to reporting to the General Services Administration that a lighthouse or light station eligible for listing under the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) and under the jurisdiction of the Coast Guard is excess to the needs of the Coast Guard, the Commandant of the Coast Guard shall notify the State in which the lighthouse or light station is located, (including the State Historic Preservation Officer, if any) the appropriate political subdivision of that State, and any lighthouse, historic, or maritime preservation organizations in that State, that such property is excess to the needs of the Coast Guard.

(e) EXTENSION OF PERIOD FOR CONVEYANCE OF WHITLOCK'S MILL LIGHT.—Notwithstanding section 1002(a)(3) of the Coast Guard Authorization Act of 1996, the conveyance authorized by section 1002(a)(2)(AA) of that Act may take place after the date required by section 1002(a)(3) of that Act but no later than December 31, 1998.

SEC. 417. CONVEYANCE OF COAST GUARD LORAN STATION NANTUCKET.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the United States Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to approximately 29.4 acres of land, together with the improvements thereon, at Coast Guard LORAN Station Nantucket, Nantucket, Massachusetts, to the Town of Nantucket, Massachusetts (''the Town'') unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(2) IDENTIFICATION OF PROPERTY.—

(A) The Commandant may identify, define, describe, and determine the real property to be conveyed under this section.

(B) The Commandant shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Commandant. The cost of the survey shall be borne by the Town.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of real property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the following terms and conditions:

(i) The Town shall not, upon the property conveyed, allow, conduct, or permit any activity, or operate, allow, or permit the operation of, any equipment or machinery, that would interfere or cause interference, in any manner, with any aid to navigation located upon property retained by the United States at Coast Guard LORAN Station Nantucket, without the express written permission from the Commandant.

(ii) The Town shall maintain the real property conveyed in a manner consistent with the present and future use of any property retained by the United States at Coast Guard LORAN Station Nantucket as a site for an aid to navigation.

(iii) Any other terms and conditions the Commandant considers appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(A) the property, or any part thereof, ceases to be owned and used by the Town;

(B) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in paragraph (1); or

(C) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 418. CONVEYANCE OF DECOMMISSIONED COAST GUARD VESSELS.

(a) IN GENERAL.—The Commandant of the Coast Guard may convey all right, title, and interest of the United States in and to each of 2 decommissioned ''White Class'' 133-foot Coast Guard vessels to Canvasback Mission, Inc. (a nonprofit corporation under the laws of the State of Oregon; in this section referred to as ''the recipient''), without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of providing medical services to Central and South Pacific island nations;

(B) not to use the vessel for commercial transportation purposes except those incident to the provisions of those medical services;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in times of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under paragraph (1)(C);

(2) the recipient has funds available that will be committed to operate and maintain each vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in the amount of at least $400,000 per vessel; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSELS.—Prior to conveyance of a vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as a medical services vessel in Central and South Pacific Islands.

SEC. 419. AMENDMENT TO CONVEYANCE OF VESSEL S/S RED OAK VICTORY.

Section 1008(d)(1) of the Coast Guard Authorization Act of 1996 is amended by striking ''2 years'' and inserting ''3 years''.

SEC. 420. TRANSFER OF OCRACOKE LIGHT STATION TO SECRETARY OF THE INTERIOR.

The Administrator of the General Services Administration shall transfer administrative jurisdiction over the Federal property consisting of approximately 2 acres, known as the Ocracoke Light Station, to the Secretary of the Interior, subject to such reservations, terms, and conditions as may be necessary for Coast Guard purposes. All property so transferred shall be included in and administered as part of the Cape Hatteras National Seashore.

SEC. 421. VESSEL DOCUMENTATION CLARIFICATION.

Section 12102(a)(4) of title 46, United States Code, and section 2(a) of the Shipping Act, 1916 (46 U.S.C. App. 802(a)) are each amended by—

(1) striking ''president or other''; and

(2) inserting a comma and ''by whatever title,'' after ''chief executive officer''.

SEC. 422. DREDGE CLARIFICATION.

Section 5209(b) of the Oceans Act of 1992 (46 U.S.C. 2101 note) is amended by adding at the end thereof the following:

''(3) A vessel—

''(A) configured, outfitted, and operated primarily for dredging operations; and

''(B) engaged in dredging operations which transfers fuel to other vessels engaged in the same dredging operations without charge.''.

SEC. 423. DOUBLE HULL ALTERNATIVE DESIGNS STUDY.

Section 4115(e) of the Oil Pollution Act of 1990 (46 U.S. Code 3703a note) is amended by adding at the end thereof the following:

''(3)(A) The Secretary of Transportation shall coordinate with the Marine Board of the National Research Council to conduct the necessary research and development of a rationally based equivalency assessment approach, which accounts for the overall environmental performance of alternative tank vessel designs. Notwithstanding the Coast Guard opinion of the application of sections 101 and 311 of the Clean Water Act (33 U.S.C. 1251 and 1321), the intent of this study is to establish an equivalency evaluation procedure that maintains a high standard of environmental protection, while encouraging innovative ship design. The study shall include:

''(i) development of a generalized cost spill data base, which includes all relevant costs such as clean-up costs and environmental impact costs as a function of spill size;

''(ii) refinement of the probability density functions used to establish the extent of vessel damage, based on the latest available historical damage statistics, and current research on the crash worthiness of tank vessel structures;

''(iii) development of a rationally based approach for calculating an environmental index, to assess overall outflow performance due to collisions and groundings; and

''(iv) application of the proposed index to double hull tank vessels and alternative designs currently under consideration.

''(B) A Marine Board committee shall be established not later that 2 months after the date of enactment of the Coast Guard Authorization Act of 1998. The Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report on the results of the study not later than 12 months after the date of enactment of the Coast Guard Authorization Act of 1998.

''(C) Of the amounts authorized by section 1012(a)(5)(A) of this Act, $500,000 is authorized to carry out the activities under subparagraphs (A) and (B) of this paragraph.''.

SEC. 424. VESSEL SHARING AGREEMENTS.

(a) Section 5 of the Shipping Act of 1984 (46 U.S.C. App. 1704) is amended by adding at the end thereof the following:

''(g) VESSEL SHARING AGREEMENTS.—An ocean common carrier that is the owner, operator, or bareboat, time, or slot charterer of a United States-flag liner vessel documented pursuant to sections 12102(a) or (d) of title 46, United States Code, is authorized to agree with an ocean common carrier that is not the owner, operator or bareboat charterer for at least one year of United States-flag liner vessels which are eligible to be included in the Maritime Security Fleet Program and are enrolled in an Emergency Preparedness Program pursuant to subtitle B of title VI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1187 et seq.), to which it charters or subcharters the United States-flag vessel or space on the United States-flag vessel that such charterer or subcharterer may not use or make available space on the vessel for the carriage of cargo reserved by law for United States-flag vessels.''.

(b) Section 10(c)(6) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)(6)) is amended by inserting ''authorized by section 5(g) of this Act, or as'' before ''otherwise''.

(c) Nothing in this section shall affect or in any way diminish the authority or effectiveness of orders issued by the Maritime Administration pursuant to sections 9 and 41 of the Shipping Act, 1916 (46 U.S.C. App. 808 and 839).

(d) Section 3(6)(B) of the Shipping Act of 1984 (46 U.S.C. App. 1702(6)(B)) is amended by striking ''parcel-tanker.'' and inserting ''parcel-tanker or by vessel when primarily engaged in the carriage of perishable agricultural commodities (i) if the common carrier and the owner of those commodities are wholly-owned, directly or indirectly, by a person primarily engaged in the marketing and distribution of those commodities and (ii) only with respect to the carriage of those commodities.''.

SEC. 425. REPORTS.

(a) SWATH TECHNOLOGY.—The Commandant of the Coast Guard shall, within 18 months after the date of enactment of this Act, report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the applicability of Small Waterplane Area Twin Hull (SWATH) technology, including concepts developed by the United States Office of Naval Research, to the design of Coast Guard vessels.

(b) MARINE GUIDANCE SYSTEMS.—The Secretary of Transportation shall, within 12 months after the date of the enactment of this Act, evaluate and report to the Congress on the suitability of marine sector laser lighting, cold cathode lighting, and ultraviolet enhanced vision technologies for use in guiding marine vessels and traffic.

SEC. 426. REPORT ON TONNAGE CALCULATION METHODOLOGY.

The Administrator of the Panama Canal Commission shall, within 90 days of the date of enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the methodology employed in the calculation of the charge of tolls for the carriage of on-deck containers and the justification thereof.

SEC. 427. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSELS.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Secretary of Transportation (referred to in this section as ''the Secretary'') may convey all right, title, and interest of the Federal Government in and to either or both of the vessels S.S. AMERICAN VICTORY (United States official number 248005) and S.S. HATTIESBURG VICTORY (United States official number 248651) to The Victory Ship, Inc., located in Tampa, Florida (in this section referred to as the ''recipient''), and the recipient may use each vessel conveyed only as a memorial to the Victory class of ships.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver a vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the Federal Government.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(B) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient of any vessel conveyed under this section any unneeded equipment from other vessels in the National Defense Reserve Fleet, for use to restore the vessel conveyed under this section to museum quality.

SEC. 428. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, JOHN HENRY.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Secretary of Transportation (in this section referred to as ''the Secretary'') may convey all right, title, and interest of the United States Government in and to the vessel JOHN HENRY (United States official number 599294) to a purchaser for use in humanitarian relief efforts, including the provision of water and humanitarian goods to developing nations.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date;

(C) at no cost to the United States Government; and

(D) only after the vessel has been redesignated as not militarily useful.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) competitive procedures are used for sales under this section;

(B) the vessel is sold for not less than the fair market value of the vessel in the United States, as determined by the Secretary of Transportation;

(C) the recipient agrees that the vessel shall not be used for commercial transportation purposes or for the carriage of cargoes reserved to United States flag commercial vessels under section 901(b) and 901f of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b) and 1241f);

(D) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after the conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(E) the recipient provides sufficient evidence to the Secretary that it has financial resources in the form of cash, liquid assets, or a written loan commitment of at least $100,000.

(F) the recipient agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or national emergency.

(G) the recipient agrees to document the vessel under chapter 121 of title 46, United States Code.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) PROCEEDS.—Any amounts received by the United States as proceeds from the sale of the M/V JOHN HENRY shall be deposited in the Vessel Operations Revolving Fund established by the Act of June 2, 1951 (chapter 121; 46 U.S.C. App. 1241a) and shall be available and expended in accordance with section 6(a) of the National Maritime Heritage Act (16 U.S.C. App. 5405(a)).

SEC. 429. APPLICABILITY OF AUTHORITY TO RELEASE RESTRICTIONS AND ENCUMBRANCES.

Section 315(c)(1) of the Federal Maritime Commission Authorization Act of 1990 (Public Law 101–595; 104 Stat. 2988) is amended—

(1) by striking ''3 contiguous tracts'' and inserting ''4 tracts''; and

(2) by striking ''Tract A'' and all that follows through the end of the paragraph and inserting the following:

''Tract 1—Commencing at a point N45° 28′ 31″ E 198.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 220 feet; thence N45° 28′ 31″ E 50 feet; thence N44° 29′ 09″ W 220 feet; thence S45° 28′ 31″ W 50 feet to the point of commencement and containing 11,000 square feet (0.2525 acres).

''Tract 2—Commencing at a point N45° 28′ 31″ E 198.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 169.3 feet; thence S45° 28′ 31″ W 75 feet; (Deed Call S45° 30′ 51″ W 75 feet), thence N44° 29′ 09″ W 169.3 feet; thence N45° 28′ 31″ E 75 feet to the point of commencement and containing 12,697 square feet (0.2915 acres).

''Tract 3—Commencing at a point N45° 28′ 31″ E 248.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 220 feet; thence N45° 28′ 31″ E 50 feet; thence N44° 29′ 09″ W 220 feet; thence S45° 28′ 31″ W 50 feet to the point of commencement and containing 11,000 square feet (0.2525 acres).

''Tract 4—Commencing at a point N45° 28′ 31″ E 123.3 feet and S44° 29′ 09″ E 169.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 50.7 feet; thence N45° 28′ 31″ E 75 feet; thence N44° 29′ 09″ W 50.7 feet; thence S45° 28′ 31″ W 75 feet (Deed Call S45° 30′ 51″ W 75 feet) to the point of commencement and containing 3,802 square feet (0.0873 acres).

''Composite Description—A tract of land lying in section 2, Township 10 South—Range 8 West, Calcasieu Parish, Louisiana, and being mone [sic] particularly described as follows: Begin at a point N45° 28′ 31″ E 123.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence N45° 28′ 31″ E 175.0 feet; thence S44° 29′ 09″ E 220.0 feet; thence S45° 28′ 31″ W 175.0 feet; thence N44° 29′ 09″ W 220.0 feet to the point of beginning, containing 0.8035 acres.''.

SEC. 430. BARGE APL–60.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the barge APL–60 (United States official number 376857).

(b) LIMITATIONS.—The vessel described in subsection (a) may be employed in the coastwise trade only for the purpose of participating in the ship disposal initiative initially funded by the Department of Defense Appropriations Act, 1999, for the duration of that initiative.

(c) TERMINATION.—A coastwise endorsement issued under subsection (a) shall terminate on the earlier of—

(1) the completion of the final coastwise trade voyage associated with the ship disposal initiative described in subsection (b); or

(2) the sale or transfer of the vessel described in subsection (a) to an owner other than the owner of the vessel as of October 1, 1998.

SEC. 431. VESSEL FINANCING FLEXIBILITY.

The Secretary of Transportation may guarantee obligations under section 1103 of the Merchant Marine Act, 1936 (46 App. U.S.C.1273), for the vessels planned for construction to be purchased by the American West Steamboat Company and to be named QUEEN OF THE YUKON, which will operate on the Yukon and Tanana Rivers, and EMPRESS OF THE NORTH, which will operate in Alaska, Washington, and Oregon. Notwithstanding sections 509, 1103(c)), and 1104A(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1159, 1273(c), and 1274(b)), the Secretary of Transportation may guarantee obligations of 87½ percent of the purchase price of such vessels. Each obligation guaranteed under this section may have a maturity date of 25 years from the date of delivery of the vessel concerned.

SEC. 432. HYDROGRAPHIC FUNCTIONS.

(a) EFFECTIVE DATE.—Subsections (b) and (c) shall take effect immediately after the later of—

(1) the enactment of the Hydrographic Services Improvement Act of 1998; or

(2) the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 is amended to read as follows:

''SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to the Administrator the following:

''(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 303 and 304, except for conducting hydrographic surveys, $33,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, and $35,000,000 for fiscal year 2001.

''(2) To conduct hydrographic surveys under section 303(a)(1), including the leasing of ships, $33,000,000 for fiscal year 1999, $35,000,000 for fiscal year 2000, and $37,000,000 for fiscal year 2001. Of these amounts, no more than $16,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

''(3) To carry out geodetic functions under the Act of 1947, $25,000,000 for fiscal year 1999, $30,000,000 for fiscal year 2000, and $30,000,000 for fiscal year 2001.

''(4) To carry out tide and current measurement functions under the Act of 1947, $22,500,000 for each of fiscal years 1999 through 2001. Of these amounts $4,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current and maintain the national tide network, and $7,000,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 303(b)(4).''.

(c) REPEAL OF REPORT REQUIREMENTS.—Section 305 of the Hydrographic Services Improvement Act of 1998 is amended by striking subsections (a) and (d).

TITLE V—ADMINISTRATIVE PROCESS FOR JONES ACT WAIVERS

SEC. 501. FINDINGS.

The Congress finds that—

(1) current coastwise trade laws provide no administrative authority to waive the United-States-built requirement of those laws for the limited carriage of passengers for hire on vessels built or rebuilt outside the United States;

(2) requests for such waivers require the enactment of legislation by the Congress;

(3) each Congress routinely approves numerous such requests for waiver and rarely rejects any such request; and

(4) the review and approval of such waiver requests is a ministerial function which properly should be executed by an administrative agency with appropriate expertise.

SEC. 502. ADMINISTRATIVE WAIVER OF COASTWISE TRADE LAWS.

Notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade as a small passenger vessel or an uninspected passenger vessel for an eligible vessel authorized to carry no more than 12 passengers for hire if the Secretary, after notice and an opportunity for public comment, determines that the employment of the vessel in the coastwise trade will not adversely affect—

(1) United States vessel builders; or

(2) the coastwise trade business of any person who employs vessels built in the United States in that business.

SEC. 503. REVOCATION.

The Secretary may revoke an endorsement issued under section 502, after notice and an opportunity for public comment, if the Secretary determines that the employment of the vessel in the coastwise trade has substantially changed since the issuance of the endorsement, and—

(1) the vessel is employed other than as a small passenger vessel or an uninspected passenger vessel; or

(2) the employment of the vessel adversely affects—

(A) United States vessel builders; or

(B) the coastwise trade business of any person who employs vessels built in the United States.

SEC. 504. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(2) ELIGIBLE VESSEL.—The term ''eligible vessel'' means a vessel that—

(A) was not built in the United States and is at least 3 years of age; or

(B) if rebuilt, was rebuilt outside the United States at least 3 years before the certification requested under section 502, if granted, would take effect.

(3) SMALL PASSENGER VESSEL; UNINSPECTED PASSENGER VESSEL; PASSENGER FOR HIRE.—The terms ''small passenger vessel'', ''uninspected passenger vessel'', and ''passenger for hire'' have the meaning given such terms by section 2101 of title 46, United States Code.

SEC. 505. SUNSET.

(a) IN GENERAL.—Subject to subsection (b), this title (other than this section) shall have no force or effect on or after September 30, 2002.

(b) ENDORSEMENTS CONTINUE.—Any certificate or endorsement issued under section 502 before the date referred to in subsection (a) of this section shall continue in effect until otherwise invalidated or revoked under chapter 121 of title 46, United States Code.

TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

SEC. 601. SHORT TITLE.

This title may be cited as the ''Harmful Algal Bloom and Hypoxia Research and Control Act of 1998''.

SEC. 602. FINDINGS.

The Congress finds that—

(1) the recent outbreak of the harmful microbe *Pfiesteria piscicida* in the coastal waters of the United States is one example of potentially harmful algal blooms composed of naturally occurring species that reproduce explosively and that are increasing in frequency and intensity in the Nation's coastal waters;

(2) other recent occurrences of harmful algal blooms include red tides in the Gulf of

Mexico and the Southeast; brown tides in New York and Texas; ciguatera fish poisoning in Hawaii, Florida, Puerto Rico, and the United States Virgin Islands; and shellfish poisonings in the Gulf of Maine, the Pacific Northwest, and the Gulf of Alaska;

(3) in certain cases, harmful algal blooms have resulted in fish kills, the deaths of numerous endangered West Indian manatees, beach and shellfish bed closures, threats to public health and safety, and concern among the public about the safety of seafood;

(4) according to some scientists, the factors causing or contributing to harmful algal blooms may include excessive nutrients in coastal waters, other forms of pollution, the transfer of harmful species through ship ballast water, and ocean currents;

(5) harmful algal blooms may have been responsible for an estimated $1,000,000,000 in economic losses during the past decade;

(6) harmful algal blooms and blooms of non-toxic algal species may lead to other damaging marine conditions such as hypoxia (reduced oxygen concentrations), which are harmful or fatal to fish, shellfish, and benthic organisms;

(7) according to the National Oceanic and Atmospheric Administration in the Department of Commerce, 53 percent of United States estuaries experience hypoxia for at least part of the year and a 7,000 square mile area in the Gulf of Mexico off Louisiana and Texas suffers from hypoxia;

(8) according to some scientists, a factor believed to cause hypoxia is excessive nutrient loading into coastal waters;

(9) there is a need to identify more workable and effective actions to reduce nutrient loadings to coastal waters;

(10) the National Oceanic and Atmospheric Administration, through its ongoing research, education, grant, and coastal resource management programs, possesses a full range of capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control harmful algal blooms and hypoxia;

(11) funding for the research and related programs of the National Oceanic and Atmospheric Administration will aid in improving the Nation's understanding and capabilities for addressing the human and environmental costs associated with harmful algal blooms and hypoxia; and

(12) other Federal agencies such as the Environmental Protection Agency, the Department of Agriculture, and the National Science Foundation, along with the States, Indian tribes, and local governments, conduct important work related to the prevention, reduction, and control of harmful algal blooms and hypoxia.

SEC. 603. ASSESSMENTS.

(a) ESTABLISHMENT OF INTER-AGENCY TASK FORCE.—The President, through the Committee on Environment and Natural Resources of the National Science and Technology Council, shall establish an Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia (hereinafter referred to as the ''Task Force''). The Task Force shall consist of the following representatives from—

(1) the Department of Commerce (who shall serve as Chairman of the Task Force);

(2) the Environmental Protection Agency;

(3) the Department of Agriculture;

(4) the Department of the Interior;

(5) the Department of the Navy;

(6) the Department of Health and Human Services;

(7) the National Science Foundation;

(8) the National Aeronautics and Space Administration;

(9) the Food and Drug Administration;

(10) the Office of Science and Technology Policy;

(11) the Council on Environmental Quality; and

(12) such other Federal agencies as the President considers appropriate.

(b) ASSESSMENT OF HARMFUL ALGAL BLOOMS.—

(1) Not later than 12 months after the date of enactment of this title, the Task Force, in cooperation with the coastal States, Indian tribes, and local governments, industry (including agricultural organizations), academic institutions, and non-governmental organizations with expertise in coastal zone management, shall complete and submit to the Congress an assessment which examines the ecological and economic consequences of harmful algal blooms, alternatives for reducing, mitigating, and controlling harmful algal blooms, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect to harmful algal blooms; and

(B) provide for Federal cooperation and coordination with and assistance to the coastal States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of harmful algal blooms and their environmental and public health impacts.

(c) ASSESSMENT OF HYPOXIA.—

(1) Not later than 12 months after the date of enactment of this title, the Task Force, in cooperation with the States, Indian tribes, local governments, industry, agricultural, academic institutions, and non-governmental organizations with expertise in watershed and coastal zone management, shall complete and submit to the Congress an assessment which examines the ecological and economic consequences of hypoxia in United States coastal waters, alternatives for reducing, mitigating, and controlling hypoxia, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) establish needs, priorities, and guidelines for a peer-reviewed, inter-agency research program on the causes, characteristics, and impacts of hypoxia;

(B) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect to hypoxia; and

(C) provide for Federal cooperation and coordination with and assistance to the States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of hypoxia and its environmental impacts.

(e) DISESTABLISHMENT OF TASK FORCE.—The President may disestablish the Task Force after submission of the plan in section 604(d).

SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

(a) ASSESSMENT REPORT.—Not later than May 30, 1999, the Task Force shall complete and submit to Congress and the President an integrated assessment of hypoxia in the northern Gulf of Mexico that examines: the distribution, dynamics, and causes; ecological and economic consequences; sources and loads of nutrients transported by the Mississippi River to the Gulf of Mexico; effects of reducing nutrient loads; methods for reducing nutrient loads; and the social and economic costs and benefits of such methods.

(b) SUBMISSION OF A PLAN.—No later than March 30, 2000, the President, in conjunction with the chief executive officers of the States, shall develop and submit to Congress a plan, based on the integrated assessment submitted under subsection (a), for reducing, mitigating, and controlling hypoxia in the northern Gulf of Mexico. In developing such plan, the President shall consult with State, Indian tribe, and local governments, academic, agricultural, industry, and environmental groups and representatives. Such plan shall include incentive-based partnership approaches. The plan shall also include the social and economic costs and benefits of the measures for reducing, mitigating, and controlling hypoxia. At least 90 days before the President submits such plan to the Congress, a summary of the proposed plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for research, education, and monitoring activities related to the prevention, reduction, and control of harmful algal blooms and hypoxia, $15,000,000 for fiscal year 1999, $18,250,000 for fiscal year 2000, and $19,000,000 for fiscal year 2001, to remain available until expended. The Secretary shall consult with the States on a regular basis regarding the development and implementation of the activities authorized under this section. Of such amounts for each fiscal year—

(1) $1,500,000 for fiscal year 1999, $1,500,000 for fiscal year 2000, and $2,000,000 for fiscal year 2001 may be used to enable the National Oceanic and Atmospheric Administration to carry out research and assessment activities, including procurement of necessary research equipment, at research laboratories of the National Ocean Service and the National Marine Fisheries Service;

(2) $4,000,000 for fiscal year 1999, $5,500,000 for fiscal year 2000, and $5,500,000 for fiscal year 2001 may be used to carry out the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project under the Coastal Ocean Program established under section 201(c) of Public Law 102–567;

(3) $1,000,000 for fiscal year 1999, $2,000,000 for fiscal year 2000, and $2,000,000 for fiscal year 2001 may be used by the National Ocean Service of the National Oceanic and Atmospheric Administration to carry out a peer-reviewed research project on management measures that can be taken to prevent, reduce, control, and mitigate harmful algal blooms;

(4) $5,500,000 for each of the fiscal years 1999, 2000, and 2001 may be used to carry out Federal and State annual monitoring and analysis activities for harmful algal blooms administered by the National Ocean Service of the National Oceanic and Atmospheric Administration; and

(5) $3,000,000 for fiscal year 1999, $3,750,000 for fiscal year 2000, and $4,000,000 for fiscal year 2001 may be used for activities related to research and monitoring on hypoxia by the National Ocean Service and the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration.

SEC. 606. PROTECTION OF STATES' RIGHTS.

(a) Nothing in this title shall be interpreted to adversely affect existing State regulatory or enforcement power which has been granted to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

(b) Nothing in this title shall be interpreted to expand the regulatory or enforcement power of the Federal Government which has been delegated to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

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

Mr. Speaker, I rise in strong support of H.R. 2204. This bill was developed in a bipartisan manner and deserves support of all the Members.

The primary purpose of H.R. 2204 is to authorize approximately $4.1 billion in expenditures for the United States Coast Guard for the current fiscal year. This is an increase over the level requested by the President for Coast Guard operating expenses of approximately $83 million. These authorizations support additional Coast Guard efforts to interdict illegal drugs before they reach the United States. The fiscal year 1999 authorization also contains additional funds for Coast Guard acquisition costs.

Specifically this legislation includes $2.85 billion in fiscal year 1999 for Coast Guard operating expenses, $510 million in fiscal year 1999 for acquisition of vessels, aircraft and shore facilities, and $691 million in fiscal year 1999 for Coast Guard retired pay.

I strongly support the increase in funds for drug interdiction, because cuts in resources devoted to drug interdiction in the early 1990s have greatly hindered Coast Guard efforts to fight the war on drugs. The evidence is clear that effective drug interdiction raises the price of drugs, driving use down, especially among casual users. The issue is particularly relevant in light of the continued rise in drug abuse among our young people. As the House overwhelmingly voted to increase drug interdiction activity in H.R. 4300, the Western Hemisphere Drug Elimination Act, I ask for the support of this body in advancing the drug interdiction increases proposed in this bill.

The funds authorized in this bill restore cuts to the Coast Guard drug interdiction program and provide the level of drug interdiction we need to keep drugs from reaching the shores of the United States.

There are many things we as a Nation can do to fight drugs and support a viable war on drugs. Treatment programs and educational programs are important. But until they dampen America's appetite for dangerous drugs, we must pursue a vigorous program of drug interdiction and source country eradication.

Title II of H.R. 2204 deals with several internal Coast Guard administrative and personnel management matters.

Title III of the bill addresses issues related to navigation safety. This title amendments the Ports and Waterways Safety Act, and subtitle II of Title 46, United States Code, by extending the territorial sea for these laws from 3 to 12 nautical miles from shore. These provisions will enhance the Coast Guard's ability to fully implement its port state control program and protect U.S. Waters from substandard foreign vessels.

Titles IV and V of the legislation contain several miscellaneous provisions, including enhancements to the Coast Guard vessel identification system.

Title VI of H.R. 2204 provides provisions to allow for the study of toxic algal blooms, such as red tide, brown tide and pfiesteria. These occurrences endanger our natural resources and threaten the delicate ecological balance of our coastal areas and our important estuaries, such as the Chesapeake Bay.

Mr. Speaker, I urge my colleagues to vote for this legislation.

I also want to thank certainly the gentleman from Tennessee (Mr. CLEMENT) on the minority side for his effort in this. I also want to give thanks for all of the effort that the Coast Guard staff went through to shuttle this back and forth between the Senate and ourselves.

I urge my colleagues to vote for this piece of legislation, ensuring them that this money will go to the silent service, the Coast Guard, to do the very diverse, very difficult work on a day-to-day basis, to protect our shores from a whole range of activities.

Mr. Speaker, I urge my colleagues to vote for this bill.

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

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

Mr. Speaker, I rise in strong support of House Resolution 602 and H.R. 2204, the Coast Guard Authorization Act of 1997. I want to say about the gentleman from Maryland (Chairman GILCHREST), I think both of us have shown how a Democrat and Republican can both work together to get things accomplished, and that is exactly what we have done for the best interest of America and our international interests.

Mr. Speaker, Members on both sides of the aisle support the Coast Guard in this very bipartisan bill. The Coast Guard is on the front lines every day, saving lives and stopping drugs from entering our country. They are the lead agency in the cleanup of oil spills and protect our fisheries within our 200 mile exclusive economic zone.

Mr. Speaker, these are not partisan issues. The gentleman from Maryland (Chairman GILCHREST) and I have worked closely with the gentleman from Pennsylvania (Chairman SHUSTER) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) to craft a bill that will meet the needs of the Coast Guard for fiscal year 1999.

H.R. 2204 authorizes approximately $4.1 billion for the Coast Guard for fiscal year 1999, including $2.8 billion for their operations, $510 million for acquisition and construction of new ships and facilities, $18.3 million for research and development, and $21 million for environmental compliance and restoration at Coast Guard facilities.

The only difference between the amounts authorized in this bill and the budget proposed by the President is that we have added approximately $125 million for increased drug interdiction operations, which are very badly needed to fight our drug problem in the United States of America.

We have also worked closely with the administration to include much of its legislative program for this year, including extending the U.S. territorial sea from 3 miles to 12 miles. We have also included a number of recommendations made by the maritime industry, such as prohibiting people from interfering with the safe operation of commercial vessels.

Some dinner cruises have had problems with drunk passengers jumping overboard. This disturbance jeopardizes the vessels and all other passengers on board.

I would like to note one provision that I strongly support. Section 408 of H.R. 2204 would help ensure that unsafe vessels and unsafe vessel operators are not employed in the transportation of U.S. Government cargos. Just this week, the Coast Guard detained a Panamanian flag Greek-owned bulker. The hatch covers were locked wide open, through which sea water could flood the ship, the lifeboat did not work, there were not enough life rafts for the crew, and sea water was seeping into the holds, there was no safe drinking water on board and the top toilets were backed up. Any one of these sub-standards conditions could cause the ship to be detained for violation of an international safety convention. However, it would not stop a Federal agency from hiring this ship to transport government cargos. Now Federal agencies will have to make sure they are not using this type of ship to move their goods.

I would like to submit a letter for the RECORD from Captain Westton of the U.S. Coast Guard concerning this provision.

I would like to thank the gentleman from Maryland (Mr. GILCHREST) for his cooperative and cordial working relationship that we have had during the 105th Congress. I look forward to working with him next year when we continue our efforts to improve our maritime transportation system. I urge all of my colleagues to support H.R. 2204, the Coast Guard Authorization Act of 1997.

Mr. Speaker, I include for the RECORD the letter referred to earlier.

DEPARTMENT OF TRANSPORTATION,
U.S. COAST GUARD,
Washington, DC, October 13, 1998.

Hon. BOB CLEMENT,
House of Representatives, Washington, DC.

DEAR MR. CLEMENT: This letter is in response to your request for the Coast Guard's position regarding applicability of Section 408 of H.R. 2204 to U.S. Flag vessels. The Coast Guard does not interpret Section 408 as applying to U.S. Flag vessels. U.S. Flag vessels are not subject to detention under the U.S. Port State Control Program for violations of international safety conventions and, therefore, are not subject to publication on an electronic list of foreign flagged vessels that have been detained while in U.S. waters under the Port State Control Program.

I hope this information is helpful.

Sincerely,

R.R. WESTON,
Chief, Office of Legislation.

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

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

Mr. Speaker, I do look forward to next year working with the gentleman from Tennessee (Mr. CLEMENT) and the staff on both sides of the committee. I think we can further spread the idea that our coastal waters are worth saving. The Coast Guard does a great job in dealing with the fisheries issue, the illegal immigrants issue, the whole maritime safety issue, the environmental pollution areas that they work hard on on a very daily, regular basis, and the issue of the interdiction of drugs. I think on every facet of this legislation, we have worked in an atmosphere of cooperation, and we certainly appreciate that on our side of the aisle.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and agree to the resolution, H. Res. 602.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 602.

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

There was no objection.

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 168(b) of Public Law 102–138 and clause 8 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group:

Mr. BEREUTER, Nebraska, chairman
Mr. REGULA, Ohio, vice chairman
Mr. BOEHLERT, New York
Mr. BATEMAN, Virginia
Mr. GILLMOR, Ohio
Mrs. ROUKEMA, New Jersey
Mr. BALLENGER, North Carolina
Mr. BLUNT, Missouri
Mr. SISISKY, Virginia
Mr. PICKETT, Virginia
Mr. WISE, West Virginia
Mr. TANNER, Tennessee

There was no objection.

HELPING OUR COMMUNITIES

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

Mr. PASCRELL. Mr. Speaker, we have Federal investment in roads, bridges and prisons, but when it comes to schools for our kids this is a loss of home rule all of a sudden. Bunk. For the Federal Government to help local communities pay the interest on capital bonding for school construction which would provide relief for our kids and relief for parents who pay the bill whether or not they have kids in those schools or not, this is our opportunity for better schools. This is our opportunity, and we need more teachers to help reduce class size, particularly for kids between the grades of pre-K and fourth and fifth grades. We need property tax relief in many States in this union, and this is the way to do it.

One suggestion in conclusion: Why do we not give up the words, the simplistic liberal and conservative words? Mr. Speaker, the jig is up. They do not work any longer.

We all know that the environment in which our children learn plays a direct role in the education that they receive. If we want our children to succeed in a modern economy, we must provide them with modern schools. That is why I adamantly support school construction and modernization funds.

Unfortunately, the majority party does not want to provide our schools with these much needed construction and modernization funds.

Instead, the Republicans believe that we should block grant our education funds to the states. Unfortunately, we have already found out what happens when we block grant these funds. In the 1980s, the federal commitment for these grants decreased by 52 percent.

I am afraid that we are headed in the wrong direction on our elementary and secondary education policies. Every day, we see a new study which shows just how important it is to educate our children in an adequate facility, with a well-trained teacher and a class size of about 18.

Block grants do not provide the solutions. The Democratic education agenda does.

We must fix our crumbling schools by helping states and local school districts afford the costs of modernizing and building more than 5,000 schools.

In my district in New Jersey I found that almost one quarter of the schools were built prior to the completion of World War I. More than half of the schools were built before the attack on Pearl Harbor.

The old age of these schools is leading to problems with their physical condition and 88 percent of them say they need at least one significant repair.

The facts are clear. Our schools are old and they are overcrowded. The average class size in these schools is an astounding 23.9 students.

And if that is not enough, the problem is sure to get worse as we experience the projected increase in enrollment.

Our children can't learn when their desks are in hallways and overcrowded cafeterias. We know that smaller class sizes are the key to raising academic achievement and improving classroom discipline.

THE REPUBLICAN LEADERSHIP OWES AMERICANS AN APOLOGY AND AN EXPLANATION

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. EDWARDS. Shame, shame, shame. Mr. Speaker, the Republican leadership in Congress owes the American people an explanation and an apology.

In articles in the Washington Post and Rollcall newspapers Republican leaders are bragging that they held up two major international treaties in this House. Why? Because they demanded that the Electronics Industry Association fire its new president simply because he is a Democrat. Let me repeat. The Republicans in Congress held up legislation that was going to benefit millions of American citizens because they wanted to force a private association to fire a private citizen because simply he was a Democrat. That is wrong.

Mr. Speaker, the American people and press should be outraged at this arrogant, arrogant abuse of power. In a free society to stop the business of this Congress to punish a private citizen for his political affiliation is outrageous, mean-spirited and, most likely, illegal. The American people deserve an apology and an explanation.

[From the Washington Post, Oct. 14, 1998]

NO DEMOCRAT NEED APPLY, HOUSE GOP TELLS LOBBY

(By Juliet Eilperin)

Electronics industry lobbyist John Palafoutas told the Electronic Industries Alliance weeks ago it shouldn't hire former Democratic representative David McCurdy (Okla.) as its new president, but the industry association he belongs to didn't listen.

In an August meeting, Arne Christenson, chief of staff for House Speaker Newt Gingrich (R–GA.), had made it clear to Palafoutas, a fellow Republican, that the House leadership would not look kindly upon seeing another Democrat promoted to a key job at a business lobbying group.

''He said, Tell EIA they ought to be careful about Dave McCurdy,''' recalled Palafoutas, a lobbyist for AMP Inc. who dutifully relayed the message to EIA vice president John Kelly. ''It's fair [to say] that the leadership is angry.''

In fact, House GOP leaders became so enraged when the EIA announced McCurdy's selection last week that Gingrich declared in a closed-door meeting that he would not discuss legislation with the former lawmaker, according to Republicans who attended. Gingrich and most other top Republicans also instructed their staffs not to meet with any EIA officials. Republican leaders, who had hoped the group would select retiring Rep. Bill Paxon (R–N.Y.), also delayed passage of noncontrovrsial legislation concerning international copyrights, a bill the EIA supports, for four days in an effort to send a

message to the group. Gingrich spokeswoman Christina Martin said she could not comment on private conversations but made clear how displeased Republicans were with the association's choice of a Democrat.

''Any smart business executive will tell you it is always a good idea to have someone who can walk the walk, talk the talk,'' Martin said. ''When dealing with a Republican-controlled Congress, that means hiring Republicans.''

Rep. John Linder (R–Ga.), chairman of the National Republican Campaign Committee, who confirmed that the leadership was sending a message to EIA by postponing a vote implementing two 1996 World Intellectual Property Organization (WIPO) treaties, said Republicans want to expose the hypocrisy of former Democratic staff members and lawmakers now representing business groups.

''They whisper in the ear of the people who hire them that they're with them, then they go to a Democratic prayer group and meet and pray for a Democratic majority'', Linder said.

The unusually public spat, which started Thursday when Gingrich, Majority Leader Richard K. Armey (R–Tex.) and Majority Whip Tom DeLay (D–Tex.) pulled the WIPO bill from the House calendar, marks the latest flar-up in the occasionally tense relationship between GOP leaders and business lobbyists. Every since they captured the majority in 1994, Republicans have complained that lobbyists have failed to give them either the campaign contributions or the respect they are due.

Even Republicans who made the transition from Congress to the private sector say that the lobbying community is still dominated by Democrats who thrived by virtue of their connections to Hill barons of the past.

''There is still a disconnect,'' said Ed Gillespie, Armey's former press secretary and now president of Policy Impact Communications. ''That's a result of Democrats being in control for 40 years and Republicans being in control for four.''

In the leadership meeting Friday, Republicans said, lawmakers mused about how powerful trade associations were savvy enough to hire Republicans as consultants but had failed to install GOP stalwarts at the helms of their groups. A slew of recent Democratic appointments has angered leaders, including those of Thomas M. Downs as the National Association of Home Builders' chief executive; John Hilley, who had been White House legislative liaison, as executive vice president for strategic planning at the National Association of Securities Dealers; and Tim Forde, who worked for Rep. Edward J. Markey (D–Mass), as the Investment Company Institute's vice president for strategic analysis.

By appointing Democrats to such prominent posts, argued Mark Rodgers, chief of staff to Sen. Rick Santorum (R-Pa.), trade groups undermine their ability to forge close ties with Republicans.

''At what point can you trust that what you're sharing on inside strategy or tactics aren't going directly back to the Democratic leadership?'' Rodgers said.

The EIA says it was only trying to find a leader who combined business and political experience. While some member companies are considering challenging McCurdy's selection when the group's board meets today, outgoing president Peter McCloskey said he was confident McCurdy would win its backing.

''The job is to be a spokesperson for the industry, not so much a lobbyist for the industry,'' McCloskey said. ''I'm not saying there's no political component to the job, but it's not the overriding component.''

Some Democrats openly mocked the GOP leaders' strategy. Rep. Barney Frank (D-Mass.) referred to the incident Monday before the WIPO bill finally passed by saying, ''That was not one of the finest hours of this institution when this bill got derailed because of a dispute about a job.''

Even some Republicans who believe the lobbying community has to change its approach were leery of this open feuding. Said Rep. Jim Greenwood (R-Pa.). ''You can look a little power-hungry at times.''

[From Rollcall, Oct. 12, 1998]

GOP FEUDING ABOUT LOBBYIST

BOEHNER, DELAY BLAST EACH OTHER ON MCCURDY JOB

(By Jim VandeHei and John Bresnahan)

House Republican Conference Chairman John Boehner (R-Ohio) and Majority Whip Tom DeLay (R-Texas) are locked in a bitter feud over the GOP leadership's decision to demand that the Electronic Industries Alliance (EIA) dump their incoming President, former Rep. David McCurdy (D-Okla.).

In their latest move to purge Democrats from leadership jobs at prominent trade association and lobbying firms—known internally as the ''K Street Strategy''—Republican leaders are pressuring EIA to oust McCurdy, who hasn't formally been installed as EIA's president yet, and hire a Republican to run the group.

While virtually every Republican leader endorsed the hard-line approach, including Speaker Newt Gingrich (R-Ga.), Boehner is furious that DeLay's operation has worked behind his back to oust McCurdy in recent days, several sources confirmed. Boehner, the leadership's liaison to K Street and outside business coalitions, was quietly working out a deal to have EIA company CEOs remove McCurdy before DeLay stepped in and started busting heads.

At a raucous leadership meeting Friday afternoon, Boehner blasted DeLay for interfering in his business and striking such a bellicose tone with EIA and its members. DeLay defiantly demanded that Republican leaders, including Boehner, needed to twist arms and play hardball in order to get results, according to sources familiar with the meeting.

The confrontation between Boehner and DeLay, whose animosity toward each other is well known inside GOP leadership circles, followed a scathing e-mail on Thursday from Boehner's chief of staff Barry Jackson to Gingrich blasting the tactics of DeLay's operation, the sources said.

But the internal GOP leadership fight will not derail the coordinated effort to once again send EIA and all of K Street a clear message: Republicans won't deal with trade associations and lobbying groups run by Democrats.

McCurdy, who would not comment, could be the latest victim.

National Republican Congressional Committee Chairman John Linder (R-Ga.) said he and other leaders are pressuring EIA board members and affiliated companies to reject McCurdy as their new president when the board meets this Wednesday in Phoenix.

''We think they ought to look back and see who won the last couple of elections,'' said Linder, who confirmed that Republican leaders held intellectual property legislation favored by many EIA members hostage to ''send a message.''

The legislation—which implements copyright changes required for the World Intellectual Property Organization (WIPO) treaties—was scheduled for floor action on Thursday, but Gingrich, Majority Leader Richard Armey (R-Texas), and DeLay decided to block the bill and spread the word on K Street.

Meanwhile, members of the leadership were instructed to call EIA member companies and demand that McCurdy be removed and a Republican be hired. Rep. Bill Paxon (R-N.Y.), who said he interviewed for the job but was told the companies were not interested in talking to incumbent Members of Congress, has been mentioned as a possibility.

''I will be contacting companies and recommending they do more interviewing before making this decision,'' GOP Conference Vice Chair Jennifer Dunn (R-Wash.) said.

Linder also has set up what one source called a ''phone bank'' to help lean on EIA members. Several EIA member companies bowed to the pressure and plan to call for McCurdy's head at the board meeting.

John Palafoutas, director of federal relations at AMP Inc., an EIA company, is unhappy about the selection of McCurdy to lead the organization.

''I'm concerned about the kind of reaction this is getting over on Capitol Hill,'' said Palafoutas. ''Republicans are sensitive to the fact that the high-tech industry has supported President Clinton and the Democrats.''

A Republican lobbyist with strong ties to EIA said that some companies want the EIA board to abrogate the contract with McCurdy.

''They have a lot of money,'' said the lobbyist. ''They can do something.''

For their part, EIA officials claim that they haven't been contacted by GOP leaders about the issue and argue that they plan to hire an assistant for McCurdy with strong GOP credentials.

''No one has called us,'' said Mark Rosenker, EIA's vice president of public affairs. ''We did not get a single phone call here. I respect Mr. DeLay. But we did not get a single official contact. No official call came . . . to anyone in our leadership from a Member of Congress. That's why I find this so intriguing and puzzling. This man has been out of politics for four years. I just found it incredible.''

In a related matter, Linder said he also told the National Association of Home Builders that GOP leaders have less interest in working with their group because they hired a Democrat as CEO. ''They came to see me yesterday,'' Linder said. ''I told them I am not going to get to know [new NAHB CEO Tom Down]. So save your time.''

''They would be making a terrible mistake to [shut us out],'' said current NAHB CEO Kent Colton. ''But they are not going to make a big deal about that because it would be too big of a mistake.''

Colton said NAHB, which will hand out $2.4 million total this election cycle, gives a majority of its contributions to Republicans and that he expects the association will continue to have a close working relationship with Republican leaders.

□ 1730

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE KURDISH CEASE-FIRE: AN OPPORTUNITY THAT SHOULD NOT BE SQUANDERED

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

Mr. FILNER. Mr. Speaker, I rise today to express my support for what many in this country do not know has occurred, but is exceedingly important. That is the unilateral cease-fire that was declared on August 28, 1998, by the Kurdish rebel leader, Abdullah Ocalan.

Taking part in a live broadcast on Med-TV from his base in the Middle East, Mr. Ocalan noted that, effective September 1, 1998, he has ordered his guerillas to cease their operations and silence their guns until further notice. This is a momentous opportunity, Mr. Speaker, for the advocates of peace, the defenders of human rights, and the champions of trade with the oil-rich countries that surround this explosive region called Kurdistan.

For several years now, Mr. Speaker, I have risen on this floor to draw the attention of my colleagues to the enduring struggle of the Kurds for peace, democracy, and human rights. I have strongly supported their inalienable right to self-determination. Who among us has not heard of the brutality exercised against the Kurds by Saddam Hussein?

The theocracy in Iran has targeted the top leadership of the Kurdish resistance, and murdered many of its ablest leaders. Turkey, a country that we supported as a bulwark against the Soviet expansion during the Cold War, has left its own trail of desolation in the land of the Kurds.

We cannot afford to call a country a friend, ally, and partner, Mr. Speaker, if it refuses to practice the most basic dictates of democracy, such as the freedom of expression and assembly. Kurds, who constitute one-third of the population of Turkey and number some 20 million, are denied their basic human rights, such as the expression of their identity, the use of their own language, the practice and perpetuation of their culture, as a distinct and indigenous people that has its roots in the dawn of history.

The Turkish constitution, the solemn document binding the peoples of Turkey together, makes no reference to the existence of the Kurds. Its Article 3 expressly forbids the use of the Kurdish language in print and in official settings. The Kurds, thus, can write books in English, French, or German, but not in their native Kurdish. Those who do end up with a prison sentence that can run into a century. The noted Turkish sociologist, Ismail Besikci, who has merely written about the Kurds, has accumulated prison sentences of more than 100 years.

Many of us are well aware, Mr. Speaker, of the historical abuse of the Armenians. In 1915, the Armenians were systematically exterminated in the Ottoman Empire. A similar strategy is now being carried out against the Kurds.

Mr. Speaker, the time has come for a bold departure from the old policy of entrusting a blank check to Turkey to do whatever it wishes with its Kurdish minority. The government in Ankara has abdicated its responsibility, and entrusted the entire Kurdish region to the rule of uncompromising Turkish generals for the last 18 years. They have killed more than 40,000 people, and have driven 3 million from their homes. More than 3,000 Kurdish villages have been destroyed. Duly-elected Kurdish parliamentarians are now rotting in jails. The voices of compromise and reconciliation have been silenced. We are witnessing an historical tragedy.

Now the offer of the cease-fire by the Kurdish rebel leader has the potential to bring peace to this troubled region, and open the way for the coexistence of the Kurds with the Turks. Mr. Ocalan has stated that he is ready to disband his forces if Turkey takes steps to constitutionally recognize its 20 million Kurdish population.

Some courageous leaders in Turkey now recognize the crisis must be solved. On September 11, 1998, Husamettin Cindoruk, leader of the Democratic Turkey Party, a member of the ruling coalition in the Turkish government, actually admitted that negotiations must begin. As he said, Turkey will get nowhere by masking this problem and delaying a solution.

He suggested that the talks that produced the good Friday agreement between Ireland and Britain can be the model for his own country. Members of the largest Turkish party, the Virtue Party, Recai Kutan and Hasim Hasimi, have also expressed similar sentiments. These deputies ought to be commended for their courage. Their words carry the real promise of peace.

Mr. Speaker, I cannot help but bring to the attention of this body the plight of a group of Turkish and Kurdish women who have gathered in front of Galatasaray High School to protest the disappearance of their loved ones over the last 3 years. Known as the Saturday Mothers, they were visited this past January by our colleagues, the gentleman from Illinois (Mr. JOHN PORTER) and the gentleman from Maryland (Mr. STENY HOYER), and the President of the Human Rights Alliance, Kathryn Porter.

Under the U.N. Declaration of Protection of All Persons from Enforced Disappearance, the authorities are obliged to carry out prompt, thorough, and impartial investigations into every report of disappearance. According to Amnesty International, no investigations satisfying these criteria have been carried out. This sad state of affairs was compounded on August 29 when police detained 150 people.

With the declaration of this Kurdish cease-fire, we now have an opportunity. We helped to make possible the Good Friday Agreement, the Dayton talks, and the Israeli-Palestinian accords. We must do no less for the Kurds.

HOUR OF MEETING ON TOMORROW

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. tomorrow.

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

There was no objection.

IN SUPPORT OF REFORMS OF THE INTERNATIONAL MONETARY FUND

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

Mr. SAXTON. Mr. Speaker, in the next day or so we will be voting on the spending plan, the rest of the spending plan, for fiscal year 1999. An important part of that is a matter involving the International Monetary Fund, and there were many of us who said that we would only vote for that provision with proper reforms.

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

The implementation of IMF reforms in this bill will be an important test of the good faith and credibility of the Treasury Department and IMF officials. With regard to the reforms themselves, our review of their development from earlier legislation is critical to understand the intent of Congress.

The structure of the reforms pertaining to transparency and market rates is clearly based on the IMF Transparency and Efficiency Act that was introduced earlier this year by myself and some others known as H.R. 3331, which was introduced, I might add, in conjunction with the majority leader.

The reform proposals in the budget bill are essentially narrower versions of the policy changes mandated in the IMF Transparency and Efficiency Act. The biggest change is in the enforcement mechanism in this act, in the coming act, which has been replaced by a much weaker enforcement provision in the appropriations bill we will vote on in the next day or so.

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

Second, with regard to the interest rate provisions, the higher interest rates are required any time the definition of conditions of a balance of payments problem emerge, regardless of other problems that may also exist.

The compromise language uses some terms to describe these conditions also used by the IMF to describe an existing IMF loans facility, but there are essential differences that are important to note.

Finally, or next, the clear intent of this reform initiative is to require interest rates comparable to market interest rates, as expressed in H.R. 3331. Prior to these negotiations, the staff of the Joint Economic Committee devised a floor to permit an objective limit on how the rate could go in an attempt to prevent backsliding.

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

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

URGING MEMBERS TO SUPPORT LEGISLATION REGARDING HATE CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today as a Member of the Human Rights Caucus of this Congress. That caucus takes as its responsibility sort of a checks and balance for human rights violations around the world. That is why I rise today with such pain about our own situation here in the United States of America.

Last evening many of us joined with throngs to mourn the loss of Matthew Shepard, the young man who died in Wyoming as the result of a brutal and devastating murder. Matthew Shepard was gay, but he was also, as was claimed and was pronounced last evening, filled with vitality and life. He loved life; small in stature, but well worth the value of his life and, as well, the opportunity to continue to live his life.

My sympathy goes to Judy and Dennis, his parents, and all of his friends in the State of Wyoming. But frankly, the brutal attack against Mr. Shepard is not an uncharacteristic once-in-a-lifetime manifestation of hatred. It happens too many times in this country.

During 1985, 7,947 bias-motivated criminal incidents were reported to the FBI by approximately 9,600 law enforcement agencies in 45 States and the District of Columbia. Sixty-one percent of the incidents were motivated by racial bias, 16 percent by religious bias, 13 percent by sexual orientation, and the remainder by ethnicity, national origin bias, or multiple biases. The 7,947 incidents involved 9,895 separate offenses, 10,469 victims, and 8,433 offenders.

I would say, Mr. Speaker, that in these waning hours, there should be nothing more to dictate to us that we should pass the Hate Crimes Prevention Act of 1998. Let me thank the President for so quickly denouncing both the brutal killing of Matthew Shepard, but as well, calling on this Congress to pass this legislation. Allow me to thank those negotiators in these last hours who are negotiating on this final omnibus bill who have pressed over and over again, why can we not pass a Hate Crimes Prevention Act of 1998?

Let me ask my colleagues, why not, in the name of James Baird, an African American in Jasper, Texas, who was dismembered a few months ago out of hatred, or Fred Mangione, in Houston, Texas, who was killed because of his sexual orientation? How many more deaths do we need to tolerate to be able to pass a Federal law that stands up to the Nation and says, we will tolerate hatred no more? We will not accept the intolerance of not tolerating those who are different.

What is wrong with this Nation, in a unified voice, promoting laws that protect people who are different because of their religious difference, their racial difference, whether or not they have disabilities, their sexual orientation, or their gender?

I have been asked over and over again, why create other laws? Do we not have murder, assault, and other laws that will take charge of these issues? I simply say that the question has to be asked, what kind of moral standing does this Nation want to have?

Certainly, there are State laws dealing with murder and assault, and there are State laws dealing with rape and other types of incidents. But the State laws are disorganized, and many of our States have not passed hate crimes legislation, including the State of Wyoming. Some States who have made a good-faith effort find that their legislation is overbroad and vague, and therefore it is not a valuable tool for prosecutors.

In talking to U.S. attorneys who would have to prosecute this law, this Hate Crimes Prevention Act of 1998, they say it clearly answers the question of preciseness, because it delineates those who would be covered by such a law. It enhances the sentencing for those who would perpetrate violence because others are different.

Do we want to live in a country that accepts a random, reckless attack because you happen to be an African American walking along a lonely road, or you happen to be someone of a different sexual orientation who is sitting in a bar, minding his or her own business, engaging in what most Americans would like to do, enjoying themselves?

Do we want to be a Nation who points the finger at others who are violating human rights, and yet we do not have the courage to stand up and pass legislation, simple as it might be, in order to protect those who are different?

□ 1745

I call upon my colleagues in these last hours of this session, if we do anything as we have done to help our children and others, can we not stand up for human rights and human justice? Can we not pass the Hate Crimes Prevention Act of 1998? I hope the answer is a resounding ''yes.''

DETAILS OF THE FINAL OMNIBUS APPROPRIATIONS BILL

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

Mr. TIAHRT. Mr. Speaker, we are coming to the end of the session here and we have a tentative agreement reached on how we are going to continue this government for fiscal year 1999. We found out that we can agree with this President.

Now, he did think that he got his way on the 100,000 teachers program and IMF funding, and we are glad that the $18 billion is there for IMF funding with the needed reforms that were associated with it, and we are glad that we have additional money for teachers.

But I wonder if anybody has actually done the math. The President said that he wants 100,000 teachers and we set aside a billion dollars to do that. If we divide 100,000 teachers into a billion dollars, I know this is high level math for some, if we divide it out we get $10,000 per teacher. I would ask my colleagues to go back to their districts and ask any teacher if they are willing to start a new full-time job for $10,000 a year. I know that when my wife was teaching in the public schools in the late 1970s, she was willing to teach for $10,000 a year in southwest Missouri, and the cost of living was not nearly as high as it is today. I think at best we will get 30,000 teachers out of this program, and they will be paid some reasonable sum.

But more importantly, the Republicans insisted on and won the provision that says that this money will go directly to the classroom. This money will not be spent in Washington, D.C. on the bureaucracy. Right now we have a Department of Education bureaucracy and the average salary at the Department of Education is $52,000 per year. There are millions of people across the United States that would like to teach for $52,000 a year. I can think of a lot of them in Wichita, Kansas, where the average salary is below $30,000. I think rather than waste the

money here, it is much more important that we send that money directly to the school districts.

One other thing that we agreed on with the President is that there is a surplus that can be spent on something other than saving Social Security. I think we need to keep in mind that the Republicans have put at the top of their list that we need to save Social Security and we passed a bill that said that 90 percent of the surplus would be set aside for saving Social Security and 10 percent would go to tax relief.

The President has insisted that we do not have any tax relief this time, but we wanted to make sure that we did have that money available. He has agreed that it is available, except he wants to spend it on the bureaucracy. So, we have agreed, in order to get some type of compromise, we have agreed with the President that we would take the Republican priorities and spend some of that on emergency spending.

One of those things that we did for emergency spending was provide tax relief for the financially strapped farmers. If my colleagues have been following the nationwide news, and certainly in Kansas it has been followed closely, farmers have been having a hard time this year. Weather has been a problem. Around the world prices have been depressed and that has caused a lower demand for farm commodities and so the prices have been down. Combine that with the natural problems that we had with the weather, and it has been a tough year.

We have also provided tax relief for farmers and other self-employed individuals by allowing 100 percent deductibility of their insurance premiums.

One of the other things that was a great victory for the Republicans in this settlement is that we now have much-needed increased funds for national defense. About $9 billion of emergency spending for defense and intelligence needs.

This administration has increased the work level of the Department of Defense much more than any other bureaucracy that we have here in Washington, D.C., and yet they have limited the funds. They have tried to divert the funds. They have allowed much of it to be wasted, and they have sent people overseas on numerous missions. Bosnia comes to mind, and now we are looking at Kosovo. We have had intervention in Haiti and in Africa and different places.

Mr. Speaker, all of this costs money and the administration has been more than willing to send our young men and women abroad and not fund it. Well, because of that, we have created an emergency in our national defense system. We are going to now, with this final bill, be able to do something for our young men and women who are willing to risk their lives.

We also have some relief here for the need that we have to provide for our national defense. We have about a billion dollars that have been set aside for missile defense. Most people do not realize that we have no defense for incoming ballistic missiles. We have had in the past a policy of mutually assured destruction. We would not fire on anybody else because they would fire back on us and vice versa. If someone was to fire an intercontinental ballistic missile on the United States, they could be assured that we would enjoy their country too. And so this mutually assured destruction has been our policy.

Now, with the breakdown of the USSR and other Third World countries becoming nuclear powers, we find that we have no policy that is working and this mutually assured destruction cannot be guaranteed when we have terrorists that we are dealing with. So, it is very important that our country provide for a missile defense system.

We have now, because of the Republicans in our negotiation, our leadership in negotiations, we have provided the first step in continuing this missile defense program that is much-needed.

There are other provisions in here that were very important that we see become law. We are now protecting children from pornography on the Internet. We are now going to stop needle exchange programs, which have been proven not to work.

So we think that we have a good settlement and a good agreement and it shows that our system of democracy does work. Nobody got 100 percent of what they wanted, but we got an agreement and we are moving forward to make sure that this country is safe and secure and that our needs are met.

CONGRESSIONAL WOMEN'S CAUCUS LEGISLATIVE ACCOMPLISHMENTS

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

Ms. NORTON. Mr. Speaker, I have kept the count for the Women's Congressional Caucus of our legislative achievements in a productive session for our achievements, working closely with my Republican co-chair, the gentlewoman from Connecticut.

I come to the floor this afternoon cheered to know that one of the last of our seven must-pass provisions has now finally been passed, after having been passed several times, twice in the Senate and in the House, and that is a provision that will allow the full range of contraceptive drugs and devices for Federal employees who faced Federal insurance that was very diverse in what was offered.

This was a major fight. Abortion politics somehow made its way into this mainstream contraceptive issue. Finally, it has been settled and these drugs will be provided. That means that four of the seven must-pass bills of the Women's Caucus, which is a bipartisan caucus in the House has been passed.

We are grateful that the reauthorization of the Mammography Quality Standards Act was passed; the reauthorization and strengthening of sections of the Violence Against Women Act occurred; that a new Commission on Women, Minorities and People with Disabilities in Science, Engineering and Technology Jobs will take place.

Now that the contraceptive priority has passed, the House and the Senate have now been passed four out of seven of our priorities. It shows what bipartisanship can get us if we are willing to do it.

The women of the Congress have set the example for the entire Congress. I do want this body to know that in addition to our annual must-pass provisions, there were other legislative priorities that the caucus had and that were passed.

I am particularly cheered that gender-integrated military training, a strong bipartisan goal of the Women's Caucus, occurred. And my hat is off to the gentlewoman from California (Ms. HARMAN) and the gentlewoman from Florida (Mrs. FOWLER), who were on the committee and carried the matter for the caucus.

Child care, as we desired it, did not come about because no bill came to the floor. But I am pleased to note that $45 million was included in the Higher Education Reauthorization Act for campus-based child care.

Mr. Speaker, with all of the concern about taxes, this House did not overlook the need for tax relief for innocent spouses, women who were left holding the bag after divorce when taxes they did not know were not paid fell to them.

The Women's Caucus has led the notion that women and minorities are to be included in clinical trials. Now we have been able to get that proposition accepted under the Federal Food and Drug Administration Reform Act.

Mr. Speaker, child support enforcement continues to be a priority concern of the congressional women. We are moving along incrementally until this full job is done. There are incentive funds that we have passed in order to improve the performance of child support enforcement programs. We take heart that it has now become a felony if parents do not pay their child support for a year, or if they owe more than $5,000. That is what a felony ought to be, when we consider what is at stake is the lives of children.

We are pleased that the House, in fact, has helped displaced homemakers find job skills. These are woman who will not qualify for welfare, many of them divorced or separated, women who now under the Job Training Reauthorization Act will in fact be able to get job training targeted and focused on them.

Mr. Speaker, I have been to the floor this week already with a strong set of disappointments about women's issues.

They were quite overwhelming. They involved, especially, choice and child care issues. I come to the floor this afternoon, however, grateful that we have removed contraception from the women's list of demerits for the 105th Congress. May we all do better in the 106th Congress.

FOUR YEARS' ACCOMPLISHMENTS OF REPUBLICAN-CONTROLLED CONGRESS

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

Mr. SMITH of Michigan. Mr. Speaker, I just came from our Republican Conference talking about what is in this omnibus appropriation bill. The good news is that when we think of what might have happened with the tax-and-spend presidency, with the tax-and-spend Democrats, what would have happened if Democrats were in control of this Chamber not fighting to make sure that we did not reach into the surpluses that we have for additional spending.

What we have accomplished since the Republicans took the majority 4 years ago is a tremendous reduction in deficit spending. The unified budget deficit 4 years ago was $210 billion. If we add to that what we were borrowing from the Social Security trust fund, then it came to about $160 billion, more deficit at that time than we have this year.

We actually paid down the debt to the public this past year by $60 billion. We expect that this current fiscal year, the 1999 fiscal year, we will reduce the debt to the public, the public debt, by an additional $62 billion. It is not as good as it should be. We are still borrowing some of that money from the Social Security trust fund for other spending. I wish my colleagues would join me in cosponsoring my bill that stops the government from borrowing this money and leaving simple IOUs.

Look, the point is that we have got a good start. We have got a smaller deficit by $260 billion than we had 4 years ago. If we look at what happened when I first came to this Congress in 1993, the frustration of a Democrat majority and a presidency that increased taxes on senior citizens, on gasoline, and so most Republicans voted against it, most every Democrat voted for it, and we have been trying to turn that around ever since.

Now the goals of this Congress, with a majority of Republicans, I think is twofold. I think we are looking at traditional family values. There is not a lot that government can do about traditional family values, but, look, there are some things we can do. The marriage penalty tax. We can set an example. We can encourage neighborhoods to get involved. And that is what we are trying to do with our drug program.

□ 1800

We have expanded money for drug control in this Congress with this budget that we expect to pass in the next 48 hours. Drugs are disrupting education. Drugs are one of the major causes of crime. And we are saying that, look, we are going to be serious about an all-out war on drugs.

I think as we look at our challenges ahead for the future, certainly we have got to put a priority on trying to deal with the fiscal problem of Social Security and Medicare. Those are two huge challenges that we have got to face up to. I am concerned about the politics that is being played with those items during this election year.

I would just suggest, Mr. Speaker, to everybody out there that might be listening to this program to brace up for the last two weeks of this campaign, as there is going to be a lot of misleading and false information out there that suggests that one side of the aisle cares less about balancing the budget or more than the other side, that one side cares less or more about Social Security and Medicare.

Our two biggest fiscal problems are Social Security and Medicare that we have got to deal with. I think on the domestic side, we need to look at traditional family values. We need to give the kind of priority to education that this appropriation bill gives, as we have expanded over and above what the President requested for the programs for the slow learners, for the special program education money that goes into IDEA, because hopefully both sides of the aisle will give the kind of priority to education, will give the kind of priority to reducing crime that this particular appropriation bill does that we will pass in the next two days.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would advise that it is inappropriate to address the viewing audience.

HOW HISPANIC AMERICANS FARED

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

Mr. BECERRA. Mr. Speaker, we are very close to the end of this session, and perhaps it is fitting that we have an opportunity to try to assess what has gone on this year. It happens that as the individual who has been given the privilege to serve this Congress as the chairman of the Congressional Hispanic Caucus, a caucus which is composed of all those Members of Congress of Hispanic heritage, that this year we have an opportunity to talk a little bit about how Hispanic Americans have fared in this Congress and through this White House in legislation and in proposals administered by the executive branch of government.

And to help us in that we are fortunate. About 8 years ago many of the national Hispanic organizations came together and formed an umbrella organization, the National Hispanic Leadership Agenda. Back in 1991, when they formed, they decided to have a policy to try to come together and see if with all the voices of these national organizations, they could try to project a voice for Americans of Hispanic descent.

This organization is nonpartisan and it is, as I said, a coalition of all the major national Hispanic organizations. It includes communities from all the different streams of Hispanic America. It includes those individuals of Mexican American ancestry, Puerto Rican ancestry, Cuban Americans and all those who are from the Caribbean, Central and South American areas.

Let me give you a list of some of the organizations, national organizations that are part of the National Hispanic Leadership Agenda. We have the Hispanic National Bar Association. We have the Hispanic Association of Corporate Responsibility. We have the U.S. Hispanic Chamber of Commerce, Cuban American National Council, the League of United Latin American Citizens, the National Hispanic Corporate Council. We have the Society of Hispanic Professional Engineers, the Puerto Rican Legal Defense and Educational Fund, Hispanic Association of Colleges and Universities, the Mexican American Legal Defense and Educational Fund, the American GI Forum, Alianza Dominicana, the National Puerto Rican Coalition, MANA, a National Latina Organization, the National Hispanic Council on Aging, the National Association of Latino Elected and Appointed Officials, the National Council of La Raza, and the U.S.-Mexico Chamber of Commerce, to name some of the many organizations that are part of the National Hispanic Leadership Agenda. Overall they represent millions of Americans and try as best possible to come together in one voice.

Let me show you a little bit of what they came up with. This is their scorecard that they just recently issued. It is called the National Hispanic Leadership Agenda congressional scorecard, 105th Congress. What the various organizations do within the NHLA is to take a number of very important votes that this Congress took this year and in 1997, during the 105th Congress, and assess where we stood as a Congress with respect to issues important to Americans of Hispanic descent.

They took many votes, about 24 of the most important votes that were taken here in the House and about 11 of the most important votes taken in the Senate, and they came up with a scorecard. And I went ahead and summarized some of that so we would at least have a sense of where we are this year at the end of the year.

Let me, if I may then, refer to this chart. If you break it down, you will see that votes taken by the House and the Senate, there were more votes taken in the House than in the Senate

and, therefore, more votes that the NHLA was able to use to try to rate the Members of Congress, grade the Members of Congress. But what we find is overall scores of the various votes taken in the House of Representatives, for example, of the 24 votes that were scored, 19 percent of the time the Republicans in the House of Representatives supported Hispanic American issues and concerns. Democrats supported, on those same 24 votes, supported Hispanic American concerns 85 percent of the time.

In the Senate, the support by Members of the Senate who were Republican was 20 percent, 20 percent of the time Republican Senators voted in support of measures that the NHLA identified as extremely important for Hispanics throughout this country. In the Senate, Democrats voted 89 percent of the time in support of issues that were important to Hispanic Americans.

I further broke this down to give a better sense, since it would be difficult to list the votes of the 435 Members of Congress along with the 100 Members of the Senate the way the NHLA did, but if we took the leadership, and I decided to take the leadership votes out. We find that in the Senate, the Republican leadership under Mr. LOTT, TRENT LOTT, Mr. LOTT's score, of the 11 votes, was zero percent, unfortunately, which means that on no occasion did he support Hispanic American issues. Ninety-one percent for Senator DASCHLE. On the House side it was zero for Speaker GINGRICH, and it was 7 percent for the gentleman from Missouri (Mr. GEPHARDT).

That will give us a sense and hopefully we can go from there to see how Congress supports issues important to Hispanic Americans.

CHALLENGES THAT AWAIT THE CONGRESS

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

Mr. HAYWORTH. Mr. Speaker, I rise this evening not to attempt to drive a wedge among Americans of different backgrounds. Indeed, I believe what President Theodore Roosevelt said is true, that though we come from many different backgrounds, we celebrate 100 percent Americanism, even when people have different views about a variety of issues.

Mr. Speaker, I come to the well tonight further to discuss the challenge that still awaits this Congress, the challenging decisions we confront.

Mr. Speaker, I am pleased to report to the citizens of the sixth congressional district of Arizona, who I am pleased to represent, indeed all Americans from coast to coast, Mr. Speaker, that this Congress is making progress on a variety of fronts, but most especially on that topic that seemed to be on the tips of just about everyone's tongue, especially on the other side of the aisle earlier this week, and that of course is education.

Mr. Speaker, I think common sense dictates that education is too important to be left up to Washington bureaucrats. That is why in the midst of this historic attempt to reach a budget agreement, I am personally pleased to see that after a time of discussion and negotiation, those who represented the administration found that also this should be true.

For while there will be increased spending on education, it will be done at the local level. Indeed, perhaps even exceeding the hard work done by our colleague the gentleman from Pennsylvania (Mr. PITTS) in his Dollars to the Classroom Act, which said that for every education dollar at the Federal level, 95 cents of that dollar should end up in local classrooms, helping teachers teach and helping children learn. And indeed, in the wake of these negotiations, now 100 percent of the money will end up at the local level for States and, more importantly, for local school districts to determine how best to utilize for teacher training and for challenges they confront. Because after all, the key to solving many difficulties and challenges in education are confronted by school board members who are elected in their respective communities, by the teachers who know the names of the children in their classrooms, by the parents who have a concern because they have been entrusted with our most precious resource, a resource for which no price tag can be attached.

We have been dealing with many challenges when it comes to these budget talks and, Mr. Speaker, I can remember on a few occasions even the President of the United States has come into this Chamber with his State of the Union messages and he has offered some interesting comments. Indeed, in the last State of the Union message, Mr. Speaker, when you totaled up everything the President had proposed in his budget plan, you were looking at more than $150 billion of new spending.

The common sense conservative majority has put the brakes on that. And more importantly, to pay for those programs, not with a great deal of illumination or elucidation, but the President of the United States had a price tag attached, over $130 billion of tax and fee increases. Mr. Speaker, we can report this evening that there will be no tax increases in our agreement.

And more importantly, Mr. Speaker, because we do face pressing needs, not only the Y2K crisis that confronts us in the field of high technology, but more basically, as we take a look at the preamble to the Constitution and our charge to provide for the common defense, every dollar of new social spending will be matched with a dollar for our defense spending, for, Mr. Speaker, reports have come to us that are indeed disturbing, reports of a hollow force that we have not seen since the late 1970s, reports of a spare parts and personnel crisis.

I know that other colleagues will join us to discuss these pressing issues, but we are making the choices right for America.

ACCOMPLISHMENTS OF THE 105TH CONGRESS

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

Mr. WELLER. Mr. Speaker, it is hard to believe after two long, hard-working years that the 105th Congress is now coming to a close. It is expected we should be rapping up our business probably in the next 24 to 48 hours. I thought I would just take a few minutes and look back over the 105th Congress and talk about, frankly, some of the accomplishments that we have achieved.

I represent a very, very diverse district. I represent the south side of Chicago and the south suburbs in Cook and Will Counties, bedroom communities as well as rural and farm towns.

I find there is a pretty common message that comes out of these communities. That is, they are tired of partisan politics. They are looking for solutions. They want us to meet the challenges that we are sent to Washington to work on but to come up with solutions and then get those solutions achieved.

I was thinking when I was first elected back in 1994, the gentleman who just preceded me in 1994, and we had an agenda. We were told time and time again that we could not achieve it. We were told we could not balance the budget. We were told that we could not cut taxes for the middle class. We were told that we could not reform the failed welfare system. We were told that the IRS was good the way it is, that we could not make changes.

□ 1815

But I am proud to say that in the 105th Congress that we have made some real accomplishments, coming up with solutions that work. I am proud to report, at the end of the 105th Congress and the last 2 years, we have balanced the budget for the first time in 28 years. We cut taxes for the middle class for the first time in 16 years. We reformed our welfare system for the first time in over a generation. Yes, we tamed the tax collector, reforming and restructuring the IRS for the first time ever.

Now that we are in the final hours, I thought I would take talk about an additional accomplishment, some important accomplishments that affect folks back home, and that is in the area of education, priorities for our local schools.

I am proud that, after 2 years in the 105th Congress, we have some pretty good accomplishments to take home. Thanks to this Congress, we now have

the lowest student loan interest rate in 17 years, making college affordable for middle class and working families.

We have doubled the Pell grant twice of what it was when we were first elected, now making college more affordable for low-income students unable to qualify for student loans.

We have increased funding for Head Start. We have increased funding for special education. Even while balancing the budget, education was a top priority last year, including this year as well; in fact, with last year's balanced budget, the first balanced budget in 28 years.

We increase funding by 10 percent, a $5.4 billion funding increase. I am proud of that. Lowest student loan rates in 17 years, doubled Pell Grants, low income students, increasing funds for Head Start and special education, and making education a funding priority.

I will say, though, I am disappointed. There are some initiatives that were passed by this House that the President did not support, so they are not going to happen. Education savings accounts to help families better afford additional cost and public education and better afford the opportunity to go to a private parochial school, unfortunately, the President vetoed that effort to help families better afford education for their children.

Unfortunately because of the President's opposition and because of opposition from Members of his own party, an effort to give tax deferred status to prepaid college tuition programs unfortunately failed after we passed it out of this House, helping make college more affordable.

In an effort to provide for school construction, bonding programs to help school districts in Chicago and the south suburbs and other growing areas add classrooms and fix the roof, unfortunately the legislation, $1 billion initiative which passed this House as part of the 90–10 plan, unfortunately we were not successful because of the President's opposition.

But we have had a very important victory for local schools and a very important victory for education in the final days. I am glad to see that this Republican Congress and a Democratic President on the end of Pennsylvania Avenue can work together.

The President talked earlier this year about the need to reduce class size, the need to hire additional teachers to accomplish that goal. Many of us in this House, in a bipartisan way, agreed with him.

The question was how were we going to achieve that goal. Are we going to have this type of program micromanaged from a bureaucracy here in Washington, or are we going to give the resources to local school districts and local school boards and local school administrators and give them the flexibility how best to decide that type of priority.

I am proud to say that we have reached an agreement. It is my understanding the President and the Republican majority have reached an agreement to provide $1.1 billion in funds to help schools, and decision making will be in the local districts how best to use those dollars. That is a big victory for education, a big victory for local education, local schools.

STRIVE TO MEET DEADLINES IN THE 106TH CONGRESS

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, today, we have seen quite a transformation of the nature of the debate. I think all of us remember the debate from yesterday, the day before. There was a great deal of anguish over how we would support education in this country. Would there be funds and assistance for school construction and modernization? Would there be money for teachers? Was this going to be Federal interference with local education?

This body was badly polarized for all of us that sat and listened to the exchanges, horribly polarized. It is amazing. Here we are today, and it appears that we are uniform in supporting teachers in the reduction of class size.

I think that it is important that, as we debate these issues, the Nation understands that sometimes the debate is rhetoric. Sometimes the debate is real. Probably even today, if one searched and scratched hard enough, one would find that code words are being used to illustrate differences that now we are more interested in glossing over.

But I think it is a victory for the American people, for our students that we are focusing on reducing class size. I trust this is an initiative that is not just one that is being promoted here in Washington, but in State capitals around the country and in the offices of local school districts around the country and in the homes of the citizens of this Nation as all of us join together to emphasize the importance of small class size and the best possible educational preparation for our children.

There is another aspect about the debate and the proceedings this week that I would like to touch upon, and that is the unseemly chaos that is accompanying the close of this 105th Congress.

Some have complained that the President has not been here every day and every hour and blame the President for the fact that these last days have been added to the session.

Others have pointed out, as I would like to emphasize, that we have not had a budget resolution to guide this body. The lack of a budget resolution certainly cannot be blamed on the White House. That budget resolution is a concurrent resolution adopted by the House and the Senate to guide this body in passing appropriations bills for the 1998, 1999 fiscal year.

I am sure that all of us are well aware that that fiscal year started October 1, 15 days ago. We are half a month into the fiscal year. We have no budget resolution. Indeed, we are 6 months past the due date for the budget resolution, April 15, 1998. We have no budget resolution.

Going further, this will go down as the first Congress in 24 years of having a budget requirement that has failed to produce a budget resolution. We do not have a concurrent budget resolution. I submit that this contributes to the frantic nature of the negotiations and the delay that we have experienced in this 105th Congress in bringing our efforts to a close.

I note with some concern that the same party controls this body and the Senate. I would have hoped that a budget resolution would have been enacted because of that leadership from the same political party. But unfortunately it has not.

I can certainly see situations where my side of the aisle might well have had parallel difficulties. But the lesson to be learned here is we need to work together to find some way, even within our own caucuses, to bring closure to divisive debates.

Certainly if we cannot within our own caucus and within our own party find a way to pass a budget resolution, how much more difficult is it in the body at large.

Mr. Speaker, I think that we should make a resolution as we leave this institution and returned to our respective districts, that in the 106th Congress, we will endeavor to do better and observe the deadlines that apply within the budget process, and hopefully we can then come up with an educational program earlier in the season and not have to have the debate delayed and become so divisive as it has here in the fall of 1998.

ANNOUNCEMENT OF THE LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON FRIDAY OCTOBER 16, 1998

Mr. KINGSTON. Mr. Speaker, pursuant to House Resolution 589, I hereby give notice that the following suspensions will be considered tomorrow, October 16, 1998:

H.R. 1197, Plant Patent Amendments Acts of 1997;

H.R. 1756, Money Laundering and Financial Crimes Strategy Act of 1998;

S. 610, Chemical Weapons Convention Implementation Act.

THE SURPLUS CONGRESS

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

Mr. EWING. Mr. Speaker, it is the nature of politics that we never get everything we want. But when American people support the general direction in which we are going, small victories do become possible.

I think today's agreement between Congress and the White House on the remaining spending bills represents a victory for those seeking to take this country in a direction of smaller government, holding the line on spending, local control of education, tax relief, a stronger military, and more weapons for the war on drugs.

After many months of difficult negotiations, an agreement has been reached that reflects the priorities of this Republican-controlled Congress. This Congress, I think, can properly be called ''The Surplus Congress.'' I think there is great pride in that nomenclature that this is ''The Surplus Congress.''

Just a short time ago, Congress was faced with $200 billion a year deficits for as far as the eye can see. Now we have the responsibility, yes, and the duty to manage the surplus which we see in the future. What a great difference in how much more fun and interesting it is to talk about managing the surplus and what we are going to do with that surplus.

Number one, of course we are going to preserve and strengthen Social Security and Medicare. The process that we are going through right here in October of 1998 shows the need for the dedication of this Congress to do that, because we are at what we hope is the final hour of the negotiations of the spending for the next year.

Had the Republicans not be in control of Congress, there would have been a lot less surplus to be allocated to preserving Social Security and Medicare. In fact, had we given in to all the requests for spending, we would not have had to have a debate on surplus, because it would have all been spent.

But in this agreement that we hope will come before this body and the other body in the next day or two, we have some really great victories.

I want to talk a minute about education. Education is important in every district in America. In the last 2 years, I have taken the opportunity to go around and talk with my teachers. I did not just talk to the superintendent. I talked with the teachers from the classroom.

I asked them about some of the issues we were debating out here. I want to tell my colleagues that I was surprised at some of their answers.

I thought, for instance, that the teachers would be for more testing. No way. They explained to me very simply how many different tests they had to do for the school district and for the State. Then they said, if we have more testing at the national level, it really interferes with what they are trying to accomplish in the classroom. It made very good sense to me. Certainly, it brought me back here with a renewed vigor to oppose more national testing.

How many times do we count the eggs? We do not have to do it 15 different ways to come up with the same answer. We need some testing. We do not need national mandated testing. I am really glad to see that that is not going to be part of next year's spending priorities.

Dollars to the Classroom, absolutely what we need. Let us get the money out there where the work is being done. The program that we passed in this House and what I think the budget will carry forth is going to put money in the classrooms of the schools around this country.

There was a desire to say we are going to put 1,000 new teachers; but when I talked to teachers, they said, well, you know, some classes can have 22. Some need to be at 18 or less. Give the local schools the decision making which they can do best. That is in this program.

We will be visiting with more of those things. I am pleased to be here to talk about our educational priorities.

□ 1830

REPUBLICAN EDUCATION ACCOMPLISHMENTS

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

Mr. GOODLING. Mr. Speaker, I think it is a great day for American children today. The debate the last couple of weeks should have had nothing to do with show and tell. It should have had nothing to do with who better understands how important education is to the future of this country. The whole issue, of course, was one of who knows better how to bring about quality education, people on the local level, the teachers, the administrators, the parents, or we in Washington, D.C.? And as I have said to my committee so many times, if all of those programs from Washington, D.C., down would have worked, we would not have a problem with literacy in this country. We would not have a problem with drugs in this country. We would not have a problem with dropouts in this country. We would not have a problem with people graduating who cannot do math and cannot do science very well. If they had worked. They did not work. The reason they did not work was because nobody paid any attention about quality. We said one size fits all. ''Take it from us, we know better than anybody else.'' We also said, ''Let's cover numbers. Don't worry about whether you're covering them with quality. Just cover numbers.'' And so we did a lot of different things. As a new majority we said in our higher education bill, no longer universities and colleges who support pupil-teacher preparation. We want you to produce quality teachers. It does not matter whether your pupil ratio is 1 to 2, 2 to 2, 20 to 1, if you do not have a quality teacher in the classroom, it does not make any difference. So we are telling those institutions that prepare teachers, ''It is the 21st century. You must prepare them for the 21st century.'' We told them in special ed, ''Don't just say, 'We're going to continue to tell you exactly how to do it and not send you any money.'''' I am very proud of our operation in the last 2 years as far as our help to local districts to deal with the special ed costs. Keep in mind 30 years ago the former majority said, ''Here is a 100 percent mandate from Washington, D.C., in relationship to special ed. We will send you 40 percent of the excess cost.'' Excess cost, the difference between educating a regular student and a special needs student. When I became chairman, we were sending 6 percent. Now who do you think is funding our 100 percent mandate? I can tell you who is funding it, the local school district. The city of York, they have to spend $6 million. Only 49,000 people in the city of York. They must spend $6 million in special ed because it is a 100 percent mandate from Washington, D.C. and we send them $37,000. Where do they have to get the rest of the money? They have to take it away from every other child, they have to take it away from maintaining buildings, they have to take it away from pupil-teacher ratio, because we set the mandate, promised the money, and did not send the money. The last 2 years, we said, ''We're going to send you money.'' In fact, this year will be the first that the local school district will be able to reduce their expenditures on special ed so that they can put it into maintenance, so that they can put it into pupil-teacher ratio for all the other students.

Head Start. Whoever sold Head Start has to be the greatest salesperson in the world. That person certainly could have sold, no, I will not say that, I may offend somebody. But nevertheless, a great salesperson. But what they did not talk about was study after study after study said it was not doing what we wanted it to do in the early years. Why? Because the weakest part of the program should have been the most important part of the program and that was the education component. So that we should have had children reading ready by the time they got to first grade, so that they do not fail first grade and so that they do not get socially promoted. But the whole effort, and they tried to do it again this year, they said, numbers, numbers, numbers. The President said, I want more numbers, I want more numbers. We said, ''Oh, no. Not until quality becomes the most important thing.'' And so we said the large percentage of any increase will go to improve the quality of Head Start. We want to make sure every child has an equal opportunity to succeed by the time they get to first grade. Higher ed, highest Pell grants ever. In higher ed, the lowest interest rates ever. All of these things are accomplishments that we brought not because of any leadership outside of this body but because we said that we are going to change things and we are going to change things to make sure that quality becomes the issue.

One hundred thousand new teachers. That $1 billion, I think, buys about 40,000. But keep in mind, we had to fight the battle then to make sure that we are talking about all teachers, we are talking about special ed teachers, we are talking about teachers of special needs. We are saying it all goes down to the local level. ''Washington, Mr. Secretary, you don't take any money off the top. You don't send any rules and regulations out there so they have to spend most of their money filling out application forms.'' And then we go one step further. We say, ''State, nothing off the top, no rules and regulations from you down to the local level.'' They know what is best. They know what is most important, the people, the parents, the children, the teachers and the administration on the local level. That is what we are all about.

ON CONGRESS

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

Mr. WAMP. Mr. Speaker, other than the church and the family, I believe the United States Congress is the greatest institution in the world today and has been for a long time. The American people do not really know the details of what is going on up here over the last few days. They know the Congress is staying late to try to complete its work on reaching an agreement with the administration on the important budget for the next year and how we are going to spend their hard-earned tax dollars. But this afternoon on the way over here to vote, Mr. Speaker, I stopped on the lawn of the Capitol, took a deep breath of some really clean, crisp fall air on a beautiful sunny fall afternoon, looked at the glorious dome above this magnificent building and reflected a moment on what this really is all about in my heart. It is really about patriots wrestling with other patriots over their different approaches to the many challenges that we face as a people. Domestic challenges like education and drug abuse, challenges around the world militarily, economically. But it is really about good people trying to come to an agreement over issues that we share in common and challenges that we share in common. I was reminded of Winston Churchill. To paraphrase him he said, ''This is the worst form of government imaginable, except for every other.'' What he meant is that sometimes it is difficult, sometimes it is painful, sometimes it is even messy. But it beats the heck out of everything else. It is still the way to do it, to settle our differences peacefully, without bloodshed, by freely electing our representatives and letting them be your voice through the debate, but at the end of the process come back together for the good of the greatest nation in the world and move forward. When President Reagan was in the White House, he had a Democratic Congress, they went through the same process, regardless of what you have heard. This is nothing new really. It has been going on a long time. President Clinton is now in the White House with a Republican Congress. The same thing. You have to fight it out and at the end of the day reach a compromise, come to the middle, move the process forward.

So what is the bottom line with Congress about to adjourn for the end of the 105th? The bottom line is that the Congress is getting the job done. The bottom line is that the administration is getting the job done. In a few important days, the American people have a job to do and that is to exercise their privilege to participate and to vote and to freely elect their representatives to come here and hammer out these important decisions. This is really a great place, filled with good people. I wish each and every one of them all the best as they go back to spend some well-deserved time with the people that love them the most.

OMNIBUS SPENDING BILL CONTAINS ANTIDRUG PROVISIONS

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

Mr. MCCOLLUM. Mr. Speaker, in the big omnibus end-of-the-year bill that was agreed upon today between the White House and the Republican-controlled Congress that will be out here for a vote tomorrow are some very significant antidrug pieces of legislation. Ninety percent of the Western Hemisphere Drug Elimination Act which I authored and which was voted on overwhelmingly by this House a few weeks ago is incorporated in this bill. That means more than $2 billion of money is being authorized for more planes, more ships, more equipment, more resources necessary to fight the war on drugs and to really have a war on drugs. In addition to that, $690 million is included in what is known as an urgent supplemental appropriations bill that is included in all of this that will give us a jump start, a downpayment in this coming fiscal year for this equipment.

What is involved? Teen drug use has doubled in the United States in the last 6 years. Cocaine and heroin are more plentiful and cheaper on the streets of the United States today than ever at any time in our history. All of the cocaine is produced in three countries that comes our way, Colombia, Bolivia and Peru and more than 60 percent of the heroin is produced in Colombia that comes to the United States. Yet in the last 6 or 7 years, we have reduced the resources going to interdict these drugs coming our way to stop the supply coming here, by more than two-thirds. There is not a single plane or ship today in the eastern Pacific patrolling the waters and patrolling the air looking for drugs that are coming up from Colombia to Mexico to the United States. That is wrong. It is very dangerous. It is very bad for our kids. There are no radar planes to speak of, or maybe one for half a day once a month gets to fly in the region looking for planes that are shipping drugs either between countries or to the United States.

This legislation that is in the bill we will vote on tomorrow will provide the planes that the Customs Service desperately needs for radar and to track those drug traffickers who are moving drugs in this hemisphere and it will provide the personnel and the fuel to do that over a 3-year period of time, very critical for this purpose. It will also provide cutters and additional patrol boats to the Coast Guard and personnel and equipment they badly need. It will provide new equipment to DEA to use in the three critical countries of Colombia, Bolivia and Peru, and perhaps as important as all, it will provide the governments of Colombia, Bolivia and Peru who do want to fight drug trafficking in their country the equipment and resources essential to fighting the traffickers and the resources for crop eradication of coca and heroin poppy crops as well as for crop substitution which in some cases has been sorely lacking. These resources are absolutely essential. If we provide them and do the right thing that this legislation sets out, we have a real chance to cut the flow of drugs coming into this country by a very significant percentage in the very near future and give our efforts at treatment and prevention a chance to succeed.

I want to yield to the gentleman from Ohio who has authored the companion legislation that is in here on prevention and treatment to comment on that legislation.

Mr. PORTMAN. I really appreciate my friend from Florida yielding. I want to commend him for all the hard work he has done on this issue. He has really taken the lead on trying to curb the supply of drugs into this country which he has just said is so important. We have had a doubling of teenage drug use in the last 5 or 6 years. More and more kids are falling prey to this, ruining their lives and their dreams and even taking the lives of so many of our young people. What I am excited about in this final package we will vote on tomorrow is that we also have provisions to reduce the demand for drugs in this country. This problem I think ultimately has to be solved around the kitchen table in our homes and in our schools and in our streets.

There are a number of provisions that I like. One is new provisions to get the drugs out of our schools, to use the drug-free school money better in the workplace, the Drug Free Workplace Act that the gentleman supported which essentially gives small businesses the opportunity to get up and running drug free workplace programs that will keep people away from drugs

and in turn increase productivity. It requires the Drug Czar's office to tell us how to streamline the effort which is so important. We now have 54 agencies and departments involved in drug prevention in our Federal Government. We have got to do better and we can and we are requiring under this legislation that they do that.

The revolving door with violent crime and drugs has got to be stopped. We have got to get prevention into our prisons, into our jails. This legislation does this on a model basis, the first time this Congress has really taken a step in that regard. Finally, it doubles the funding for the Drug Free Communities Act, something this Congress passed. We are now stepping up to the plate and saying again we have got to get parents involved, school administrators involved, we have got to get the business community involved, religious leaders involved, everybody at the community level.

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And we are saying we are not going to solve this problem here in Washington, it is a community problem, it has got to be solved at that level. But I want to thank the gentleman for letting me talk a little about the demand side and say that I am very excited, it is not the end of the road, we have got a lot more to do, but this is a darn good start to reducing the demand for drugs in this country.

Mr. McCOLLUM. Reclaiming my time, I yield briefly to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Again, Mr. MCCOLLUM, I want to commend you for the parts of the bill that you did pass. I also want to point out that we had an opportunity, since the gentleman from Ohio mentioned demand, to require drug testing for all Federal employees. If I recall, the gentleman from Ohio did not support that.

Mr. MCCOLLUM. Reclaiming my time, I must say that I wanted to see the drug testing, too, but this is a very excellent bill, and we very, very much want to see this bill pass. It will make a big difference in the War on Drugs and make a War on Drugs, and I thank all the supporters.

PAYING FOR IMPROVEMENTS

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

Mr. CUNNINGHAM. Mr. Speaker, the bill before us tonight is vastly different than just even 2 days ago. The dollar fights willed the liberal Democrats to spend $150 billion more above the balanced budget and increase fees and taxes by $130 billion, is what this whole fight has been about. The hundred thousand teachers that the Democrats debated in support of last week is a totally different bill today. Why? Why are Republicans now supporting it? Because it is political thing to do? No. Because the President demanded it? No. But because it is paid for, it is paid for. It is paid for out of the other priorities that the President wanted, not out of increased taxes, not out of the surplus, but it is paid for, and that is all the Republicans ever asked for so we can come to the table and agree on that today.

I would ask that the public take a look at what we have funded. Special education has gone from 6 to 12 percent just in the last 2 years. Impact aid for Native Americans and Federal employees, the President totally zeroed that out, and we put in $250 billion in impact aid. Head Start we increased, student loans we increased by 50 percent, and not a cost to the Federal Government, but because they were done with private firms. Pell grants for poor children we increased. But the President wanted to increase his priorities $1.1 billion above the balanced budget, and Republicans said no, we want you to pay for it. In the negotiations he had choices. He could pay for it out of the surplus, but he already said he was going to support Social Security with that. He could increase taxes, which he asked to do, $130 billion to pay for it, and Republicans said absolutely not, no taxes or fees.

School construction. They could have saved 35 percent by waiving Davis-Bacon just for school construction, billions of dollars. And would they do that and support children? No, they choose to support their union bosses. They could pay for it out of the balanced budget and pay for it, which they refused to do. But tonight the President has agreed to pay for it, and now Republicans support it.

Why else? Because there is local control, not federal control that the Democrats wanted. There are local regulations, not Federal regulations, in the bill. There is no Federal paperwork. It is based on the local level. The elementary schools can hire special education credential teachers, not just regularly credentialed teachers, and that is a big difference. But that is based on the local decisions and their needs, not some bureaucrat here in Washington, D.C. So we support that.

And there is no national testing. It is arrived by both State and local. So this is a win-win. A hundred thousand teachers; who is going to be against improving education? My Democrat liberal colleagues say, well, the Republicans do not want to improve education. That is a joke. They had 40 years of control of this House, we are fifteenth of industrialized nations in math and science, fifteenth, and almost last in literacy, and we are trying to make a change. We are trying to send the dollars down to the local classroom.

I had a hearing when I was chairman of K through 12 education. I had eight different witnesses, some half Democrat, half Republican; did not limit it as a chairman. In those districts everyone thought they had the greatest program, and I asked them at the end, I said how many of you, any of you, have the other 7? And they said none. And I said that is our entire Republican issue by giving you a block grant and not mandating that you have all 8 programs in your district, but you take the money and make the thing work, the program that works in your district because Wisconsin may be a lot different than New York or San Diego. And I want to tell you Atlanta is a lot different after the Padres beat them this week.

But I want to tell you the whole Republican agenda is local control where parents and teachers, administrators and the community can make those decisions, and to have the bills paid for not out of increasing the balanced budget, but by paying for it, the President has agreed to do that. Totally different than my colleagues debated just a couple of days ago, and now they say Republicans now support our agenda. We always supported 100,000 teachers. It was how you paid for it. The President has agreed to do that with no federal control, local control, and we support it a hundred percent.

COMPROMISES

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

Mr. SOUDER. For those of us who grew up in the late 1960s and early 1970s in the conservative movement, Ronald Reagan was our hero along with Barry Goldwater and William Buckley and a few others, and I actually was one of these conservative right wingers who came to Congress who was inspired originally by Ronald Reagan's speech for Barry Goldwater when I was merely 14 years old and formed one of the earliest high school YAF chapters and Americans for Freedom chapters the country, and, as you look at what we are about to face, this is what Ronald Reagan faced for 8 years.

I am not going to stand up here and say that I like this budget agreement any more than Ronald Reagan, as President, liked the budget agreements he was given in 8 years in Congress. Yet he signed those budget agreements. The first year he got tax cuts, the other years he did not even get tax cuts. He got increased defense spending because he knew Congress wanted to spend more, and did we.

One of the questions conservatives have to ask themselves as they vote on this budget is why are they so much better than Ronald Reagan, who they admire, if they vote ''no'' on this budget? Compromise is an unfortunate part of the political process. There are going to be many things in this bill that I am appalled by. I cannot believe that Members of Congress continue to take advantage of the legislative process when we are all under tremendous pressure to get special things for their

friends and their district that might not be able to withstand scrutiny. I am very disappointed we do not have tax cuts in this bill.

I cannot believe that we cannot even get an effective limitation on taxpayers' dollars being used to fund referendums overseas to overturn laws that are protecting innocent children from being aborted. American tax dollars are being used to fund pro-abortion referendums around this world. We have it tied to funding for the U.N. and for State Department reauthorization, but that to me seems like a no-brainer. But as long as we have the President we currently have in the White House, that becomes a very difficult victory.

So I am not going to stand up here and say I like everything in this bill, but there are some things that in fact are important changes, and that is the art of compromise, and the President did give some ground, the Democrats in the House and Senate gave some ground, and we had to give some ground.

In the education area in fact we made a lot of progress. The President will stand up and say he got 100,000 teachers or 40,000 teachers or whatever, but the fact is it moved back to the state level. We gave flexibility, and as the chairman of the Education Committee, Mr. GOODLING, keeps pointing out, that in fact is what we were driving towards. We also have a ban on national testing so kids around this country are not slammed in under one major test.

We have level funding on the National Endowment for the Arts, number of other things they worked with in the Education Committee.

In addition to that, there are many of us who are very concerned that we have not developed an adequate missile defense in this country, and since we knew we were going to spend more on domestic issues, we wanted to make sure that the preparedness and the readiness of our Armed Forces, that the development of our missile defense systems, were going to be funded as well as the social spending.

I am very concerned in this country about the expansion of pornography along with the expansion of Internet. We all know that whenever we have an expansion of technology, whether it be television, or whether it be computers, that that opens up things to our children and our families that we hoped would be, they could be protected from. Yet these advantages of technology have been wonderful for our country, but we need to the best we can, limit the pornography and the perversion from getting into our homes and making sure that minors do not have access to that. That was one of the last points negotiated in this bill. It is something that Dr. James Dobson in Focus on the Family has battled for for a decade, working on the Pornography Commission. We finally have a victory in the area of Internet porn.

We have a number of extensions on tax extenders for self-employed businesses and for farmers that were very critical to many small businesses in my district and throughout the country. We have a whole range of what would be termed more minor issues relating to gun registries, relating to language on certain bills where in fact conservatives won, and that is how this process works.

One last comment:

Anybody who says that they are going to put aside money for Social Security, this is one more proof the only thing that government can do is either spend it or giver it back to you. We have once again seen the fraud of using senior citizens as a shield to cover real motives. In fact, we are spending 19 to 20 billion extra dollars, much of that will be in the baseline and be spent for future years, too. We have basically spent a big chunk, if not the majority, of the so-called surplus, and it did not go to seniors. That started when the President came up here with the State of the Union address, said I want everything put to Social Security, and then detailed for 20 pages new programs to spend that. Today we are seeing that come through. I am disappointed in that, but in the end this is a bill worth moving.

THE OMNIBUS SCORECARD—WINS AND LOSSES

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

Mr. SESSION. Mr. Speaker, tonight I rise with my colleagues. We have been at work in Washington now for an extra week. Many of us did not go home as we normally do. I have gone home every weekend for the last 2 years. But it was important for us to be here. It was important for us to be here because we are working on the people's business.

Mr. Speaker, just several weeks ago I addressed schools all over the Fifth District of Texas during a very important time, the 211th birthday of the Constitution of the United States, and at the time I addressed these students I talked about that our country was engaged in an experiment. The experiment is that of constitutional government. And this experiment will only last as long as people have faith and confidence not only in the Congress and the constitutional guarantees which are contained in the Constitution, but also in the rule of law.

Mr. Speaker, we have been working this week extra, what I would call overtime away from our families, away from our districts because we deeply believe in what we are doing. We, too, are engaged in an experiment.

Tonight I would like to speak for just a few minutes about the importance of this extra week, the importance of doing work that is important for people who are not here in Washington but are back home. Some of those people are people who live in the country. Some of those people are people who are God-fearing people who care deeply about what we do here. The work that we have done, we need to let them know what that is, and I would like to spend just a few minutes in enumerating some of those better qualities of what this experiment is all about.

What we are going to do is to pass an omnibus bill tomorrow when we have an opportunity to vote on it, and what it is going to do is it is going to bring about tax relief for financially strapped farmers and ranchers, and what we are going to include is income averaging and also an AMT deferment. We are also going to have tax relief for farmers and self-employed people in vigils, and what we are going to do is to bring back in time from the year 2007 to the year 2003 whereby self-employed people will be able to deduct 100 percent of their insurance premiums.

You have heard earlier this evening us talk about the plan for education. I will tell you as a parent of a 4½-year-old Down's syndrome little boy, Alexander Sessions, I am pleased and proud of what my Republican colleagues and the deal that they have cut with the President of the United States because I knew when I came here that Washington, Washington required school districts to give education and opportunities in the classroom for Down's Syndrome and other disabled children, but Washington did not fund that, and it made it very difficult for school districts to comply. I am proud to say that now Washington is going to give these school districts the opportunity to fund these programs. It makes a difference for my family and myself. It makes a difference for hundreds of thousands of other parents who have loving children who need the opportunity to be in those mainstream educational systems and to have teachers who do not go back and forth but are dedicated directly to them.

I am proud of that also. I am also proud of one part of this bill which I brought to Congress as a promise to the people of the Fifth District of Texas, that I would attempt to pass, and that is a bill that became known as the Speed Trafficking Life Imprisonment Act of 1998. It used to be the Speed Trafficking Life Imprisonment Act of 1997. It could not be done last year but it fit this year, and here is what it does. It says very plainly that those people, those drug thugs, that are involved in the manufacture and distribution of methamphetamines will now face the same penalties as those who are involved in manufacturing and distributing crack cocaine and heroin.

It is about time where we in this country recognize that the children of this country need to be protected. It is time for drug thugs to spend their time behind bars. I will vote aye.

RELIEF FOR AMERICAN FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr.

NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I represent one of the most beautiful agriculture districts in the country, the Eastern District of the State of Washington, the east one-fourth of our state, the largest geographic district in the State of Washington. We have abundant wheat farming. Peas and lentils are grown there, potatoes and other agriculture commodities. So agriculture is a very important component of this budget agreement legislation that has been agreed upon by the leaders of the House, both Democrats and Republicans, and by the White House. It has specific interest to me coming from an agriculture-producing area.

Washington farmers export about 90 percent of our commodities that are produced each year, and we have had a great crop this year. We had a great crop last year. Hopefully, we will have great crops in the future.

The genesis for the freedom to farm, the Federal Agriculture Improvement Act, which was signed into law by the President and passed in a bipartisan way in 1996, was right in the Fifth District of Washington.

When I first got elected to Congress in 1994, started serving in 1995, I approached agriculture producers and farmers in the Fifth District of Washington and said what do we need in the way of farm improvements, agriculture improvements, policy improvements? They came up with a lot of that which was eventually signed into law as the freedom to farm concept and the freedom to farm legislation, that allowed farmers across this country to have a transition out of the old system into the new, the freedom to market system whereby our farmers would market our products around the world with several understandings.

Number one, that there would be some tax relief; that there would be some sanctions relief; that we would not be imposing sanctions which inhibited the export of our commodities overseas; regulatory relief and certainly agriculture research.

So it was with these issues in mind that I have approached whether to support this legislation that has now been crafted or not, and I am proud to say that as a person from a farm community and a farm region, that this is a good bill.

It provides about $6 billion in additional relief, in disaster payments and in market shortage sanctions payments, essentially, because of the reduction in demand from our Far Eastern trading partners; frankly, I think not as aggressive an approach to agriculture marketing as our USDA ought to have. I think our USDA, our government, ought to be out there pushing our products worldwide and helping our farmers in this transition period, this 7-year period of getting some payments so that they can farm for the market, not for the government.

So I am pleased that this particular legislation, even though the President vetoed the ag appropriations bill, and I happen to serve proudly on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, and we thought that was a good bill, had good research dollars in it, it had additional transition payments under the existing system that would help farmers, but it was vetoed, unfortunately I felt, because we wanted and knew in this negotiation that we would be adding additional disaster payments and sanctions relief for our farmers.

Nevertheless, the product that has been produced out of these negotiations is a good one. It provides a total of $5.939 billion in additional spending, total spending, I should say, under the ag appropriations bill for market loss payments for 1998 disaster payments, for multiyear disaster payments, for livestock fee payments for a Farm Service Agency loan authority and for Farm Service Agency administration.

Our farmers are now inundating these farm service agencies with assistance requests and these people are needing help. We provide that help in this bill. We did it in the ag appropriations bill but it is reinforced in the final budget negotiation bill that has been approved and will be approved, I should say, in this House and has been approved by our leadership.

The tax relief that is provided in this bill is good for farmers. It will be talked about by my good friend and my colleague, the gentleman from Iowa (Mr. LATHAM) here shortly, but it is a good bill. It is a good tax relief package.

It is not what we want totally, because I am one that favors greater tax relief for farmers and all Americans. I think we were not able to get that in this negotiation but we will get it next year. So I urge my colleagues to support this bill, support the relief that is provided by this legislation for farmers.

RELIEF, NOT MORE TAXES, FOR FARMERS

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

Mr. LATHAM. Mr. Speaker, I thank the Speaker very much for this time and I also thank the gentleman from Washington (Mr. NETHERCUTT) for his comments about the agricultural provisions in this bill that we are about to pass tomorrow.

I would just like to point out some key provisions I think that are extremely important to all of us in agriculture who are experiencing some very difficult times. First of all, a new provision as far as soy biodiesel, and the gentleman in the Chair, the gentleman from Illinois (Mr. SHIMKUS), has played a major role in getting this included, this is going to be a great opportunity for soybean producers to use soybean oil as a fuel. It will add value to soybeans to the tune of about 8 to 14 cents a bushel. If someone is an Iowa farmer, that is a lot of money.

Also a provision in here gives some additional help to livestock producers who have experienced devastating crop loss and have had to go out and buy feed for their livestock. There are $200 million in there for those disasters.

I think this bill finally shows a stark contrast to what the administration in their budget proposal put forth when they had $573 million of taxes on farmers in the form of user fees if they are in the livestock business. So this is a great victory for livestock producers.

There is a provision in here which is very important also to livestock producers, and that is a 1-year price reporting provision and a study to go with that. It is a pilot program, but I think it is very, very important that there is transparency in the market place so that people know when they discover price for livestock it is done in an open and fair manner and this is a very, very important provision.

Also, for farmers, there are some tax provisions that are extraordinarily important. Income averaging, 3-year income averaging, is going to become a permanent part of our tax law after this bill is passed. We have a look-back provision so that if a farmer had a very good year 4 years back he can look back this year if he had a disaster and recover some of the taxes that he paid back in his very, very high income year, extremely important; a 5-year look back provision.

Health care deduction for not only farmers but for all self-employed people, this is extraordinarily important. If a person is a farmer out there, if they have a small business, one of their major costs is health care, and currently we are not allowed to deduct nearly enough of the cost of that health care. In the year 2003, it will go to 100 percent deductibility, extremely important for self-employed folks and for farmers.

Because of our good friends at the IRS, we had to include a provision so that they did not tax us this year on money that we did not receive this year. As farmers know, the emergency bill we passed earlier allowed them to take their farm payments earlier in this year for the entire 1999 year. Well, IRS said because a person may or may not take the money actually this year, if they do not take it we are still going to charge tax on it. So we fixed that provision in this bill.

Most importantly, Mr. Speaker, I think with this aid package that is here for agriculture, we did not undermine the fundamental policy of the freedom to farm bill. The freedom to farm is based on the idea of the government finally respecting the intelligence of farmers to make decisions for themselves.

Over the last 6 years we have had a one-size-fits-all government controlled

policy trying to say that the government can out-guess the weather every year, and the government saying we know how much someone is going to produce next year so we are going to have a farm program that is going to fit that. It has never worked.

We have either compounded surpluses or we have caused crop disaster years to be compounded in a negative way. It has never worked, and the government, with all the infinite wisdom we have around here, has never been able to out-guess the weather.

I am on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. We have also in this bill fought off the administration in their efforts to undercut crop insurance. Looking at the President's budget this year, they cut dramatically crop insurance which was going to devastate any opportunities for farmers to cover their own risk. We have fought off that provision from the administration.

We continue to put in money to help farmers to be able to export their products. My only hope, Mr. Speaker, would be that in this next fiscal year that the administration will finally use the tools that we have given them to help move our agricultural products overseas.

Mr. Speaker, I think this is a very, very good bill for farmers. It is a very good bill for all Americans and I will support it tomorrow.

REASONS TO VOTE NO ON THE OMNIBUS APPROPRIATIONS BILL

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

Mr. TAYLOR. Mr. Speaker, it is becoming apparent that this House will be called upon to vote on approximately a thousand page document tomorrow that is responsible for over half of the appropriations bills that should have been passed separately, and it is going to do some good things.

It is also going to have a lot of things buried in it that I think none of us could possibly defend when called to task back home. As we speak all across America in 435 congressional districts and one-third of the Senate seats, people are out there begging for the opportunity to serve in the greatest legislative body this world has ever known.

They are putting their houses up for mortgage. They are selling their cars. They are asking friends and relatives for loans. They are doing basically anything they can to get the funds to get on television. What do they talk about once they get on TV? They talk about $15,000 that was squandered here or a million that was squandered there. Many of them get elected to this body, and we have got to wonder what happens to them then, because the same people who are outraged at the squandering of $15,000 or one million will tomorrow vote for a bill that is for tens, no, I am sorry, hundreds of billions of dollars and they have not the foggiest idea where it is all going.

They are going to vote for $18 billion for the International Monetary Fund, an international rat hole over which we have little or no control.

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They are going to vote for farm programs that do not work; educational programs that are not necessary, that have little or no supervision, and above all ought to be the States' responsibility. They are going to vote for things for defense that should have been done, absolutely, but should have been done through the normal process where the committees can take a look at it and decide whether or not that is in the best interest of our country. In short, they are going to try to do 2 years' worth of work in one day.

Mr. Speaker, I do not think one of my constituents would sign a document for a $50,000 mortgage that they had not read. I do not think one businessman in my district would sign a document for a $10,000 loan that he had not read. And yet they are asking the 435 people of this body to sign a document that none of us have read.

The people who have read it are the Speaker of the House, President Clinton, and the Majority Leader of the Senate. That is not good enough for me. That is not good enough for my constituents.

So, I am going to encourage my colleagues to vote ''no.'' We have stayed here this long. We can stay a little bit longer. And I am going to encourage my colleagues to continue to vote ''no'' until we are given adequate time to study the measure that is brought before us, and then and only then should we be making a decision for over hundreds of billions of dollars worth of programs and whether or not it is a good idea for our country.

AMERICA'S PROMISE: NATIONAL DEFENSE

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

Mr. BUYER. Mr. Speaker, I would like to address the House tonight with regard to the bill we are going to be voting on tomorrow. I think the gentleman from Mississippi (Mr. TAYLOR), some of his comments were completely accurate in that this is a crazy process, the way we have come down here at the end of the year to take these appropriations bills and to lump them together. I do not think this is a good way to do business.

We also have to recognize this is a political institution. Two completely different political parties. Parties do things. Sometimes we scratch our head and do not completely understand and we ask why.

America should be very clear that back in August, the President had a campaign strategy that he coordinated with the Democrats and that was he wanted to shut down the government, so he came over here to the Cannon Building and he met with the Democrat Caucus. They gave him a rounding cheer and applause as they wanted to unite and come together and when we came back together after the August recess, that the President would shut down the government.

Mr. Speaker, he wanted to do that because he thought that he did a good job when he shut down the government before, and Republicans kind of helped him do that. And so he thought, boy, this would be a great strategy. It would be a great distraction from his own problems and a distraction for the Democrats and their failure to accomplish a lot of things they wanted to accomplish.

So what happened? Here we are still in session, a few weeks before an election. And I agree with my colleague from Mississippi, this is not a healthy way to do business. But we also need to understand what put us in this predicament in the first place.

So, there was a political strategy at hand. And, fortunately, we were able to get an agreement. My assessment of the agreement so far is that the Republicans have about 65 to 70 percent and the Democrats, they got what they want. That is what politics is about, is about the art of compromise.

Anybody can stand here in the well and talk about a lot of things they do not like and everybody can find a reason to not vote for it. Likewise, people can find reasons to vote for it. And sure enough, they will do it for whatever particular reason that will be most beneficial for them back in their home districts. But let me talk about something that is more important than either political parties and something that gets my attention with regard to this bill. That is about America's promise, and America's promise is that of our national defense.

When I think about our national defense, we had some testimony by Gordon Sullivan, who is the former Chief of Staff of the United States Army who came and for years and year I used to listen to the Chief of Staff of the Army come and talk to us on the Committee on National Security. He always talked about the Army being on the razor's edge. That is how close we were. This budget will be okay, but we are right on the edge.

Now in his retirement, he talks now about how fragile the Armed Forces are today. He is absolutely correct. In my 6 years here in the House during the Clinton administration, I have seen what he has done to our United States military. They are truly extended in every corner of the world. They have a strategy of working harder and doing more for less, and I can assure my colleagues that is not a strategy for success.

We have Navy ships going to sea undermanned as a result of the Navy

having 18,000 fewer sailors than at the appropriate levels for which I marked up as chairman of the Subcommittee on Military Personnel. We have later-deploying Army divisions that have been hollowed out because the Army lacks the resources to man them. We lack the E–5, E–6 sergeants to properly man five of the follow-on divisions. And when we are short these sergeants, we cannot just grow a sergeant overnight.

So, I am very concerned about our, quote, national military strategy to successfully fight and win nearly two simultaneous major regional conflicts. So I am pleased that in this budget agreement we will be plussing up defense. I applaud the President for being a good listener to his Chiefs. He had sent us a letter saying that he wanted to plus-up defense by a billion on readiness shortfalls. Then he learned that that billion was really in excess of 25 to 30 billion is what we really needed.

So, I am not going to stand here in the well and attack the President, because I am glad that he has been a good listener here in these budget negotiations. I would have liked to have had a higher number for defense, because I have been out there with the sailors and the soldiers and the airmen and the marines and I see the equipment. I see the cannibalization of our aircraft. I see that our ships are going to sea and they are going out there at levels that used to be called C–1 battle readiness. Now they go at levels called C–2. At C–2, they are not just going out C–2, they are going out C–2 plus 1, which means that when a ship goes out and one person has a workplace injury, now they end up at C–3 level of readiness. It is deplorable.

Mr. Speaker, I urge my colleagues to support this bill and I appreciate the negotiators working out an increase for defense.

REASONS TO VOTE ''YES'' ON OMNIBUS APPROPRIATIONS BILL

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

Mr. McINNIS. Mr. Speaker, I had heard the gentleman from Mississippi (Mr. TAYLOR) saying that a ''yes'' vote on this apparently, I guess the implication was it would be not an educated vote. I can tell my colleagues that in order to vote ''no'' on this bill tomorrow, they ought to be make sure that is an educated vote as well.

Both of those votes demand that we pay attention to this budget bill, that we look through it closely and, if necessary, burn some midnight oil. I do not mind it. In fact, I get a little excited dealing with this budget. We can find any budget this Congress has ever voted on and we will find that there are a lot of good reasons to vote for it and there are some reasons to vote against it. I would suggest that tomorrow this bill will have more reasons to vote for it than to vote against it.

Every one of us probably every month, some of us every week, sit down with our own family and we budget. There is a lot of times, at least in my own family, where I do not get necessarily the spending money that I would like. Lori, my wife, does not get what she would like. Our three children, two of whom are in college, do not get what they like. But through talks and negotiations, even in the family negotiations, we come up with a budget. That is what we are doing here.

Let me highlight a couple of areas that I think are very important that this budget does do:

Number one, no tax increase. None. Zippo. No tax increase. Now, people who want to vote ''no'' say there is no tax cut. Folks, we do not have the tax cut in there. We did our best. We got it out of the House, but the fact is at least we stopped a tax increase with this bill.

The next item that is important is important for each and every one of us. We have got to invest in our infrastructure in this country. Our infrastructure in this country, the most important infrastructure I can think of, are our young people. And the most important thing in investing in our young people is their education.

This bill does a lot for more teachers, but do my colleagues know what the Republicans insisted on and now, as a result of joint negotiations, that we have come up with? We are going to hire more teachers, but they are not going to be hired at the Federal level. They are not going to be hired at the State level. This money goes directly into the classroom.

Mr. Speaker, I have a sister that is a schoolteacher. At times in the past, she has had to go out with her own money and buy school supply material, even though the budgets in Colorado have gone up for school supplies. Why? Because it does not get down to the classroom. These negotiations over the last 24 hours are now driving this into the classroom, and the gentleman from Mississippi should realize that. A ''no'' vote put its back to the Federal bureaucracy.

There are some other issues. Defense is very important to me. We do not have a defensive missile system to defend this country. If Russia or Iraq or North Korea or China or some other country launched a missile against the United States of America, contained within the boundaries of the State of Colorado we could detect it within 3 or 4 seconds, we could tell what kinds of missile and where the missile is going to hit, when it is going to hit, and what kind of load it is probably carrying. And then all we can say is good-bye, because this country does not have a missile defense system.

We need a shored up defense. We need to have a missile defense system. This bill puts a billion more dollars into the security of this country and this country's future on missile defense.

It does some other things. It increases student loans. I have a couple of kids in college. Most out there are either facing it, have faced it or are now facing it. These student loans are critical. A lot of our kids could not go to college if they did not have a loan to do it. This increases the student loans. Again to the gentleman from Mississippi, another reason to vote ''yes.'' A ''no'' vote cuts those student loans back.

Talk about the government ID system. They wanted to put in an ID system so that Uncle Sam in Washington, D.C., could keep track of us. This bill wipes it out. They wanted to put in a computer system, a database, to follow all college graduates. The government does not need to know that. It is not the Federal Government's business. This bill stops it. Another good reason to vote ''yes'' on this bill.

For the self-employed out there, and it has been a consistent and a very legitimate complaint that unlike other people in our society, they cannot deduct their insurance premiums for their medical insurance. This bill is putting us back on track to allow that deductibility for them.

Mr. Speaker, by digging in a document this thick we can very easily find a reason to vote ''no'' on this bill. But we have a fiduciary duty, a responsibility to look in that bill and see if there are not more good reasons to vote for it than against it. I suggest after we do that, we will support this bill.

EDUCATION PRIORITIES SUPPORTED BY CONGRESSIONAL DEMOCRATS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I listened to my Republican colleagues tonight on the other side when they started to talk about the agreement that has been reached between the House and the Senate and between the Democrats and the Republicans and the President, and I must say that I am pleased also that this agreement has been reached. Particularly, because it does include one of the major Democratic initiatives, and that is to add 100,000 teachers across the country to our various school districts.

But I do want to say that although I am happy with that result, the bottom line is that the Republican leadership has refused, really, to address the Democrats' education initiative. For a long time, they were opposed to 100,000 teachers. They continue to be opposed to the school modernization plan. Do not let them kid you and suggest that somehow from the very beginning they were interested in having the Federal Government more active in education and helping our local school district, because the fact of the matter is they have been slashing funding for education on a regular basis here for the

last 4 years since they have been in the majority.

I would also point out that the record of this Congress, even with this budget agreement, is dismal. This is clearly the do-nothing Congress. This Congress has not addressed managed care reform. This Congress has not addressed the need to increase the minimum wage. It has not addressed campaign finance reform. It has not addressed teen smoking. It has taken no action to safeguard the surplus for Social Security. And, essentially, this has been a do-nothing Congress.

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The fact that in this last few days, because the Democrats have insisted that we include this additional funding for the 100,000 teachers, while that may be good, it does not take away from the fact that there are so many other initiatives that the American people have been crying out for that simply have not been addressed.

I heard some of my colleagues on the Republican side tonight talk about the Republican education initiative. Let me just indicate that over and over Democrats have tried this year to talk about initiatives to reduce class size and modernize our classrooms for the 21st century. But each time Republicans have rejected them. So do not let them come to the floor now and tell you that they were for 100,000 teachers and this Democratic initiative.

On two occasions this year Democrats offered amendments that would have given local school authorities billions of dollars worth of new low cost bonding authority to build new schools and modernize their existing classrooms, and Republicans rejected this amendment both times, in May and again in June of this year. Several weeks ago Democrats offered an amendment that would have started the effort to reduce class size in first through third grade classrooms to 18 children per class and Republicans opposed this proposal, too. That was in September.

I heard some of my colleagues on the other side say, we were always for this 100,000 extra teachers initiative. We wanted the Democrats to show how they were going to pay for it. It was not until the last couple days, when the Democrats agreed that they would pay for it by making cuts elsewhere, that we agreed to it.

From the very beginning of this year, when the President introduced his budget and he talked about the school modernization initiative and adding the 100,000 teachers, the President's budget in January of 1998 included all the offsets that were necessary to pay for both of these education initiatives. In fact, the 1998 Democratic budget resolution provided funding for hiring the new teachers and $21 billion in low-cost construction bonds for local school authorities while staying within the guidelines set by the 1997 balanced budget agreement. And Republicans rejected this budget and instead adopted a budget that cut education by $5.7 billion.

So do not let them tell you that they did not come to this dragging and screaming. They did.

I know we have gone through these various attempts that the Republicans have made over the last year to try to destroy public schools and eliminate equal education opportunities. I am not even going to talk about all of them, but I want to mention some of them.

First, eliminating the Department of Education. From the very beginning they have been continuing to talk about the need to eliminate the Department of Education. They have also spent a tremendous amount of time, wasted time all year trying to divert billions of dollars in public school funds for private school vouchers, taking the money away from the public schools, giving it to private schools. That failed. But do not forget that that was a major part of their efforts this year.

Also cutting school lunches for poor children, block granting critical education programs, destroying bilingual education, eliminating the summer jobs program, eliminating school to work opportunities for high school students, and eliminating the safe and drug free school program. So again, I am very pleased tonight to hear them all say that they are now for the 100,000 teachers initiative. But all along they were against it, and all along this year they have been trying to slash education funding.

I am joined this evening by some of my colleagues. We are going to talk a little bit about the Democratic education initiative and some of the other things that we have wanted that have not been enacted in this Congress.

I yield to the gentlewoman in California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me.

The last Republican that was up here talking spoke about how wonderful this bill was and how there might be a few problems in this large bill but that if we would read it, we would understand that there is more good than bad.

Apparently he has been able to read it, because I do not know about my colleague from New Jersey, but we have actually been asking for 24 hours to be able to get a written bill and to be able to go through it and see what is in the bill. So hopefully the Democrats will have their wish honored by the other side and will actually get a copy of this bill that is supposedly being written right now, because I would like to vote on something, and I would like to have at least read the bill once before I need to take a vote on it.

I sit on the Committee on Education and the Workforce. I have gotten to see the struggles between both sides about what is important. Let me tell you, these guys were not for 100,000 teachers in the classroom, just as a few years ago they were not for 100,000 cops on the streets. We have seen that to be one of the most effective programs that the President has been able to push in this country, and we have neighborhood after neighborhood asking for more of this neighborhood policing that is going on. At least that is the way it is back in Anaheim and Garden Grove and Santa Ana.

One of the issues I want to talk about tonight is this whole idea about school modernization. Because while we will now get our 100,000 teachers program, the fact of the matter is, probably the most important thing that you have in the classroom is a teacher that is eager to teach, one that is eager to help students, one that makes that comfort zone, that nurturing that must happen with the student in order for that light bulb to go on and for a student to say, I can make something of myself. I am really interested in these science projects and I can work on this.

But the other issue is also about what type of a classroom they sit in when they are getting that instruction. And I will tell you, from personal experience, I am one of those fortunate Members that get to represent their own hometown. That means that the schools that I represent, the children and where they go, those are the schools that I attended. And it is a shame to see what is going on in California.

First of all, California is one of the five fastest growing student enrollment States across the Nation. While that is over 15 percent over the next 5 years, the fact of the matter is that the school districts that I represent are almost twice that growth rate with enrollment. That means we have a lot of kids coming through the system and still the same number of elementary schools that existed while I was going through the system over 30 years ago. So there is a major problem.

We need to look not only at modernizing those elementary schools and middle schools and high schools that we have in our town, but also creating more, because we have such a large enrollment coming on. In fact, in Anaheim alone, we grow at over 1000 students in the elementary school system a year. That is the equivalent of at least one elementary school.

So it is really important that we address the modernization and the new construction of new classrooms.

I go back to schools, and when they built the schools in my town, they built the elementary schools all off the same pattern. So the same elementary school had the same pattern as any of the others that you would go around to in town. I have been to them. And that place where the custodian used to wheel his wheelbarrow full of mops and brooms for the night is now a classroom for 6 special ed children and a teacher. The broom closet is a classroom for students in my school district. Or worse, where we used to walk

through the silent tunnel to get between classes so we would not have to go all the way around the entire school building, that now has a wall slapped up and a door and that has become a large classroom for students. We are really looking for more space.

For example, there were four portable, we used to call them bungalows when I went to that elementary school, there are now more. And they are sitting right there on the blacktop where I used to play tether ball and on the grass where we used to play football and dodge ball. This keeps going on and on in almost every single elementary school in Anaheim and in Santa Ana and, yes, even in Garden Grove. And so it is a real problem, the facility needs that we need.

I hope that before this budget deal is cut that we will be able to find the monies that we need to help local school districts with their modernization and their new schools.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman, and I yield to the gentleman from Arkansas (Mr. SNYDER.)

Mr. SNYDER. Mr. Speaker, it is interesting to me, I share the concern of the gentlewoman from California (Ms. SANCHEZ) about not having a bill. We have heard a series of Republican speakers this evening in these special orders discussing this great bill. This is the bill that we have right now, an empty table. So we hope it is a great bill, but we have not seen a great bill.

I hope that there is time to study this bill. I hope the country has some time to study this bill. We have been embarrassed before by going home and finding things in the fine print that we all wish we had known before. I hope that we will have some time this weekend to look at this bill before any vote.

On this issue of schools and education, I visited a school recently in my district. I visit a lot of them. The superintendent was talking to me about the decisions that they had made as a district to pay their bills. And he said some years ago, in fact it was before he became superintendent, the district was having such a problem, rapidly growing district, such a problem paying the bills, they made a decision, we are going to push class size to the legal max. We cannot keep up, we cannot keep up with the buildings that we have to do, the new classrooms we have to put on. We are going to put our classes as large as they can be so that we can get this district out of debt and be financially sound. He acknowledged to me, we think there was a loss by doing that.

He said he is convinced at this stage in his career that people cannot be thinking about more teachers separate from the issue of school buildings. And it is a very obvious math problem. If he has classes in the elementary level of one to 24, for example, and all his classes are 1 to 24 and he wants to get them down to 1 to 18, how does he do that? He pulls 6 kids out of 3 classes. So he goes from three classes of 1 to 24 to three at 1 to 18. But what does he have? He has 18 kids standing in the hallway because they do not have a classroom.

These two issues go hand in hand. That is what is so confusing to me, why our colleagues on the other side of the aisle have been so resistant to helping local school districts with school modernization at the same time they seem to have agreed in the last 24 hours to go along with helping them hire more teachers. You have got to have a place for these folks to teach. If you are going to reduce class size, you have to create additional classrooms.

That is a separate issue from problems we also have in Arkansas with just the need for improving our school buildings. I am sure, like all the Members here that are interested in education, I visit a lot of schools. The problems fall into two areas. You have districts that are rapidly growing and every year they are having to add additional classrooms because of rapid growth, or you have either urban or rural districts that are old buildings. And I followed a superintendent around as we went from building to building and he said, this one was built in the 1930s and then we did this addition, we think it was around 1945. And then this section was in the 1950s, but now the heating system we think was in the 1960s, but it is old and out of date and just these horror stories, at the same time discussing the problems that they have in financing these improvements.

So I appreciate the opportunity to be with you this evening to discuss this important issue. I hope our colleagues on the other side of the aisle have not given up on this school modernization. I know the American people have not. I know the people of Arkansas have not. Those folks that visit school buildings anywhere in the country know of the tremendous work that needs to be done.

If we are going to reduce class size by hiring more teachers, we have to have places for them to go and teach with these reduced class sizes.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman and I want to emphasize again, as you have, that the arguments that our Republican colleagues are using with regard to the school modernization really make no sense. From listening to some of the speakers on the other side tonight, after saying that somehow they were in favor of the 100,000 teachers, which we know they were not, because we know there were votes taken that I mentioned before that they actually voted against 100,000 teachers or additional teachers, one of the other arguments they were making, which is not a legitimate argument, was that somehow the Democratic proposal was giving control to the Federal Government and that we were going to be controlling these 100,000 teachers, how they were hired or how they were going to be administered, whatever. And then they used the same argument with regard to school modernization, that they are not in favor of this program because it is Washington bureaucracy and walking away from the local school boards.

I just want to say, nothing can be further from the truth. I even heard the similar argument used with regard to the cops grants, that the cops grants was no good initially because we were going to control the cops grants from Washington. But once it was decided that the local authorities would control it, then it was okay.

Well, this is just a lot of garbage, frankly. From the very beginning with the cops grants and also with the 100,000 teachers, the Democrats were saying that we were simply providing the funding. The teachers would be hired locally just like the policemen were hired locally. There were almost no strings attached other than you had to use the money for teachers or you had to use the money to hire the police as opposed to just giving a block grant where the towns can do whatever they want with it.

The same is true for the school modernization. The way the Democratic program is set up, we are essentially giving money to basically pay the interest on the bonds for the construction of the school, which lessens the cost for municipalities that have to build new schools or renovate the schools. But local school boards are going to decide what to do with the money, whether to renovate schools or wire schools or build additional classrooms.

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There is just no basis at all to some of the arguments that they are using.

Mr. Speaker, I yield to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, just to talk a little bit about that, the gentleman spoke about the fact that they think the money is going to somehow be filtered through an administrative process and never get to the school system. The fact of the matter is that the building program is not talking about money from Washington.

What it is really talking about is not sending taxes to Washington because it is a tax cut. It is a tax write-off on an income tax form. We have already got that program in place for some modernization of schools. We passed it in this highly touted 1997 Tax Relief Act that the other side voted for and some of us on this side voted for.

The fact of the matter is that we have an existing program in school construction that says, if a local school district and the community decides it is important enough to modernize a school, and they take it upon themselves, they take the responsibility of doing that, that in fact, when they float the bonds, they will be able to get a tax break.

The tax break will be equal to the interest that they would have had to pay for borrowing the money. That is a tax

credit from Washington. There is no money that comes to Washington. So there is no administration process. It is one line sitting on a tax form. It is already there, because we already have the modernization bonds.

Now what we want to do is to pass a program that would create new schools because some districts need more schools, not just modernization of their buildings.

Mr. PALLONE. Mr. Speaker, I appreciate the gentlewoman's comments. What she is pointing out we are just basically saving the local school districts money, and that lowers property taxes.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, that comment, I mean it is exactly right. It lowers local property taxes, and that is so critical. My State of Connecticut, people feel like they are choked with taxes; and property taxes are particularly onerous.

So I commend the gentleman and the gentlewoman for making that point so particularly. It just shows how convoluted our colleagues on the other side of the aisle are, how they want to obstruct the meaning of these programs, and their intent, and, in fact, really throw up a smoke screen about programs that could help, not only to make sure, as our colleague, the gentleman from Arkansas said, that we have modernized schools, afford the increased numbers of teachers, to be able to assist our children, and to be able to do something for local areas with regard to the tax burden that they have.

I just want to say that, over the last several days, I have been so proud to join with my colleagues while we have talked about these issues on the floor of the House, with the entire Democratic Caucus, for standing so tall on this issue of education and our kids and their future and with the President.

Because despite what our colleagues on the other side of the aisle are saying tonight, and I understand psychology, but I think the American public has heard loud and clear over the last few days where the Republican leadership in this House was on the issue of 100,000 new teachers, and where the President of the United States and the Democratic Caucus has been on this issue.

We won this particular piece today for the children of America, 100,000 teachers, because, and I want to set the record straight, because the Democrats fought very, very hard to make it happen. It was not because the Republican leadership in this House felt that this was worthwhile fighting for.

I will tell my colleagues what they did think was worthwhile fighting for in these last few days. They wanted to put more money into the defense budget for a study of chewing gum. Chewing gum. Something called Stay Alert, which may have an effect in keeping people awake, keeping even our troops awake.

I use that little point to say that, no matter what they say today, we need to take a look at their remarks from yesterday and the day before and the day before and over this last year of what they felt about adding 100,000 new teachers, about reducing class size, and about modernizing our schools. There is a lengthy record, and I believe the American people understand it loud and clear.

I also think it is very, very relevant to this debate that, after they have caved in on this issue, because of the strength of the Democratic will on holding firm, they take it as a badge of victory as to not have moved on the issue of school modernization. They claim that is a victory.

I mean, what kind of a victory and where are my colleagues' values if they believe that modernizing our schools is not a direction that we ought to be going in and to make it possible for our kids to have the opportunity for advanced technology, for wiring to the Internet, for an environment which is an excellent learning environment.

The fact of the matter is, is that we are here, and we have been here for the last several days because of a Congress that is controlled by the Republican Party that has failed to do anything, not only on education, but on HMO reform, on saving Social Security, on campaign finance reform, on tobacco legislation.

I would like to just read, not a quote from any Democrat, not a comment from any Democrat, but this is a quote from Jack Kemp. As far as I know, he has not changed his party in the last 24 hours.

He says, ''Today, the Republican Party is adrift, without an agenda and without purpose beyond its seeming preoccupation with saving the congressional seats of its incumbents.''

That is what they are about. It is not about meeting the needs, not only of our children, but America's working families and the people who send us here to do a job on their behalf. So I know we are happy about the 100,000 teachers. But we do not have enough time to sit back and say it is done. It has only just begun. We have to stand tall every single day and every single night and be on this floor to talk about those issues that the American people care about.

Mr. PALLONE. Mr. Speaker, I just wanted to also say, because I know the gentlewoman brought it out, and both the gentlewoman from California and the gentleman from Arkansas pointed out that we have to beware, so to speak, the next few days when we look at this document to see what is in it.

The gentlewoman mentioned how we have not addressed the issue of teenage smoking, one of the issues that has not been addressed here. Yet, the other day, I was at an event where we had the copy of the amendment or a portion of this omnibus bill that was supposedly going to provide $10 million to promote the sales of tobacco or cigarettes overseas.

So there are all kinds of things that we have got to look at to see what is in here. We may very well find, as we proceed, that they put in things that are actually contrary to the Democratic initiatives that we have talked about and have not actually been included and have not been addressed here.

So I want to mention the early speakers that have pointed out about what we do not have in the bill. We need to beware.

Mr. Speaker, I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me. I could not help being in my office and listening to this debate and discussion.

I wanted to first acknowledge my colleagues the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Arkansas (Mr. SNYDER) and the gentlewoman from California (Ms. SANCHEZ), and the gentleman from New Jersey (Mr. PALLONE), because I would hope that, as we discuss this, the realization would not be any form of mean-spiritedness or that we got you, because I think we need to sort of reflect on where we have come from.

Frankly, let me applaud the persistence of the President, because all of us are reminded that it was in his State of the Union address that he clearly enunciated a plan to help America's children, to help educate them.

I am always believing in the concept that education is the great equalizer. Over and over again, he noted the problems or the weaknesses with our education system, at least in the primary levels, no teachers, large classes. I think he was wise enough, and Democrats were wise enough in their analysis, to recognize that no teachers, large classrooms, and crumbling buildings.

We did, just a couple of months ago, a massive transportation bill, because the very arguments were made about America's crumbling highways. So I thought that it would be a logical nexus to say that we have the same conditions dealing with education, the potential engineers and architects and contractors and mathematicians and scientists who will be the ones that take us into the 21st century.

We are sitting in classrooms where there were curtains drawn to separate classrooms, where teachers did not have to tell them about the log cabin days, because there were more grades in one class or more students in one class who sort of understand what it meant to have a bunch of people in one room and different ideas being taught because there was not enough space.

My own high school in Houston, Texas, in my district, with outstanding students, Jeff Davis High School does not have a library. We are fighting for a library for high school students. It pains me that I have to say to these students, well, wait a few more months, a few more years.

I am gratified that our local community is going to rise to the occasion.

But like my colleague, the gentlewoman from California, where is the tax relief that we would have been able to present to them with the modernization program so we would have been able to give a big package, one to help rebuild the schools, the crumbling schools, and then put those talented professionals in the classrooms, teachers, to make a difference?

Out of that would have come the opportunity to professionally enhance these teachers as well, meaning that we need professional development. So I am gratified that this long journey from the State of the Union has finally come to the point where we have the 100,000 teachers.

Let me say this as someone from the ''fourth largest city in the Nation,'' this 100,000 teachers is not a rule versus urban or suburban, it is a need issue. It is wherever the need is.

I want my friends, wherever they might live in America, to understand we fought for this for you so that, wherever you raise your hand and say I have need, you are going to be right in the mix just like you were for the 100,000 police officers.

There were no biases going out of here. Those police officers found themselves in large metropolitan areas. But they found themselves in communities with 10 police officers or less. They found themselves in suburbia. So we fought to ensure that our Nation's teachers would have the opportunity.

I would just simply say that I am gratified, I am committed to the fight on modernization. But I do believe our work is still to be done.

Frankly, I am delighted that we have helped farmers. I am from the urban district, but I live in the State of Texas, and farmers are suffering. I know there is more we have to do.

I am also delighted, having a community that has suffered heat disaster, which no one can understand what happens with heat, and then had on the back heels of that a flood, that we were able to ensure that we had the right kind of disaster funding that we were missing.

Also, lastly, I heard a lot of people talk against the International Monetary Fund, and it does not play well. It would probably be well for me not to even speak of it. But I think people understand loss of jobs. They understand a trembling economy.

I think it is good that we handle the IMF in a way that we are comfortable. But I do not think Americans want us to turn our back and close the door on an international monetary crisis that we can be of help.

I am glad we stayed strong so I can protect jobs in Iowa or Austin, Texas or Houston or protect them in Atlanta or New York, because I want Americans working, and I do not want them to be undermined by an international monetary crisis.

I would simply say to the gentleman from New Jersey (Mr. PALLONE) that we waged an enormous battle for the Nation's children, no matter who they are, no matter where they are educated, and for the Nation's teachers.

I have often said to a teacher wherever I have met them, I am what you have made. I am only the product that you have produced. I could not be here without the Nation's teachers.

I am so grateful that we stayed here, and we will stay here tomorrow so we can make sure the T's are crossed an the I's are dotted. The Democrats worked so hard, and we believe in collaboration, to ensure that we had 100,000 teachers as we walked out of here for our children in America.

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Mr. PALLONE. I want to thank the gentlewoman and particularly what she pointed out about the transportation bill. Because we have heard Republicans say many times on the floor in the last few days how the Federal Government should not be spending money on education infrastructure, yet it is okay to spend money on transportation infrastructure. There is really no reason why we should not do both.

I yield to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. I would like to elaborate a little bit about why modernization and new schools are so important. I alluded to the fact that our school districts are actually working very hard with the little that they have. They have created new classrooms out of what were not classrooms. They have put portables on school grounds to have more children come in. They have done other things. They have gone on different tracking. That means instead of the regular school year that you would have, September to sometime in June, there are now four different tracks and they go year round, so that while a student is on vacation for 3 weeks, a different set of students is using those buildings. Our school districts have done that. The other thing that they have done is to also go into double sessions. The elementary school district of Anaheim had to do that in July of this year. While it is important to understand that we need to modernize facilities because maybe it might have asbestos or maybe the roof is falling in or maybe we have got curtains and too many kids in the classroom or maybe there is no air conditioning and now because we are going year round in southern California we are hitting 100 and 102 degrees, we need air conditioning, et cetera. But the fact of the matter is that there is also a safety issue. When you have two sets of students going to school, one earlier in the morning and then one starting later in the morning but going later at night, when you get to the short days of the year, you are sending your kid in the dark to walk home. This is about personal safety for our children. It is also about personal safety within the classroom.

Last night I talked about the fact that in Anaheim an elementary school district only has three telephone lines in. There is very little communication to each individual classroom on an on-time basis. So if something is happening in a classroom and, remember, some of these schools are rather large. There is a far-off classroom and there is a gun in that class or there is a teacher in that class who has got an off period who is grading papers and some intruder comes in, there is no way to get a message to the principal or the rest of the school that something is happening in one of these classrooms and that is dangerous, also. That is why we need to think about phone lines into the classrooms and intercom systems and everything that we do not have, at least right now we do not have it in Anaheim. So it is also about safety.

Ms. JACKSON-LEE of Texas. To follow up on the gentlewoman from California, I have schools in my district where you start lunch for kindergartners or early, before-sixth graders, they start eating lunch at 10 a.m. because they do not have enough space and they have to stagger the lunch hour. So in order to get every child in to eat lunch, they actually start them eating lunch at 10 a.m.; one, interrupting the school day; but, two, feeding a child at 10 and they have to stay until 3. By the time you get to 3, those little ones can be very hungry and then possibly the other ones not eating until 1 or 2. You are so right about the question of what negative impact it has on a child. I think I read somewhere where children perform better in a better constructed environment. Clearly I think you have raised a very valid point on the safety but also the quality of life for our children where elementary school children are eating lunch at 10 a.m.

I wanted to say something that was not education-related, but I hope that we can work on the disarray of the interim payment system. I know that many of us have tried to work on that with home health care agencies. We did not get there. Those are the hardworking folk who have agencies that help the other hardworking folk to stay at home. It is a system that is breaking the backs of many of our poor home health care agencies. They need to be heard. Along with unfinished business, I hope that we will certainly take into account improving the health care of our elderly by providing them with home health care.

Certainly I just wanted to join the gentlewoman from California and say that I have been aghast at going to speak at my schools and they tell me, ''Well, you have got to wait until the second graders get out of lunch,'' and I say, ''It's 10 a.m.,'' they say, ''Well, that's because we don't have the space in order to feed our children.''

Mr. PALLONE. I want to thank the gentlewoman and also the gentlewoman from California really brought up one of the other points about this modernization program and, that is,

communications, technology, computer needs. A lot of this money where as you say is not really money but the tax breaks for the local towns would actually benefit the school systems because they would be able to upgrade communications, technology systems, put in computers, and that takes a lot of money. They just do not have it. It is not just bricks and mortar, it is obviously a lot of these other things that are important because of the communication and technology needs that we have today.

I yield to the gentleman from Arkansas.

Mr. SNYDER. We spend a lot of time, I think both parties do but particularly Democrats, we spend a lot of time talking about public education. I think sometimes it is important to step back and remind ourselves why do we talk about that. For a lot of us, we have to go back to our own backgrounds. Education in America is about opportunity, opportunity to dream, opportunity to support your family, opportunity to compete, opportunity to have the skills that were denied to your parents. For me personally I was raised by my mother in a single-parent household. If it had not been for quality public schools back in the 1950s, I would not have been able to become a family doctor. I depended on quality science classes throughout my public school career to prepare me to do well in medical school. Then I went to a public medical school, a State medical school, then got my residency in Arkansas at UAMS, a very fine public medical school. Our opportunity, our dreams as Americans depend on a sound public school system. Sometimes we get so focused in on the numbers, this many teachers, this kind of bond program for school modernization, how many kids per teacher, all that kind of stuff. We need to step back and think about, this is about the American dream. This is what all Americans have dreamed of forever, is the opportunity for your kids to do well through education.

I have worked overseas several times as a family doctor in some God-awful places. There are people there that literally are dying to have the opportunities that we have in public education. But we have to nurture it. We cannot take it for granted forever. I visit a lot of schools, as I mentioned earlier. I compare them with the quality that I had back in the 1950s and 1960s when I was a youngster. We have got some work to do. Some of the buildings are the same buildings. We all know that. All of us who go back home, the buildings are the same. They look about the same. They smell about the same. This is my soccer tie. It is just plain coincidence I wore it today. I paid on the street of Washington, D.C. five bucks for it and some people say I overpaid, but when I was a kid in school, we did not have soccer in school, it was something you had two days a year just to figure out what kids in Latin America did, but it is a sign of how much change goes on around the world. Schools are now having to provide the kinds of technology that the gentlewoman from California was talking about, opportunities to build soccer fields that they never had to do. There is need for investment in infrastructure in our schools. The reason is to give our kids the chance to fulfill those dreams, the chance to compete with the rest of the world, and it is never going to happen in old buildings no matter how many teachers you have crowded into one classroom.

Mr. PALLONE. It is interesting what the gentleman said about the quality of the schools when we were younger, because I went, my school district, and where I still live in Long Branch, New Jersey, is an urban district and they have managed in my opinion over the years to keep up, if you will, by renovating the school and having good laboratories and facilities so that the science and math programs that you mentioned I believe are really still topnotch. But it has been at tremendous cost to the taxpayers. Their property taxes in the town are very high compared to a lot of the other school districts in my district, primarily because they have decided that they are going to invest that money. But it has been a cost to them because of property taxes. I know that when I decided to go to college and I ended up going to a private college after I had gone to public school from kindergarten to 12th grade, that one of the reasons that the college was interested in me is because they knew that the school system, that the public school that I went to had good science and math programs, and that was a major factor for my being able to get into that school. In fact, I never felt that I was that good in science and math compared to some other areas, but I realized when I got to school even though it was a private college or university that I had really been prepared well in those areas even though they were not the areas that I really liked that much.

It is very difficult for the school systems to keep up. I do not know if it is true in every State but I know that in my State the municipalities usually vote on whether or not they are going to have a bond referendum to build a new school or to do these kind of additions and it is very difficult to get support from the local taxpayers for those bond issues because of the expense and the impact on the local property taxpayer.

I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I just want to add a comment because I think that the gentleman is absolutely right, that it is the American dream and education has been the great equalizer. We have said this on this floor a number of times. It has been the opportunity that we have all had no matter where we come from or what gender we are or what socioeconomic group we are from, we have had the opportunity of public education. That has allowed us to succeed. If you think about it, this age of new technology, if the schoolhouse or the school building is not going to be the place where youngsters can have access to the new technology, which is truly the key to the future in the same way that we have had access to textbooks, every child has a textbook, we are rapidly coming to a situation where every child is going to have to have a computer. We are looking at an infrastructure, an education infrastructure that does not allow for that at this moment. So that you are going to take education backward, because this new technology, if not available to everyone and every school district, we are then going to have the haves and have-nots, and that opportunity that public education being the great equalizer then no longer holds true.

My community, I come from an urban area, in the northeast, it has an old infrastructure, whether it is roads, whether it is buildings, or anything else. We did a survey, we had 71 schools respond to it. The average age of the elementary school buildings is 50 years old; more than half of the schools regularly hold classes in areas designed not to be classrooms as we talked about; more than 50 percent of the schools have no computer lab or room. The majority of the schools have no computers designated for teacher use. Many schools do not have computers in every classroom. So a youngster does not get that opportunity in the classroom. Now, it is true that many families today have the economic wherewithal to have a computer, but many do not. So when that child goes home, they do not have the same advantage as someone who can go home and because of an economic status that that family has this kind of a technology. If we are not careful, we are going to set education back. We are going to set a generation of our youngsters back.

For me, I will be very honest with you, I thought the Internet was something that Michael Jordan had worked out, it was a basketball thing here. My kids have rapidly taught me that that is different. But I am at the curve coming down. My kids, your kids, the youngsters today, this is their ticket to success. If our education infrastructure does not meet the demands of the time to allow our kids to compete, they are going to continue to fall further and further behind. That is why this is so critical, to maintain that standard, to realize that American dream that our youngsters need to have.

Mr. PALLONE. And I think also that what we are trying to do as Democrats is make the point that the Federal Government has to make more of a commitment to public education. It is great that we have the Republicans agreeing now to this initiative of 100,000 teachers, but if they do not continue and agree to the school modernization initiative, it is only half a loaf and if we want to see this Congress

and future Congresses go on record as being supportive of public education and a Federal role or commitment to public education, we need to keep pushing for the school modernization program.

Ms. DELAURO. I just want to make one more point. I think it is critical to understand that today in the newspapers and in the commentary is that they feel they had won a victory by not moving on the issue of school modernization. I think that speaks volumes. Because you are right, we have got to have a Federal role, not do everything but have an involvement as we have said here. But they take it as proud that they did not do anything in this area.

Mr. PALLONE. We have got to have a whole change of attitude in terms of what Congress is going to do in terms of its commitment to public education. They obviously still do not have it when they are taking pride in the fact that they did not get the school modernization program in here.

Ms. SANCHEZ. There was a certain point that the gentleman from Arkansas brought up, and I sort of want to expand a little on that. Whenever I listen to the Republican side of the Congress talk about this, it almost seems as if they want to pit private versus public. There is a reason why the majority of us are looking after the interests of public schools, because over 90 percent, I think it is 92, 94 percent of all children in America go to a public school. Does that mean, for example, that I do not like private schools? That is not the case at all. I am probably the most perfect example here of a public-private partnership when it comes to education. First of all, I am the only Congressperson who went to Head Start. That is a Federal program, I think one that works very, very well. I went to a public school system in Anaheim. I went to a private 4-year university, Chapman University, right in my area. I went there with a Pell grant, with student loans. Those are two Federal programs; with a Cal Aid grant, that is a State program; with a scholarship from Retail Clerks Local 324 because I was an ice cream scooper in my first job and I was a union member and they wanted to help me with my education. I also received a private scholarship from a man named Bob Prawley, a trustee at Chapman University who made sure every year I had enough money so I could finish 4 years at Chapman and get my degree in economics. And then I went on to get my M.B.A. out here at American University in Washington, D.C. And who paid for that? Student loans and the Rotary Club of Anaheim, California. You want to talk about public-private? I know what that is about. So it is not like I am sitting here saying I do not like private schools. In fact, the fact of the matter is I work very hard with many of the private schools in my district. Let me tell my colleagues a case in point.

Modern Day Catholic High School in my district, behind it is a local neighborhood, very good neighborhood. I had a few calls from people there. Actually I had a group who came in and talked to me in my congressional office. They said, you know the kids park their cars in the neighborhood. Well, you know, maybe that is a problem, people do not want to see cars, you know, of the students. But that was not the problem they came with. They said, we think there are drug houses in our neighborhood, and unfortunately we think that some of the people they saw too might be some of the students, and so can you help us with this situation of getting the parking out of our neighborhood so that we do not have these drug houses? So what did I do? I went and I searched for more information. I went to Modern Day, and when I sat down with the principal and the vice principal I told them the concerns of this particular neighborhood, and they said to us, well, you know, we do not think it is really our kids who are making the drug houses be there, and I said, okay, well I can understand that. They said, but you know there is a solution to the problem of the parking. They said as soon as Bristol Street is widened, which is the frontage road right there to the school, we will be able to build a parking structure so that all our students can park in this parking structure. And I said to them, well, what can I do to help accelerate that? They said, one, get the funds to build Bristol Street and widen it, and secondly, we have a capital fund going for the parking structure because it is a private school. I said, well, I cannot solicit funds for you, but I can sure mention it to my Catholic friends since I am a Catholic and say, you know, school down the way might, you know, need some help with a parking structure they have got going.

So what happened? In this transportation bill that you were talking about earlier we got a very important project funded in the city of Santa Ana, the widening of Bristol Street. We pushed it. It broke ground for the project 3 weeks ago, and Modern Day is halfway to the amount of money that it needs. It has got a capital fund going to build the parking structure. And so here we have solved a problem of, one, the neighborhood, unhappy; two, a parking structure that the school needed; and three, a very important arterial that goes through the area that needed to be widened for traffic purposes, and we have solved a problem, and it is a win for the neighborhood, it is a win for the school, it is a win for the city, it is a win for the people who use the road.

So I am not sitting there saying I cannot do anything for private schools. What I am talking about is working together in a good manner, but first and foremost, we need to be worrying about the public schools and the fact that the majority of our students, over 90 percent go there, and that is why we are talking about public school funding here tonight.

Mr. PALLONE. I agree with the gentlewoman from California, and I think it is, you know, very obvious that all of us, you know, we try to help private schools when we can as well. But the point is that overwhelmingly in almost every district, I think, the students are in public schools, and frankly we know how difficult it is for the local school boards to raise the funding or, as you mentioned were the bond issue, to get the bonds that float the bonds to put additions or do renovations. And so we cannot just neglect them and say there is no Federal role. There is clearly a Federal role.

I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the gentleman, and following up on what my good friends have said, I was really struck by the gentleman's comments from Arkansas because all of us can have our own stories about what public education has done for us frankly, and I certainly am a product of public school education for 12 years and then going to a private college. So there is so much, there is so much that one can gain by explaining to the American people, who already understand that the public school education or our support for public school education is not an either-or, it is not where we discard or attempt to replace the private school education. In fact, when you go into your local communities, you do not even hear this tension, there is so much collaboration between public and private schools, exchange of students and ideas, teachers teaching in the different schools, classrooms sharing with private school settings. In fact, I know those kinds of things occur all the time: private school students tutoring or working with public school students.

So this big issue that there is an either-or I think is made up here inside the Beltway, but what is understood by our local communities is the value of tax relief, and I have not heard one principal or one superintendent say, you know, if you pass the school modernization bill, it will be intrusive, it will be big government from Washington taking control, and we do not want it. And that is what I think is so very important, that we sort of educate the American public so that they can be comfortable with their own beliefs which is why not a school modernization program? Why should we not have a program that gives us tax relief?

And I think it is important taking up the points that were made by both my colleague from Connecticut and California. I mean we can document with great, great substance the idea that our schools are falling behind on technology, not because they desire, but because it is so expensive, one, to initially purchase the equipment, but the infrastructure that they need, and then the technology changes so quickly our schools will tell you that we need another set of computers, maybe it is 10 in the school, maybe 18 months after

they purchase the first. So they know what it is like to suffer at the hands of a moving technology, they want to have their children be conversant with the technology, they want their teachers to be conversant. Can we do no less than give them some relief, if you will, by participating and supporting and passing a school modernization bill so that there is some relief to all of the many things that they have to do?

In fact, in visiting my schools one of the things that I find most disturbing, and we have a very good program in Houston, is the unsafe school yards where children are in need of safe school yards and good equipment because of the fact that is a very strong part of their education. And I want to applaud my local community for having a program that helps them get good school yards and play areas.

But I do believe that we have a message, but we also have a challenge that we must help America, not only with the hundred thousand teachers, but we must help America rebuild our schools, and I hope that we will make it very clear that we are not finished with our work yet on that very important challenge.

Mr. PALLONE. I want to thank the gentlewoman, and I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I just want to say to the gentleman that I am proud to have been part of an effort in these last several days to stand tall and to stand strong for America's children.

The battle on this issue we won, and the Republicans had to cave on that issue. We will fight the battle for school modernization, but we will also in a Congress that failed to do what the American public has clamored for to do something about managed care reform, to do something about making sure that we save the Social Security system that has been one of the success stories of this country, of today providing two-thirds of America's seniors with over one-half of their income, and we have to make sure that that is a program that is strong and safe not only for those today who are in the program, for the next generation and for generations after that.

And we have to focus our attention on those issues, as well as tobacco legislation and campaign finance reform, and in the same way that we stood tall and strong on the issue of education, the American public needs to know that we are going to be there, the Democrats are going to be there on these issues in the next several weeks, in the next several months, in the next Congress which I believe we will hold the majority in that Congress, and to make in fact the reality of opportunities that the majority party let go in this session and that they failed to do something about.

That is where we have to go next.

Mr. PALLONE. I want to thank the gentlewoman, and I appreciate the fact that you are pointing out very clearly that although this Congress is coming to an end, that these problems that this Republican Congress have failed to address are not going away.

In my district every day people complain to me about problems with HMOs, and those problems are not going to go away unless we pass patient protection legislation like our democratic Patient Bill of Rights.

And the same thing is true for campaign finance reform. We are about to go into this campaign with all kinds of soft money being used back and forth and the Republicans spending something like 30 or $40 million of soft money on various campaigns. We need to reform the system. They have ignored that. It is not going to get better, it is going to get worse unless this Congress does something about it.

And the same is true for minimum wage. The minimum wage is too low. We have economic prosperity, and things are pretty good out there, but a lot of people are not benefiting from it because the minimum wage is too low. We have to do something about it. We have to change it. We have to raise it.

And we once again talked about public education here tonight. I am glad that the Republicans agreed to this hundred thousand extra teachers initiative, but there has to be a greater commitment to public education here, and you know that the Republicans are just going to go back to their anti public education agenda.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1197. An act to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

H.R. 1560. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes.

H.R. 1756. An act to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 2807) ''An Act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.''.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1171. An act for the relief of Janina Altagracia Castillo-Rojas

S. 1202. An act providing relief for Sergio Lozano, Fauricio Lozano, and Ana Lozano.

S. 1460. An act for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko.

S. 1551. An act for the relief of Kerantha Poole-Christian.

S. 1916. An act for the relief of Marin Turcinovic, and his fiancee, Corina Dechalup.

S. 1926. An act for the relief of Regine Beatie Edwards.

S. 1961. An act for the relief of Suchada Kwong.

S. 2107. An act to enhance electronic commerce by promoting the reliability and integrity of commercial transactions through establishing authentication standards for electronic communication, and for other purposes.

S. 2476. An act for the relief of Wei Jingsheng.

S. 2637. An act for the relief of Belinda McGregor.

S. 2638. An act to provide support for certain institutes and schools.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 191) entitled ''An Act to throttle criminal use of guns.''.

TRIBUTE TO REPRESENTATIVE FRANK RIGGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. DOOLITTLE) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order.

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

There was no objection.

Mr. DOOLITTLE. Mr. Speaker, the subject of my special order is basically to recognize one of our colleagues, dear friend of mine, Representative FRANK D. RIGGS from the First Congressional District of California. I first became acquainted with FRANK really over the telephone, and I believe we spoke once before the election in 1990 and once on election day in the evening after the results were known, or perhaps it was the next day. But the first time I met him was when we were both new Members of the House back here for our freshman orientation, which in those days, and I think this is one of the last times this happened, maybe the next to the last, we, in those days, the new Democrat and Republican Members received orientation together.

□ 2030

That included a trip to the Kennedy School of Government at Harvard University, in Cambridge, Massachusetts, and then also a trip down to Williamsburg, sponsored by, I believe, the Congressional Research Service and perhaps one or two other organizations.

People listening may wonder about this, in contrast to how it is done now but in those days there was a chance to really get to know our fellow Members of the class, and to the public that may sound strange but this is such a large institution, with I believe we have 440 members, 435 of them voting, that it is really hard, given the compressed work week schedule, the Members traveling to the far flung parts of the Nation, coming and going all the time, in retrospect that time we spend as freshmen Members is really almost a unique opportunity to get to know each other.

I said freshmen Members, but Members-elect in this case because this happens before actually we are sworn in as Members of the House.

FRANK and I had the chance to get acquainted with each other and we became fast friends. Actually, we were roommates for the first 9 months of the first year of our term in 1991. Both of us had families out in California. Both of us had the intent of moving our families to be here with us in the Washington, D.C. area as we did the job, and it took several months for both of us, actually until late into the year of 1991, to wrap up the affairs and get everybody organized back here. So we rented an apartment in Crystal City and had the opportunity, as new Members, to experience all of the things that Members of Congress go through.

For us, it was an unusual time because Operation Desert Shield had been put into effect in August of 1990 and late in the year or early in the first part of 1991, Operation Desert Storm was declared. We had a full-fledged military operation. One of our first votes was, in essence, what amounted to a declaration of war. As a result of that, we had the first real victory, well, I should not say the first victory but I guess I will say the first major victory really since World War II that the Nation has experienced.

It was a great operation and something that I think Americans recognized as being kind of a pinnacle of America's military success.

I will have perhaps other comments to offer, but I am pleased to see we have here the chairman of the Committee on Education and the Workforce, which is the full committee of which FRANK is chairman of one of the subcommittees, and maybe our full committee chairman, the gentleman from Pennsylvania (Mr. GOODLING), will comment on that.

Then we have the gentleman from California (Mr. HERGER), who is a fellow Californian, close friend of FRANK RIGGS.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for yielding.

Mr. Speaker, it is certainly my pleasure to pay tribute to Congressman FRANK RIGGS this evening. He was, of course, a new subcommittee chair, as we were all new in this business of being in the majority and leading the efforts in the Congress of the United States.

When FRANK became the subcommittee chair of our Subcommittee on Early Childhood, Youth and Families, he probably did not realize how full that platter was going to be. That platter has been very, very full, but that did not bother FRANK because he was willing to spend many late hours with staff, as his fertile mind thought about ways of producing quality legislation, thought about ways of making sure that our emphasis was on a quality education for all children rather than just covering them with mediocrity.

So, of course, he had to tackle our workforce development legislation, had to make sure that we could move into the 21st century and have the qualified workforce so that we could be competitive in a very competitive world. Of course, he also then had to deal with vocational education.

Now we are dealing with, among others, secondary students, as well as those who are in community colleges; again, making sure we had a workforce that would be up to handling the challenges of the 21st century.

Of course, he also had to deal with child nutrition, and included in that is an after-school program with the idea of those who are most at risk perhaps we can keep them busy in some after-school program and also provide them with nutrition. Of course, this also covered our senior citizen nutrition program, as well as our school breakfast and our school lunches. That was only the tip of the iceberg.

He then had to deal with the reauthorization of Head Start, trying to make sure that it was a quality Head Start program all over the United States, that every Head Start Program was a quality program. Rather than, again, just covering children with mediocrity, he insisted that we beef up that program so that every child has an opportunity for a quality pre-school program, and particularly to beef up the educational component because even the founder of Head Start said that that was the weak part of the Head Start Program, the education component.

So, as I said, he had a very, very busy schedule and a very full platter, but he carried out all of those efforts, again with the whole idea that quality is the name of the game.

I can remember touring a plant in my county one time and they all wore T-shirts at that plant that said ''quality or stop,'' and that was FRANK's motto as he brought about all of these reauthorization programs.

We certainly will miss him as he goes on to do whatever he is going to do. We on the committee certainly wish him very well. I appreciate the opportunity to participate in the gentleman's tribute to Congressman FRANK RIGGS this evening.

Mr. DOOLITTLE. Mr. Speaker, I would thank the chairman, the gentleman from Pennsylvania (Mr. GOODLING) for his remarks.

Mr. Speaker, I yield at this point to a distinguished colleague, the gentleman from North Carolina (Mr. TAYLOR) who, along with Mr. RIGGS, were two of the Gang of 7. Both of them were involved in an effort exposing the House Bank scandal and ultimately closing down that institution; the House Post Office scandal, which was reformed as a result of this. Several people were indicted and had penalties imposed.

FRANK RIGGS is a courageous man and so is the gentleman from North Carolina (Mr. TAYLOR), whom I will now recognize.

Mr. TAYLOR of North Carolina. Mr. Speaker, I, too, appreciate the tribute that is being offered to Congressman RIGGS. FRANK has been a good friend and an outstanding Member of this Congress. I knew he had courage when he joined our freshman year as a Member of the Gang of 7 to protest what he thought, and we all thought, was illegal and unjust activities of the House of Representatives.

Of course, the truth proved out and, as we know and as was mentioned a moment ago, there were a lot of things that went on from that investigation. We have a much cleaner and more responsible Congress because of that.

I found that FRANK had courage in the district also. FRANK is an environmentalist in the sense that he cares about the environment and he works to promote real science in the area of the environment. A lot of people do not realize that here in Washington the environment has become a tool for people to scare money out of individuals. They take in over $600 million, putting false science out and trying to scare people into spending money for ridiculous ideas, and these programs often result in legislation that takes jobs away from people unnecessarily and promotes pseudo science.

FRANK has worked with us on many of our efforts, especially in the area of forestry, to promote what our best universities teach and our best experimental stations teach. He stood up to the claims of the so-called pseudo environmentalists and stood with the people of his district and the people of California in recommending good, sound science in the area of forestry.

That was hard for him to do because they put a lot of money against him in the campaign. In fact, he was defeated after his first term, but he had the courage to maintain truth and he fought back. After the next 2 years, he was reelected to Congress, where he has remained. That told me a lot about FRANK'S tenacity for the truth.

It would have been very easy for him to sell out his ideas. He would have gotten contributions. He would have gotten the accolades of groups that are not promoting truth, but it would not have been FRANK RIGGS. His stand was bought dear, but it was something that

impressed me about his character. He has been involved in a variety of those areas, as well as other outstanding legislation here in Washington, and I am honored to be a friend of FRANK and to see him as an outstanding Member of this Congress since we have been here.

I appreciate the tribute that is being brought forth tonight.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman for his comments and would just observe that I do not think I know of any harder work than campaigning in a hard fought election, and FRANK RIGGS has had nothing but a steady diet of that in the elections he has run, and it has never been easy. They have always been huge races where a million dollars was spent by both sides. Heavy negative advertising was out there attacking him, distorting his record, and I would just observe that to go through one of those races and then to lose and then to somehow be able to pick yourself back up and take up the battle again for 2 years running, getting ready for the next election, talk about the tenacity of FRANK RIGGS, I think that is true.

That is extremely difficult. Frank is quite an athlete, but among other things is an avid jogger. I remember when we lived together, he would go for a jog at 9:00 at night out in the wonderful high Washington heat and humidity. It would be 90-plus degrees and he would be off on a jog. That is the type of individual he is. He really is just a real fighter and very, very tenacious and has stood tall for the things he believes in.

Mr. TAYLOR of North Carolina. That was FRANK, and certainly it was a tribute to FRANK and to his district to return him back here, and he has been with us since. I think that is a tribute to the people of his district to see and to overcome the heavy spending and the negative attacks and to become a permanent Member of this Congress, where he has been always steadfast in his search for truth and his search for the best interests of the people of California as well as the United States.

Mr. DOOLITTLE. Mr. Speaker, I will just observe that thanks to FRANK RIGGS, he introduced me to an East Coast donut, Krispy Kreme, which I hadn't known about before, and it has resulted in a significant expansion of my waistline which will be one thing that will cause me to remember him for a long time to come.

Mr. Speaker, I yield to the gentleman from Southern California (Mr. ROHRABACHER) who has joined us, a dear friend and colleague.

Mr. ROHRABACHER. Mr. Speaker, we hear a lot of people say that this fellow or that fellow or this colleague or that colleague will be missed, and sometimes we just wonder because they are just people who we have worked with. We might think this is just someone that I have worked with in my office or someone in my school or whatever.

□ 2045

Tonight, I would just like to say from the bottom of my heart, in recent days as I have walked around the floor of Congress as we have been discussing the various issues, it has crossed my mind and my heart, not just on a couple of occasions but probably 10 or 15 different times, boy, FRANK RIGGS is not going to be around here next year. We are really going to miss him.

I personally am going to miss FRANK RIGGS. This is not just like missing somebody because we got used to working with him. We are going to miss him because he was a voice of decency. And some people claim that I am sort of a little boisterous and get a little hot under the collar and that I might be animated at times. But FRANK, on the other hand, is someone who presents himself in a very decent and a very honorable way and seems always to be in control, because he seems to always have the confidence that comes from someone who has a very strong set of values that he is very proud of, and that is recognizable.

We are going to miss him around here. In the debates, he added greatly with his even-tempered approach and a very astute way of looking at especially the areas of education and such. But we always knew that FRANK was a man of integrity. And some people talk of men of integrity, sometimes get mad and they punch you in the nose because they really know what is right. But that is not what FRANK was about. FRANK was a man of integrity and in a very low-key way earned the admiration and attention of his colleagues because when he did speak, we listened because we knew he was saying something that was worth listening to and was speaking from the vantage of truth and honesty that we could certainly respect.

I think that was really brought home to me, and I do not know if he will remember this or not, but I remember it very vividly that when FRANK was here, I think it was during his first tour of duty, so to speak, one of the early votes that really tested all of us was the vote as to whether or not we should be permitting offensive military action in the Persian Gulf. It was a very tough vote, because most of us believed at that time there would be very severe casualties and most us believed at that time that this was going to be a situation that would test us as a country.

FRANK had some reservations about it. And, frankly, I had reservations about it as well. However, FRANK made sure that he acted upon those reservations. I sat down with him, and I remember sitting in the cloakroom as the vote was happening and saying, ''This is a really important vote. You are going to be judged by this. This is one of those votes that your constituents are not going to miss. And that could really cause great harm if you are making the wrong decision and you know that every one of your fellow Republican colleagues are voting on the other side.''

I remember saying, ''I am not trying to tell you what to do. I am your friend, but I just want to make sure that you are thinking this through.''

Peer pressure did not mean anything to FRANK. FRANK had thought it out. He knew in his heart what he thought was right and he voted ''no.'' And I will have to say that there are some people who vote differently than I do on various issues and I get upset with them because I do not respect the act that they have done, because often those votes that are on the other side of the issues that I stand for, they are voting because they lack the courage to stand up to where I am. But, no, this is an example of the quintessential of FRANK RIGGS in that his vote. He stood alone and he stood that way and he voted that way because that was a courageous thing for him to do. He honestly felt that way.

Mr. Speaker, I do not think I have ever brought that up to FRANK before in all of these years, but I will never forget that moment and how I was deeply proud of this man. If there is anyone in this body who knows how to twist arms and to try to convince people to change their positions on issues, I mean, I learned from the master. I learned from Ronald Reagan and I tried every trick in the book that night to get FRANK over on that side.

Now, we also know that FRANK is not just someone who can be kept down. I do not know any of our other colleagues, or maybe there must be one or two here who actually lost the seat and then came back after 2 years and was reelected by their constituents. So here we have a guy who came here and, of course, he represents a very, very liberal Democratic district up in the northern part of the State. It is overwhelmingly the other party. And FRANK was elected.

And when someone else came in, a Democrat came in, I remember that young fellow. His only claim to fame was that he refused to wear a tie on the floor. And once they really tried to figure out what really counted, his constituents insisted on bringing FRANK back to Washington, D.C.

There are very, very few people in this body that have lost and then, once their constituents found out how wonderful they really were, would be brought back by their constituents. That means their constituents have to admit they made a mistake in not bringing him back immediately for an immediate reelection.

So, FRANK endears himself to all of us who work with him. He is someone who is respected and someone who means a lot to me personally. I am very grateful to the gentleman from California (Mr. DOOLITTLE) and to my other colleagues today for joining me in this honor and tribute to FRANK.

I know that over the years we are going to be working on several other issues important to California. Again, I

am going to walk around and say, ''I really miss FRANK RIGGS.'' But I know that out in California, we are going to be doing things for the benefit of our State. I know how much you love California and how much we all love California. So we have got some wonderful things we are going to do in the future, but we are going to miss you when we are walking around down here on the floor.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman from California (Mr. ROHRABACHER). And he referred to FRANK'S hard work and ability. And I have been just reviewing some of the material on FRANK. I know that something jumped out at me that I did not realize, and that was that he was a graduate with highest honors of Golden Gate University in San Francisco, where he received his Bachelor's Degree in the administration of justice.

Furthermore, he was named the outstanding graduate in the College of Business and Public Administration. Of course, sometimes having achieved a distinction, they will give the graduate a cum laude recognition, or magna cum laude. But summa cum laude is the highest recognition. And, really, anyone who knows FRANK would not at all be surprised that that was the distinction that he earned in college.

I now would like to recognize the gentleman from Southern California (Mr. BILBRAY), even further south than the gentleman from California (Mr. ROHRABACHER), he is from San Diego and the surrounding areas.

Mr. BILBRAY. Mr. Speaker, I am from San Diego County, which is south of southern California. I want to make that quite clear. My colleague from Huntington Beach, who is the other half of the Surfing Caucus, has pointed out again and again that Mr. RIGGS is somebody, in the terminology of an old advertisement, who has always been able to ''take a licking and keep on ticking.'' I think that the fact of the ability for him to take hits from people who cannot stand to hear the truth I think is one of the things we have always appreciated about him.

Let me say one thing. Somebody brought up the fact that FRANK comes from a background of getting a good education, getting the facts, and being able to speak the facts. It is something that some people are not very comfortable with. Frankly, there are those who are involved in the environmental movement who do not want to approach the environmental issues as science. It is almost as if people have lost old religion and have now tried to make environmental causes their new religion.

Those of us that have worked on real environmental problems, like myself, are so frustrated with people that do not realize that we not only have a right, but we have a responsibility to keep our minds open and get the facts and approach environmental strategies as a science. It is not a theology.

Frankly, there are those who have attacked FRANK as a heretic because he is not willing to accept the theology of certain groups and certain people who claim to be wanting to help the environment. I think that FRANK has been less fortunate, but the environment has been better because FRANK has been willing to stand up and say: Science first, foremost, and always; that one cannot be an environmentalist if they do not put science first and take prejudice and preconceived ideas away.

I did not come here to praise FRANK RIGGS or to honor FRANK RIGGS. I want to say there is something that we do not do enough of here. I want to honor the people that really made it possible for FRANK RIGGS to be here. And I am not just saying the voters. I want to honor an 11-year-old little girl who does not have her daddy home every night because he is here on the House floor.

Sarah Riggs is the type of person that we do not talk enough about. The reason why Mr. RIGGS is willing to come here and serve and do without fiscal and family security that a lot of businesspeople out there have is because he cares about his daughter's future. And Sarah Riggs is somebody that we should always remember.

I hope every Member of this Congress always remembers that there are those that make it possible for us to serve. It is Sarah Riggs, Cathy Riggs, Matthew Riggs that are out there without a father, without a mother, because they are here serving and doing the people's business.

And I think that too often, the image that people see on C-SPAN or they see in the paper is of a two-dimensional figure. Of FRANK RIGGS, the Congressman, the politician, but not the FRANK RIGGS the father, the husband. And when we do that, when we only see the two-dimensional, we deny the real heroes and the heroines in this whole thing. That is the Sarah Riggses and the Cathy Riggses and the Matthews that do without and do so much more than anybody could ever expect them to do, because their father is engaged in the business of this country.

Mr. Speaker, I want to say sincerely to Sarah Riggs, and sincerely to all of the young girls out there, and the sons and the wives who sacrifice and fill in the huge hole that is there because their parents are off taking care of business in Congress, I want to thank them, all the Sarah Riggses out there, for the contribution they have made for the betterment of this country. I want to thank the Sarahs for being willing to do what a lot of little children would never want to do, and that is not have their daddy or mother around.

And so I am not here to honor Mr. RIGGS; I am here to honor Sarah Riggs for all her contributions. And I would like to say, ''Thank you very much, Sarah, for allowing us to have your daddy for a while here on the House floor. It has been a privilege to serve you. It has been a privilege to work with your daddy. And I hope in the future, we will be able to continue to see the kind of contributions that your father has made to the American people and the people of California.''

Mr. Speaker, I yield back to my colleague.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman from California (Mr. BILBRAY). While the next gentleman is proceeding up to the front, I would observe that there is a third and oldest child, Ryan Riggs. And Ryan, Matt and Sarah, we have seen grow up. Sarah is not completely grown, but she is a lovely young lady now. And we have watched them grow up.

Cathy, by the way, is a wonderful mother and a crack private investigator and a law school graduate as well. She has been a staunch supporter of FRANK. And maybe for those who do not realize it, but a Member's family is integral to running a successful campaign. They are all deeply involved, as the gentleman from California (Mr. BILBRAY) alluded to. There is a great deal of sacrifice that goes on on the part of the family once the Member is elected, and FRANK has a strong family that loves and supports him.

I yield now to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I did not want to pass up the opportunity this evening to share with someone who I have only known for a year and 10 months, but someone who I think is one of my better friends in Congress, someone who I had the privilege of working a lot with, because we shared a lot of time and worked on the same subcommittees on the Committee on Economic and Educational Opportunities.

FRANK, America would be stronger and better if it had more congressmen like FRANK RIGGS. And I mean that sincerely. Those who talked about his toughness, coming back after a tough loss, coming from a district that he probably should never have gotten elected in, but it was only because FRANK RIGGS was a good man and gave it his best and his family had support there that he was able to come to Congress from that district and serve it very, very well.

□ 2100

I liked his friendly style, his graciousness, his toughness. He had a tough side. He would fight hard. And you cannot be effective here and you will not ever reach the goal line if you do not. We shared a lot of interests. I have some of the same forestry interests that FRANK had, some of the same problems that FRANK had, and I admired his toughness to stand tall.

We had a lot of interests in vocational and technical education and where this country really needs to be going where we really are not headed, FRANK and I agreed on where this country ought to be going in technical and vocational education, preparing our work force of tomorrow.

FRANK, I was disappointed when you decided not to run again. But I admire you for the choice you made. You were one I looked forward to working with in the future. But I am, hopefully, somewhere down the road, we will have the chance to pull on the same rope.

But there was something that you may not be aware of. Of all the Members I have met here, FRANK RIGGS mentioned his family to me many evenings. When we were here in an evening, FRANK was always anxious, if we were kind of not moving as fast as we ought to be and we ought to be getting our work done, because FRANK had an event that one of his kids was at that he felt he should be at. FRANK had a family thing that he felt he should be at. You mentioned your wife and children to me many evenings. You may not remember that. It was just in quick passing. But that says to me that FRANK RIGGS, the Congressman, had his priorities right. He was constantly thinking about his children and his wife and his family, and that is the priority that so often does not get met in this country. If there is a weakness in this country, it is the breakup of the family and the family drifting apart.

I do not know your family well, but I personally think your children have a pretty good dad. I think your wife has a pretty good husband. I know you care an awful lot about them. In the few short months we have known each other, I have learned that they are most important to you, and I honor you for that. The Committee on Education and the Workforce will miss you. This Congress will miss you. I will miss you, because you are a friend, the kind of a friend that I would like to get to know better, because the more I have been around you, the more I have worked with you, you are just a person I have learned to like.

We are going to miss you. It has been a pleasure getting to work with you and know you, FRANK. America is a better place because you served here. I mean that sincerely.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman from Pennsylvania for his comments.

I yield to the gentleman from California (Mr. HERGER), my good friend and colleague from northern California, really right in between FRANK's district and mine.

Mr. HERGER. Mr. Speaker, I thank the gentleman for yielding to me.

It is, indeed, a privilege and an honor that I consider to be able to stand here today. I was just thinking back at the speakers we have had, the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from North Carolina (Mr. TAYLOR), the gentleman from California (Mr. ROHRABACHER), the gentleman from California (Mr. BILBRAY), the gentleman from Pennsylvania (Mr. PETERSON), to name a few.

I think about, as we were trying to arrange this, and mainly you, Mr. Doolittle, I want to thank you for taking the time to take the initiative to set this up this evening, but I think as we were talking about it over the last week or so and we were wondering, gee, we need to try to do it sometime in between votes so that we will have some Members around. What we did want to do, it has been at least three hours since our last vote, was get Members around that would be able to express themselves. And just the fact that we have had this many Members this long after our last vote, I think really says so much for you, FRANK, my very good friend and colleague.

As we hear sometimes in the Rush Limbaugh show, we will hear someone who agrees with what was being said, they will say ditto. I just have to, I hear the different things that went on, very few people outside those who have actually served in the House of Representatives or in Congress really know what goes in to the job of being a Member of Congress. It seems like a pretty neat job, which it is. But all the time away from home, I heard you talk about how your first term here, how you roomed together.

The families back in California, we are 3000 miles away, 3 time zones away, all the time that is here. Then when we get back to our district, FRANK represents a district that is very similar to my own, very large, and yours as well, very large geographically. I think that when we are, even when we are so-called at home, we are really not at home. We are out traveling around in one city or another that may be 200 miles away within our district, talking to this rotary group or some other group here or there. And really, the time that is taken away from our family is really a major sacrifice on the part of anyone. So I can certainly understand why it would be that you would be leaving us.

We hear all this, you would almost think that we are speaking at a funeral. Obviously, we are not. FRANK is going to have a very glorious life after Congress here, and we certainly wish you the very best.

But, FRANK, I want to thank you in a number of different areas for being the friend to me that you have been. You were, right off the bat, as you know, there have not been that many friends to those who live in our timber-dependent communities of the United States, certainly in California. And for so long there was maybe JOHN DOOLITTLE, BOB SMITH, north of me, myself were about all there were for a number of terms, several terms when I first served here, out of 435. And how welcome it was when FRANK RIGGS was elected.

Now, we had someone else that was fighting for, as Mr. Bilbray pointed out, to bring about the, to make our decisions on forest health and forest practices based on science, the most recent science, the most current science, not just on politics and what was politically popular in Washington or nationally, but what indeed was in the best interest for our national forests and for the people who live there, the real people, the fathers, the mothers, the children who work there, who have been working and living there for three and four and five generations. Again, our districts are very similar that way.

I have parts of all of 12 national forests. I know you have a number of national forests there along the beautiful Pacific Ocean right adjacent to mine. I want to thank you for always being a voice for what was right, for someone who would do your homework and find out what the facts were and make your decisions accordingly. I want to thank you for that. Many a time we have stood together, albeit not very many of us standing in this 435–Member House, but nonetheless we would be up there fighting the battle. And I would always know I could count on FRANK RIGGS to be there with me. Again, FRANK, you have been a friend in so many, many different ways.

I also have to mention another great joy, again there are so many things we do and it is an incredible job we have. As I know you do, consider this one of the greatest privileges that anyone can have, to represent citizens, 570,000 approximately in our congressional districts here in Washington, D.C. But one of the nice things that we do each year is have our annual charity baseball game. This is not a softball game. This is baseball. It has been being played for many, many years. And even back when we were a minority, and I spent my first 6 years here in the, first 8 years here in the minority, about the only thing that we as Republicans were able to win at was baseball. We used to beat the other side. We were beginning to lose a few games, and then FRANK RIGGS was elected.

And boy, were you an asset. Thank goodness you came out to our baseball team, that magic, golden glove that you had playing short stop, that wonderful bat you had batting third in the lineup. That is our power hitter. Again, it was just a pleasure not only to serve with you here but to serve with you on the congressional baseball team. As I recall, we won most of those games and we did win the trophy, the best of five games. And at the same time, able to donate in the vicinity of $60,000 each year, as we have done, to the Children's Hospital and other good causes.

Again, FRANK, I want to thank you. I want to thank your wife, Cathy, and your family for all the effort you have given to serve our Nation. We will sorely miss you but, again, I am looking forward to visiting with you. I know our friendship will go on for many, many years after you leave here, after you graduate from the Congress here. I am looking forward to that. Again, thank you on behalf of myself, my colleagues and our Nation and certainly Northern California. Thank you for your great effort.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman. I would just like to, before I yield to the gentleman

from Georgia, just like to briefly highlight two or three areas of FRANK's legislative involvement that I am very proud of him for.

One, he introduced a resolution affirming the right of the Boy Scouts of America, a voluntary association of free individuals, to set standards for membership and exclude those who do not reflect its traditional and moral values. As is consistent with what you heard about FRANK, his courageous, really fearless nature, he carried that resolution and waged that battle. And many of us, including me, are grateful for that.

He also has been extremely active. In fact, he gave up, in what is almost unheard of, I do not know of any other example of this, certainly while I have been here or before I got here. He was a member of the prized Committee on Appropriations. And that is a very difficult committee to get on. They are the ones who recommend how all the money is going to be spent for the budget. He got off of that in order to get on the Committee on Education and the Workforce and eventually become chairman of the Subcommittee on Early Childhood, Youth and Families. And he has fought tirelessly for children while having that stewardship, including a bill that he sponsored called HELP, helping empower low income parents scholarship amendments. This would allow them to offer opportunity scholarships to poor urban and rural children.

Although that legislation was not successful, I believe it is the type of legislation that eventually will pass here. And when it does, you can look back to FRANK RIGGS, we can all look back, as the one who started that ball rolling and who had the foresight to wage that battle in what eventually, I believe, will be a successful effort.

He also wrote the English language fluency act to end Federal support for the disastrous bilingual education programs. And this was modeled in California's English for the children initiative, which this legislation passed the House this last September. He also offered an amendment to the higher education act prohibiting public colleges and universities who accept Federal funds from setting admissions criteria on the basis of race, color, sex, national origin or ethnicity.

FRANK is, frankly, someone who went against the trend. And I hope he will not feel bad if I say this, but I observe that the longer he was here, the more conservative he became. Frequently and as a general rule, the trend is just the opposite. The longer you are here, the more liberal you become. But FRANK was never one to fit into a mold.

Frankly, these actions that he has undertaken, these bits of legislation, I felt would have qualified him to be a member in good standing of the conservative action team. So in my mind you will always be an honorary member of that by your philosophy. I think you have reflected those values in your actions.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for the yielding to me. I am glad to be here on RIGGS behalf.

Mr. Speaker, I am not going to call him FRANK RIGGS. I am going to call him RIGGS, because since a small boy growing up at the Athens YMCA, I called all guys who were near my age by their last name. But FRANK RIGGS, being an old school gentleman type, called me on the House floor one day and said, ''I really prefer to be called Frank and I think we should dignify this place in doing such.'' So FRANK, you trained me, and I will call you FRANK even when I see you from here on out.

I want to say this, I knew FRANK RIGGS as a candidate in 1992. I was given a poster of the gang of 7. The gang of 7 was everybody's hero model. The gang of 7 consisted of Mr. DOOLITTLE, among others, and the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Iowa (Mr. NUSSLE) and Mr. RIGGS. I am leaving out the other three. Mr. HERGER, if you were one of them, I apologize. But we all loved the gang of 7 because they were the ones who were the young turks who blew open the House bank scandal, which the folks of America did not understand why there were so many overdrafts by Members of Congress.

□ 2115

We were just so appreciative of this young energetic, very small, but determined group who blew the whistle on that and said this Congress cannot continue to have such shenanigans.

So I knew who FRANK RIGGS was. It took me two more years to get a chance to meet him because he had a little mishap on the way to reelection that year, with no fault of his own. He has one of the most difficult and competitive districts in the country.

But FRANK rejoined us in 1994, and I had the opportunity to serve on the Committee on Appropriations with him. He was a very energetic Member. He had been here. It showed. He knew his way around the place. He immediately jumped on all kinds of other issues, education, WIC, D.C. scholarships, regular scholarships, English first, all kinds of issues that affect California, agriculture, particularly looking into issues that had to deal with the California wine industry.

He was just a very great Member to sit next to. Then the next year he moved over to the Committee on Education and the Workforce and became a superstar on that. I think the previous speakers have covered that, so I have got to go back to another personal story.

Bipartisan retreat on the train to Hershey, Pennsylvania, looking over at my seat, I had my family and my four children running up and down the aisles, and looked over there, and there was Frank. Frank had on some headphones. He had two pencils in his hands, and he was playing the drums, and he was rocking out, having a great time, much to the absolute humiliation of his teenage children who were sitting there looking around saying, ''Dad, would you please quit doing this.''

But I could tell that, even as they were calling him down in that embarrassment that teenagers sometimes can have of us parents, they loved him. It was ''Dad, you are being dad again, and we love you, but can you cut it out a little bit.''

Cathy and her relationship with him, we got to know them sitting next to them on this train. I can tell it is just a great family.

I was a little bit disturbed when his teenage son, who is a big strapping boy, I think is six feet tall, started emailing my 15-year-old daughter, but those things happen. If my daughter has to get interested in boys, I will reluctantly accept that. If it has to take place, somebody who is an offspring of Cathy and FRANK RIGGS has got to be okay, because having served with his dad for these years that I have had the honor to serve for, I know he is a first-class guy.

The House is better having a guy like this in the House, and the country is stronger because of FRANK RIGGS' service, and we will miss him dearly. I wish you the best.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman. Recalling our early days together, I must say, every now and then, back in those days, it seems like we had a lot of late nights here. Every now and then, we would go over to the Pentagon City Mall and have ribs and baked potatoes at the Silver Spoon, which was a great experience.

I kind of looked forward to those occasions since we were both back here on our own for the first 8 or 9 months or so. That was better than having to cook for ourselves. That was always preferable. So, FRANK, those are memories I will treasure as we move on here in life.

I recall once FRANK RIGGS told me in a conference, I do not remember how this came up, but he told me that there were three things that he had considered being when he grew up. This is what he thought as a young person.

One was to be a police officer, which in fact he did become, serving I believe in the Santa Barbara Police Department and then eventually, I do not remember the county, but it is Marin County or one of those up in Northern California, the sheriff's department.

The other thing he wanted to be was a high school coach. He never became a full-time high school coach, but he did, indeed, and does, I guess, presently serve as high school coach for both his daughter and as well for his son, two different teams. Being a Member of Congress and a subcommittee chairman, I do not know how he did it, but he did all those things at the same time.

The third thing was that he was very interested in becoming a member of the clergy. He never actually became a member of the clergy, but he has reflected, I think, fundamental values in his service here as a member of the United States House of Representatives for 6 years.

FRANK, I do not know if I have shared this with you, but there is a great quote I often use, and it means a great deal. It is from a former chaplain in the United States Senate Everett Hale, who said ''I am only one, but still I am one. I cannot do everything, but still I can do something. And because I cannot do everything, I will not refuse to do the something that I can do.''

I would say, Mr. Speaker, that FRANK RIGGS reflects the statement of the Senate Chaplain, someone who has done his best to make a difference and who has, indeed, made a difference for men, women, and children in this country, who has honorably served in the United States House of Representatives, and who will be long and fondly remembered.

THE BUDGET AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, it is very difficult to follow a discussion like that of one of our great colleagues, a beloved Californian, but I want to get to the subject of the budget.

As the Speaker knows, we have been here in Washington camped out now for some 10 to 15 days trying to get a budget agreement with the White House and the Senate. I think it is very important for people to realize that, although we clash so often over partisan reasons, there is a lot more to the partisanship than just not agreeing.

There are genuine philosophical differences between often liberals and conservatives. There are philosophical differences that have to do with the reasons we are elected.

People are elected because they said I am a conservative, I am a liberal. When I go to Washington, I want to represent those liberal views or those conservative views. Guess what. We get 435 people elected to the House of Representatives on their own individual platforms, and of course we are going to have debates and of course we are going to have some disagreements.

Often, that is going to be betrayed as partisanship, and sometimes there is a partisanship element to it. But there is a real profound ideological difference here. The Speaker has said that, look at it this way, Congress is the Civil War without bullets, or it is a substitute for civil war. It is a peaceful way to carry on our republic.

I think that that is what has been going on the last 15 days. The budget debate did not start 15 days ago. It did not start in the summertime. It does not start with the first appropriations bill. It has started long before most of us were elected.

We came here with ideas of what to cut and what to increase, what to spend money on and what not to. But we have been engaged in this process, most of us, since the time we were candidates.

Then this year, as the appropriations bills went through, we debated various amendments and various spending levels. I am on the Committee on Appropriations. I can tell my colleagues there is hardly anything that is in an appropriations bill that has not had a hearing, that has not had a debate, that has not had a question that has not been scrutinized.

Things in there have been well looked at and well debated. We are at this process where we finally have a massive budget agreement, and I think it is good. I am very excited about this budget agreement.

There is a little bit of this and a little bit of that in there. There are some things that the Democrats can say they have won on, some things Republicans can say they have won on.

But the ultimate winners are the American people. That is what is important for us to do at the end of the day, not say which party won, but say what the American people won.

Here are some things in there that I believe Americans won. Drugs. We have strong anti-drug language in there. We have beefed up the position of the drug czar. We have given him more power to fight the drug thugs.

It used to be that, when the drug lords were out in my area, as my colleague knows, I represent coastal Georgia, the Coast Guard does a lot of drug interdiction. They cannot keep up with the drug runners and their powerful boats. Those days are over with. Now the Federal agencies can go after them. There is nothing more frustrating than having drug dealers having higher technology than law enforcement. I am glad to say that is over with. Interdiction is very, very important.

This is a product, Mr. Speaker, that has grown in South America and processed often in other South American countries and then sneaked in in the dark of the night into America and sold in the school yard near us.

The employees of this company that sell this insidious product, if you will, the drug pushers, they cannot advertise. They cannot exchange business cards. They cannot even tell anyone they do. Yet, in every school district from Maine to Florida to California, they can get illegal drugs, and they did get to our 12 years olds, our 14 years olds, our 15 years olds. This Congress and this bill has taken a strong step to say, get the heck out of our school yards.

In addition to cracking down on the drug dealer, we also have strong rehab. Because if somebody has gotten off track and they have become addicted to drugs, we want them to be able to turn to somebody or some agency or some institution when they are ready and say I want out. Can you help me? Can you throw me that lifeline?

We are putting the needed resources into institutions, not all Federal, not all State, and certainly not all governmental, but we are doing it with nonprofit agencies as well to say that, if you want to get off drugs, we want to have the bridge there to get you off drugs. We hope you do not ever get on drugs, but if you are ready to come home, we want to be there to help you. That is in this bill, Mr. Speaker. I think it is a very significant step for the streets of America, for the safety of our kids.

Another thing that is in this omnibus bill is education. We in the Republican Congress are committed to having world class education. I know the gentleman from Illinois (Mr. SHIMKUS) has children, because I get his Christmas cards.

What we have in our family is we have got an 8-year-old, a 10-year-old, and a 13-year-old, and a 15-year-old. My children and the gentleman's children are not going to be competing Georgians versus kids from Illinois versus kids from California. But they are going to be American kids competing against German kids and Japanese kids and British kids. They are going to be part of this big global economy that we have.

In that spirit, we want to be sure that our American children can go head-to-head in science, head-to-head in math, trigonometry, and calculus, head-to-head in physics and chemistry, and head-to-head not just in English, but of all language skills.

We want them to be able to compete in it. We think an important part of that is local control of schools, not Washington command control, but local controls.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH), one of the leaders in this budget fight, one of the toughest defenders of the hard-working dollars, tax paid dollars, paid by American middle class. He has joined us now, and it is an honor to yield to him.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentleman from Georgia, for yielding to me.

Mr. Speaker, I rise this evening again to talk about America's priorities and the pursuit of common sense conservative goals, because as my colleague, the gentleman from Georgia points out, Mr. Speaker, it makes sense to get the resources to where they have the most impact. Education is far too important to leave up to Washington bureaucracies.

So what we have done is to agree in historic fashion to provide resources but to make sure those resources are implemented at the local level. That is the key, because the first priority, of course, must be with parents and the teachers who are there in the classroom who know our children's names,

and the school board members whom we elect.

Indeed, I would tip the hat, rhetorically speaking, to those colleagues from Pennsylvania, the gentleman form Pennsylvania (Mr. PITTS) and the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce, who have worked so hard to say that the proper role is to make sure that resources are spent at home in local school districts and, indeed, that is commensurate with our overall philosophy of transferring money, power, and influence out of the hands of the Washington bureaucracies and back to the people at home who are on the frontlines addressing the problem.

□ 2130

That is the key. Just as the gentleman from Pennsylvania (Mr. PITTS) in Dollars to the Classroom stipulated that 95 percent of every Federal dollar spent on education, or 95 cents of every Federal dollar spent on education should end up at home in the classroom and only 5 cents should go to the care and feeding of Washington bureaucrats is a common-sense approach.

Further as our colleague from Pennsylvania (Mr. GOODLING) has pointed out, when it comes to special education, and the needs there, to make sure that this Congress lives up to the promise it made in 1975. I was in my senior year of high school, Mr. Speaker, a promise a liberal-controlled Congress made to say to the States, ''Oh, we're going to help you fund special education'' but sadly that is one of those promises that never really was fulfilled. The challenge remains for us to really help children with special needs commensurate with what we have done across the spectrum in terms of education and taxation, in terms of tax-free education accounts for college students. We need to expand that, but we have gotten a good start. And today as we prepare this historic budget agreement, we continue to shape those priorities.

I thank my colleague from Georgia. I look and I see that one of my other colleagues from Arizona has joined us on the floor, but I just want to thank my friend from Georgia for pointing these things out.

Mr. KINGSTON. The gentleman has a major piece of legislation that he has introduced that is bipartisan in nature, for institutions of higher education that he may want to mention something about that, but I do want to emphasize this special education point that he has brought up. I think it is so important for us to help the families who have children with special needs and help the children with special needs and give them every single opportunity we can to help them progress and help them with whatever we can do. In some cases it makes a tremendous difference. For this Congress to abandon those children, it would be a travesty. But we have not done as Congresses have done in the past. We have said, ''No, we're going to meet this challenge, we're going to do it.'' You have been a leader of that. Our friend from New Hampshire (Mr. BASS) has certainly taken the forefront of it. You have mentioned the gentleman from Pennsylvania (Mr. GOODLING). We have done a lot about this.

We talk about local control. I would like to tell the story of my old, or my former, not so old, she is 84 years young, Mrs. Musick back home in Athens, Georgia. She raised me, she was a very strict teacher, she raised me in the classroom, a very strict teacher. You could not talk, you had to cover your book, you could not pass notes, you had to do your homework and all kinds of things you need to be told to do when you are 15 and 16 years old. But she loved her classroom, her subjects. She liked to talk about Hemingway and Longfellow and Shakespeare. These people were her personal friends. They were her colleagues and her peer group. She read about it. There was no sentence she could not diagram. No sentence had a split infinitive or no participle dangled in her classroom. She was passionate about it. But the other thing was, she was the boss of her classroom. She did not have experts coming down from Harvard University to tell her how to teach the kids in Athens, Georgia. She did not have people up in Atlanta coming up with new charts and diagrams that had to be used. She did not have bureaucrats from Washington saying, ''This is the new way to introduce literature to kids.''

Mr. HAYWORTH. If the gentleman would yield, I would hazard a guess that she did not spend an inordinate amount of her time filling out forms for Washington, D.C. explaining the effectiveness of her time-honored methods of enforcing discipline in the classroom and holding her students to a higher standard and, indeed, that is what we have to recapture. It is not found in radical theory but it is found in a reduction of what some political scientists would call the bureaucratic inertia and what goes along with it, the requirements of all sorts of paperwork being filled out and all sorts of grant applications and all sorts of justifications for what really is vital, helping teachers teach and helping children learn. That is the basic, what is so vital in this human equation.

Many more things are there to commend as we take a look at this budget agreement, including national defense, a priority promised in the preamble to our Constitution. As we take a look there and look at that time crisis that our military personnel are confronting, we have worked now to supplement our defense spending in this uncertain world. We have taken steps in that direction. But there are a variety of things to commend a reassessment of where we are headed in terms of our budget, to work for an honest compromise and again in this divided government, in our constitutional republic with a conservative Congress and a liberal President, there is the challenge of give and take and compromise. And so on a variety of fronts, whether education, or the national defense or working to make sure that there are extenders and modest tax relief in terms of an acceleration of the 100 percent deduction for health insurance for the self-employed. We have a variety of things on the table and in the agreement that commend it to the American populace, not the least of which being on another front the move to control pornography on the Internet. So many different topics, many different things to commend the bill.

Mr. KINGSTON. The gentleman from Arizona (Mr. SHADEGG) has joined us and he has been working hard, he is one of the number one budget crunchers on the floor, a staunch protective guy when it comes to spending tax dollars and the kind of leader we need.

Mr. SHADEGG. I thank the gentleman for yielding. I wanted to join you this evening and express my thoughts about this important piece of legislation and make it clear how strongly I believe that this is a good piece of legislation on balance and that it is something we need. Legislation is often difficult and the process by which we get to it is a struggle. It is always a compromise. I think when we address this issue, we are going to hear from some of our colleagues that they are disappointed in some of what is in this legislation and they are disappointed that the President won some battles. I think in assessing that, you need to understand that the President has the veto power and that he was willing this time around to use that power to shut the government down if necessary if we did not agree to some of his provisions. But I think it is extremely important to look at the good in this bill and to focus on that.

Let me begin by discussing a disappointment, an aspect of this bill that disappoints me and I know disappoints my friend from Georgia (Mr. KINGSTON) and is something that we would liked to have seen. We all believe that the American people deserve tax relief. We feel strongly that it would have been important in this legislation to have given the American people some relief from the marriage penalty that is imposed on them. That was an issue that we surfaced some time ago. We passed out of this body a piece of legislation to give the American people tax relief. Now, why? Why tax relief now? I think it is important to understand that Americans are being taxed today at the highest level in American history. Federal taxes are at a near all-time high, they have only been higher than this at one point in our history and that was right at the end of World War II. But State and local taxes are much higher than they were then, so taxes are at an all-time high. Why then did we fight for tax relief? To give some relief to

the hardworking American people and let them keep their money. I am disappointed that is not in this bill, but it is important to understand why it is not in this bill. It is not, that is to say, tax relief for the American people is not in this legislation we will vote on tomorrow because the President opposed it. He made it clear, he told America he would veto any legislation we sent him giving the American people tax relief. I have got to tell you that is a huge disappointment to me and I think it reflects that there is a disconnect between this administration and what the American people desperately need.

It is also important to understand the President's position on this issue. At the same time that we were fighting for tax relief, the President took the ground of saying no, you cannot give the American people tax relief because that would be spending a portion of the surplus. Now, I want you to understand, that is one position. It could be a principled position. If he had said under no circumstances can we raid the surplus for tax relief, that could have been a liberal, Democrat position which said keep the money in Washington, do not let the American people keep their own money. But it is important, I think, to discuss the fact that on this issue, the President is in fact not being square. As a matter of fact, I believe there is hypocrisy going on here. But at the same time he was saying no tax relief for the American people 2 weeks ago because that would raise the surplus, in this piece of legislation he is demanding that we spend that surplus, that very same surplus on bigger government.

So before we focus on the good things in this bill, and there are many and I want to talk about them, it is important to understand that the President denied us the ability in this critical legislation to give the American people tax relief because he said we should save the surplus and instead in the negotiations over the last few weeks took that selfsame surplus that he has denied us the ability to give back to the American people in tax relief and said, ''I want to spend that surplus on bigger government.'' In fact, at the end of the day because of his veto power and because he was willing to threaten to shut down the government, there is no tax relief and sadly we were forced to agree to some additional spending in this bill which I know will disappoint some of my constituents.

I know there are a number of points I want to talk about, good things in this bill, although I think several of my colleagues would like to talk on the point I have just raised.

Mr. KINGSTON. That is a very good point. I do think it is important that we recognize there is still going to be, I think, about a $71 billion projected surplus and the emerging nickname of this Congress, and you were part of the historic 104, the majority class, I think this freshman class is going to be called the Surplus Congress. We have a distinguished member from Illinois (Mr. SHIMKUS) who has been sitting in the chair tonight. He wanted to make a few points on what you just mentioned.

Mr. SHIMKUS. I thank my colleagues, and I think my colleague from Arizona brings up a good point that the public needs to remember, defining the surplus and then the difference between our goal of giving a small amount of money back to the taxpayers, and it was a small percentage, versus more government spending. That is what separates the two parties, a view of bigger government, more taxes, less freedom versus our basic ideology which is less government, individual responsibility, lower taxes.

I want to highlight some things. We all bring our own special backgrounds, life experiences as Members of Congress. As we have had a lot of time, many of us who were not in the closed-door sessions and hashing out the final agreements to go through our in boxes, I came upon a document from a colleague in the other body that talked about military and military readiness. I just want to highlight a few items.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. As the gentleman knows, I control the time and I consider the gentleman's time from Illinois valuable, even though the distinguished majority leader from Texas has joined us. We are talking about this budget agreement that you guys have worked so hard on and I think done such a great job on. We are taking your bragging rights away, but it would be an honor for all of us to yield if you would like to say a few things.

Mr. ARMEY. If the gentleman would yield, Mr. Speaker, I do have an announcement that I would like to make on behalf of the Speaker and the Majority Leader of the other body, an announcement for all the Members of both bodies if I may.

On behalf of the Speaker and the Majority Leader, I would like to inform all Members that the omnibus budget bill that we have been negotiating, and incidentally I might say on behalf of the White House Chief of Staff as well as the Speaker and the Majority Leader, all Members of both bodies should be aware that the omnibus budget bill has been closed. While we still have some items under consideration by request of some Members, those items remain under consideration, but all Members of both bodies should be advised that no new items or requests will be considered from this point.

Mr. Speaker, that is the announcement. But if I might just very quickly, I do want to then take a moment to thank all three of the gentlemen on the floor for the time that you are taking here. We negotiated for a very long and hard time on this bill.

□ 2145

It is a large bill. We have wrapped several of our regular appropriations bills together, and we have negotiated some very important legislation. In doing so, we have secured fundamentally the integrity of the surplus of this Congress on behalf of the American people against pressures to spend that surplus that came mostly from the White House. We have done something that I think has sorely been needed to do for some time that responds to one of the great urgencies felt by the American people in the defense of this Nation. We have done remarkable work in order to better secure our border against the inflow of drugs and to secure greater opportunities for a healthy, happy life for our children.

There have been so many things we have accomplished in this bill. We have stopped some bad things. We have stopped the distribution of needles, and we put morality and ethical clauses into the practice of distributing birth control devices, and we have again given our respect to those people who by their own conscience or religious conviction feel they should not be compelled to participate. We have reformed the IMF, and hopefully we will be able to transform the manner in which it does business in the world economy in such a way that we can have the confidence that with the support of American tax dollars they will do things that will stabilize international currencies' circumstances rather than to be the destabilizing influence they have been.

I know you three are discussing these matters, and I want to thank you all for letting me intrude myself on behalf of the Speaker and the Majority Leader and the Chief of Staff, but I did think it was important that all Members have this information so that they could relax.

Again let me remind you, if you have your request in consideration at this time, that consideration will be duly given, but please do not contact either the majority leader or the Speaker for any new offers for consideration.

Thank you.

Mr. KINGSTON. Would the gentleman be considered treating himself to a hour's worth of sleeping tonight perhaps?

Mr. ARMEY. Well, the gentleman is anxious to get back to my office and talk to my wife. I have not spoken to her yet today. I think it is half time, and Detroit and Green Bay are tied at 10 to 10, and of course with Barry Sanders on the field Detroit is always a sentimental favorite in favor of that great running back, but obviously you all do not want me to get you into the business of taking sides in a contest like that.

So perhaps some rest and relaxation this evening, some satisfaction, I might say, of knowing that we have done good work on behalf of the American people to preserve the integrity of this surplus so that next year we can look at the manner in which it might be used to ensure greater retirement

security for all Americans and even get the American people that tax reduction they should have had.

Mr. KINGSTON. Does the gentleman care to give us an estimate when the final vote may be?

Mr. ARMEY. Well, I appreciate the gentleman asking. They are busy working hard on the enrolling. We will get a better measure of that this evening, and I am sure there will be announcements tomorrow.

Mr. KINGSTON. Well, we congratulate you on a successful negotiation.

I yield back to the gentleman from Illinois.

Mr. ARMEY. I Thank the gentleman from Illinois.

Mr. SHIMKUS. And I thank the gentleman from Georgia.

I just want to cut to the chase because a lot of us have been here, and I know you all have some preparation to get covered. But my concern comes from my background as being a former Army officer and now a reservist and having friends and colleagues who are in the uniformed services of our country, and in this book that I have had a chance to start going through by a colleague from the other body he mentions this:

Concerns include the corrosion and readiness that results from the high level of operational tempo, increasing depot level backlogs, underfunded quality of life for military personnel, underfunded manpower strength, manpower turbulence and insecurity, underfunded base maintenance and repair, underfunded equipment modernization, underfunded training and excessive reliance on simulation, underfunded major equipment life cycles, underfunded munition stocks, excessive reliance on emerging but unrealized technology, the funding of operations at the expense of readiness and the expenditure of savings before they are realized.

That is from a colleague in the other body who is a well-respected military war hero about the readiness of our Nation our military forces.

This budget agreement addresses a major concern that many of us who have served who have seen the hollowing out of our military forces and our military readiness, that we reenergize our military forces, we empower them, we support them with the needed funds to do the multitude of missions that we require them do, that they are putting their life on the line on a day-in-day-out basis, and I want to congratulate the leadership and the White House for making military readiness a critical issue in this budget negotiation.

And with that, I look forward to the continued debate in the next day or so. I appreciate my colleague from Georgia scheduling this time and allowing me to join in, that we do have a lot of things to be proud of, and I will have a lot of things to be able to go back to my district and talk about the great accomplishments of the 105th Congress.

Mr. KINGSTON. We thank the gentleman from Illinois for joining us and appreciate all the hard work you have done to bring common sense to government.

The gentleman from Arizona.

Mr. SHADEGG. I thank the gentleman, and I started out by saying, talking a little bit about my disappointments and my disappointment that we do not have more tax relief in this legislation. There is some technical tax relief that is there. We would have liked much more. But then I turned to the fact that there are many positive things in this legislation, and I thought maybe what we should do is list off a series of them very quickly, and then after we list them off, let us walk back and go through them and talk about how important they are one at a time and perhaps build the case for why we think those positive things are so good and so good for the country.

My quick list just runs down like this:

You begin, and our colleague from Illinois just mentioned, number one, you begin with the fact that this legislation strengthens our national defense. It has dollars for readiness and dollars for ballistic missiles. So national defense is number one.

No. 2, it enacts a ban on Internet pornography, and I will tell you I have very strong feelings about that issue, about the evils of pornography and about the fact that young children in America today can access pornography, indeed can be teased on the Internet into looking at pornography. This will stop that conduct, make it criminal, put a block in place and do great steps in that direction. So that is another key feature.

Another one to be added. There is tough anti-drug legislation in this particular bill. There are, I think, six different anti-drug initiatives in the legislation which will become law which our negotiators fought for. There is one of particular interest to me, and it has to do with providing a particular type of helicopter, Blackhawk helicopters, to our friends in Central America who desperately need those helicopters in the War Against Drugs, and we can talk in detail about that. But there is the anti-drug piece of this measure.

And then another huge one is the education issue. You know, we have seen the President step forward and make his demands on education, and we have seen our colleagues on the other side of the aisle, our Democrat colleagues, say this is a wonderful bill for education and that Republicans caved to their demands. The reality is that is not true. It is in fact a wonderful bill for education but precisely because we battled against their initiative to nationalize education and take control away, and I want to talk about that issue.

I particularly want to talk about the fact that one of our Democrat colleagues said last night on television that this bill makes parents, teachers, schoolchildren, students, school boards, everyone interested in the education of our children across the country the winners. I think he was right about that, but right for the reasons that we fought for, and I want to talk about the importance of the fact that when this bill came forward, when the President made his education demand, he would have taken control and authority away from parents, teachers, principals, students, local school boards and even State school officials, taken all that authority away. It was our battle to give rights back to those people that was extremely important in this legislation.

There are many other good things, but I thought that would be a good list to just walk through.

Mr. KINGSTON. If the gentleman will not mind me adding a few extras to that?

Mr. SHADEGG. Let us do that. I will keep notes.

Mr. KINGSTON. Relief for farmers now in the Southeast and the Midwest particularly. We have had a tremendous farm disaster. I represent Georgia, and I represent coastal and agrarian Georgia, and one of the things that is easy after a hurricane, to get relief because there is pictures of buildings that have blown over and boats in the middle of the street and so forth. Unfortunately the farm disaster, often you cannot see it unless you have a farmer out there in the field and you know what an undeveloped cotton boll looks like, or you know how big a soybean or a peanut should be at a certain time of year, and you know when it is not that big. And so in Georgia $700 million of agriculture disaster is a tremendous drain on the moms and dads who are in the farming business, the farm families, but also important to the local economies in the small town, the banks, the implement dealers, the county commissions, and the school boards and so forth. This has some major farm relief. It also has a little bit of tax relief for farms.

Modernization, lower cost of government; we have taken a very serious, I think maybe final step to solve the Y2K problem, the Year 2000 computer glitch that we have heard so much about so that our Social Security checks will be able to get to America's seniors without interruption because of the technology.

We also have, and you have pointed out earlier, we have secured a great deal of the Social Security surplus, and have we have resisted the temptation, unlike Congress for 40 straight years, we have resisted the temptation to spend the Social Security surplus, and I think it is very important that we protect that.

You mentioned defense, national missile defense. This bill has, I believe, about $700 million dollars for national missile defense. It is so important in this dangerous world where you have Russian nuclear arms out on the marketplace because the Russian nuclear

armament business has kind of fallen from within, and so what they are doing is they are pedaling the stuff out to the Third World countries and selling it to the Middle East. We are crazy not to have a strong missile defense system, and this budget takes a significant step to it.

Let me yield to the gentleman.

Mr. SHADEGG. Yes, if the gentleman will yield, I just want to talk about those two issues.

You just raised the issue of our national defense and also the issue of ballistic missile defense. I think it is very important for people out there across America looking at this piece of legislation to understand those two points. We all know that this is a dangerous world, and quite frankly, while we like to pretend it is not growing more dangerous, it is in fact growing much more dangerous. Our troops have had their ability to fight on our behalf weakened for far too long. I cannot tell you how many people in my district come up to me and say:

Congressman, you have done too much. The Federal Government has gone too far in weakening our national defense. We need dollars for readiness. We must be prepared. Our troops cannot be out there with weapons that do not work. They cannot be placed in the handicapped situation. We cannot put them in harm's way with the equipment and the preparedness that you are giving to them right now. It is critically important.

And I want the listeners to understand that of this in this bill there is $9 billion in emergency spending for defense and for intelligence needs.

Now I was in the Middle East last November. We took a tour all through the Middle East. We looked at the issue of force protection. We looked at Khobar Towers. We saw the site where so many of our courageous young American men were killed. If we had had better intelligence gathering information, if we had known what was going on, those American boys might, and men and women, might be alive today.

You just simply cannot make this point too strongly. We need these dollars for readiness, we need these dollars for intelligence gathering, and they are in this legislation.

Mr. KINGSTON. And if the gentleman will yield, a very key part right after readiness is the quality of life. For the first time, I think, in recent decades or in a decade military recruitment is down in all branches of military, and I think the only branch to make its quota this year was the Marines. We have had a 14 year decline in real dollar spending in defense. This year was the first year the defense spending was actually increased, and if you look at what is going on in the world, Somalia, Bosnia, Kosovo, North Korea, it is a very dangerous place out there, and if something erupts in the Middle East, in Bosnia or Korea, we cannot fight a war on two fronts.

And I do not think that America tries to be the policeman of the world, but if there is to be a policeman of the world, let it be America because we are the only country I think in the history of the world that has the ability to take over countries, but we never have. We have never started an aggressive war in this Nation.

Mr. SHADEGG. I could not agree more with the gentleman.

On this same tour we were in Saudi Arabia. We visited our air base there where all of our pilots fly from to enforce the southern no-fly zones, Operation Southern Watch. We also then went up to Turkey, and we met with the pilots in Turkey who fly out of Turkey to enforce the northern no-fly zone. And the gentleman's point is absolutely correct. Those pilots are being asked to fly so many hours and so many missions and being sent back again and again and again that we are, as the gentleman knows, losing many of our best pilots because they are being simply pressed beyond the limits. They are not getting the training they want, but they are being asked to do missions that are beyond the call and with equipment that is not up to the task.

We have to have a national defense that works. We have cut it too long. This bill has critically needed dollars.

Now I know my fiscal conservative friends are going to say:

But, Congressman, there is more spending in here.

There comes a point when you have to stand and you have to say we support additional spending for worthy causes. Even when you do not like the way we have been forced into doing it, you do not like the fact the President would not give us offsets for all of that that we would like to have offset. The national defense spending in this bill is vitally important.

The second one I want to talk about is what the gentleman just mentioned, and that is ballistic missile defense. I do not know how many of our colleagues understand. Sometimes I wonder that even they do not understand. But I am convinced the American people do not realize that if any missile were launched against America today, we could not knock it down.

You know there is this great television commercial that was aired, prepared and I think aired on a few occasions, where the phone rings, and it is the head of the Joint Chiefs of Staff, and it is the President on the other end, and the President, the Joint Chiefs of Staff says:

Mr. President, I have to advise you there is a missile that has been launched. Now we could expect that from almost any rogue nation, and it is heading towards the United States.

□ 2200

Then the President says, well, let us shoot it down, and this fictional character in this television ad says, Mr. President, we do not have the ability to shoot it down. It is simply inexcusable for us to allow the American people to remain in a vulnerable position where they could be subject to a missile defense, to a missile attack from some foreign rogue nation and we have no ability to knock it down.

We can develop the technology. We can implement it. This bill puts a billion dollars toward that task and I think it is essential that we move forward on that. It is another piece of this legislation, admittedly not perfect. I admit this is not a perfect bill. This is not the bill that I would have written if I could write it all alone, but this does make major steps in the right direction.

Two of them are adding dollars for our military readiness and adding dollars for ballistic missile defense.

Mr. KINGSTON. The third party of our military strategy, along with quality of life and readiness, is modernization, keeping up with the technology. If we just look at our own stereo systems and automobiles, we can see the technology changing tremendously from one year to the next.

One can imagine what the technology is for a tank, for an airplane, for an aircraft carrier, for missiles and so forth. The things that we can do for safety, defense, for weapons, is tremendous. We are taking a huge risk if we do not.

I was reading many years ago and so I cannot quote this exactly accurately but it was in Churchill's ''History of the English-Speaking People'' and he talked about the long bow, and in the long history of war with each other the French and the British, one king had the long bow, the arrow that would shoot the farthest distance. Unfortunately, I do not remember but I think it was the British, and the British were able to defeat the French for about 20 or 30 consistent years because they had this great weapon. As soon as the French invented it, then the pendulum swung the other direction.

It is no different today. Ancient Rome, or whoever had the catapult first, they were at an advantage and today nothing has changed. We have to keep up weaponry, and that is one of the things that this budget is designed to do, not to spend more money on airplanes, tanks and ships but to spend it smarter so that we do not have waste but we are buying what is the most effective and what is the most useful.

Mr. SHADEGG. I could not agree with the gentleman more, and I think it is important for us to understand that the bill moves in the right direction on that issue. The other issue, of course, which is very important for people to understand, is to know exactly what is going on with education.

We have heard the President; we have listened to the headlines. We know that he stepped forward and said, I demand. In fact, I think he said, I will not let this Congress go home until they fund my education initiative.

In reality, we are not funding his education initiative but we are funding a vitally important education initiative that has a component that he is

for, and that component is funding more teachers for America. I think it is very important for people to understand this dynamic.

As I mentioned, I watched one of our colleagues on the other side of the aisle last night come on television and say, this day, this bill, the American people, parents, teachers, students across America are winners.

His answer was that they are winners because teachers got funded. Quite frankly, I think he was right, that they are winners, but he is right because our negotiators did not back off, and it is important to understand why. In America, we have always had one abiding principle on the issue of education, and that is that education was a matter of local control. The truth is, and I believe this to the depth of my soul, that the parents, the students, the teachers, the principal and the school board that runs my school know better how to educate the kids at my children's school, in Phoenix, Arizona, than a bunch of bureaucrats in Washington, D.C.

I think it is extremely important for every parent in America and for every teacher in America and for every school principal in America and for every school board member in America to understand that what this bill does on education is it strikes a compromise. The President wanted 100,000 new teachers but he wanted to hire them from Washington, D.C., with all of the decisions being made by Federal Department of Education bureaucrats. That was the detail of his demand, and as they say the devil is in the details.

Republicans said, Mr. President, we care about education. It is vitally important to us. There is no parent, Republican, Democrat, minority, otherwise, who does not care about his child's or her child's education, but, Mr. President, we believe in people. We believe that education is a matter where local control is vitally important.

Why does that matter? Our colleague, the gentleman from Michigan (Mr. HOEKSTRA) recently did a yearlong study on education, what works and what does not. In that study, they found one important factor: Schools where parents are involved are the best schools of all.

The problem with the President's idea was he wants to run education from Washington, D.C. The sad thing about that is that it will send the message to parents, to students, to teachers, to principals, to school board members, indeed to superintendents of public instruction in the various states, that they do not really know the right way to do it. We in Washington know how to do it. Because we fought and we won the fight for local control, this legislation says, yes, we will have more teachers but, yes, they will be hired at the State and local level and the decisions as to which ones are hired to teach which subjects will be made by people closest to where those decisions will impact. That is, parents and teachers and school administration officials right there in the local school district, and I cannot emphasize how important that is.

Mr. KINGSTON. Outside of my district but in the district of the gentleman from Georgia (Mr. CHAMBLISS), there is a little town called Gray, Georgia. Gray, incidentally is the home of Otis Redding. There was a teacher there who was one of these classic institution teachers that used to be filled in all of the school systems throughout the country. This teacher had about 30 years experience and she was the one that taught your big brother, maybe your big cousin and maybe in some cases your mom and dad, but she taught you and she taught you well. Everybody loved her.

They had an expert from the Department of Education come in. The expert was about 24 years old and she told this teacher, this 30-year veteran teacher, she said, you need to start teaching kids on the left-hand side of the chalk board because you write on the right-hand side of the chalk board and the kids' brains, the intuitive part of the cognitive dissidence of the brain, or some such garbage, it makes it easier for kids to learn if it is on one side of the chalk board because that is the learning side of their brain.

Here is this teacher, who has an army of success stories, just a thick fan of followers, and so this young whippersnapper from the Department of Education came in here and wanted her to change the way she did business and the teacher was wise enough to say, well, thank you for your suggestions, and I will certainly put it under consideration. We will start doing that. Why do not you just get in your car, do not worry about this classroom. You have shown us how to do it now. You get on back to the Department of Education.

Of course, the young consultant took off and the teacher continued in her archaic ways that had proven true for the previous 30 years. But that is the kind of absurdity that our teachers and our veteran classic teachers have to put up with.

So having that local control is so important because do you know what I suspect, I suspect that there is a lot that my Georgia school kids have in common with your Arizona school kids, but I would also suspect that maybe your teacher out there in Arizona might know what she or he needs to do to teach them a little bit better than the folks in Washington do, and they might know the difference between the kids' needs in Georgia and the kids' needs in Arizona without this cookie cutter Washington command, one-size-fits-all approach to education.

Mr. SHADEGG. I think the gentleman is completely right. It reminds me of a story. Both of my kids are in public school in Phoenix, Arizona. I have a 16-year-old daughter who goes to Thunderbird High School. I have a 12-year-old son who goes to Mountain Sky Middle School in Phoenix. I care about public education. Interestingly, both of my sisters are public school teachers, and until our second child was born my wife was a public schoolteacher. Last summer, one of my sisters called me up and said, JOHN, would you come over to an in-service for all of these teachers and talk to us about what is going on in Washington, what is going on with the education issue.

I went in kind of thinking that maybe I would have an adverse audience. I just walked through what we have to say, what Republicans have to say, about education, and this was a whole room of teachers. I am sure many of them were members of the NEA or the AEA, which is the Arizona version, and right down the line, when I talked to them about my concerns about education, but most importantly when I talked to them about this issue of local control, of letting parents and teachers at the school make decisions, they were adamantly in agreement with me. They do not want Washington bureaucrats telling them how to educate the kids in their classrooms. It just makes common sense.

How many of us in our regular jobs would like it if some Washington, D.C. bureaucrat came in and told us how to do our job? And yet that is the divide on this issue.

It makes me turn to one last part of this puzzle I want to talk about, and that is the issue of national testing. There was yet again this year a fight over national testing. The President wants one national test written in Washington, D.C. administered to every school child in fourth and eighth grade in America.

When you survey parents about ways to improve education, they generally say they like all these ideas, computers in the classroom, they like it; better teacher training, they like it; teacher testing to see if teachers are up to the standards and teacher performance standards, they like it.

When you ask them if they approve of national testing, parents across America say that is a great idea; national testing sounds like a good idea.

The problem is that while it sounds good, in reality it is a terrible idea. The teachers that I talked to last summer, who were all public school teachers in Phoenix, Arizona, said to me, Congressman, you are absolutely right. We do not need to give our kids yet one more test. They are already tested and tested and tested and tested. But they went beyond that and made it clear to me what they think is wrong with Bill Clinton's idea of a national test, one national test, stuffed down the throats of every single school child in America.

They said, JOHN, if there is one test, just one test, we are going to have to teach to that test.

Teachers are parents and human beings. They want their kids to do well. If they understand that there is one national test, written in Washington, D.C., deep in the bowels of the

Federal Department of Education, with some of the most radical ideas in education in it, like, for example, whole math or new math or new new math, where kids are not expected to do multiplication problems or addition or subtraction problems because they might fail those, that is really true. That is in the version of the national test that is already written, but if teachers understand that their students are going to be expected to take this one national test they have got to teach to that one national test.

What does that mean? That means the curriculum, what kids get taught in your school, right down the street from where they will go tomorrow morning when the alarm clock goes off and you get them dressed and send them to school, what they will be taught in that classroom in your district, in your neighborhood, will not be decided by the principal at your school or by you and the school site council, it will not be decided by the local school board. It will not even be decided by the superintendent of public instruction or by the state legislature. It will be decided and dictated here in Washington, D.C.; once again, the Federal government telling people what is best for them, the Federal Government saying the only way to educate our kids is the way that we say to educate our kids in Washington, D.C., because they have got to pass this national test. It is a bad idea. It would hurt education.

I grant that the proponents of this idea may believe it is a good idea but, in fact, it is a very dangerous idea that would nationalize student curriculum and this legislation blocks the idea of a one-size-fits-all national test written here in Washington, D.C.

□ 2215

To our negotiators, I think that is a huge step forward for education in America and it will protect our kids and make sure that they do not get a curriculum crammed down their throats from Washington, D.C.

Mr. KINGSTON. Mr. Speaker, if the gentleman would yield, I wanted to say one other story about nationalizing education. I have in my area Saint Marys, Georgia, a small coastal community. And I was down there last year and a teacher told me she had just returned from Athens, Georgia, my hometown where the University of Georgia is, and there she went to a seminar on how to behave around kids.

It was the bureaucrats telling the teachers in Saint Marys, Georgia, do not be alone with the kids. Do not go to the bathroom with the kids, because they might accuse you of improper advance and so forth. And I can understand that. But it kind of got worse. I think that the teacher could probably use her own common sense of when it is appropriate to be alone with the child. But one of the things they said was, if a kid stays after class for punishment or tutorial help, do not meet with the child alone.

Imagine how awkward and difficult that would be. If a student needs a little help with math and can go in to see the teacher, they do not want to have to make a big production out of it. There should not have to be a witness to learn how to do a quadratic formula.

But it went on from there. They said do not ever hug kids. In her particular case, she was teaching small children and she said some of them come from a broken family. They need a hug more than they need an A or a B, and it is very important for her to show some affection to the kids. But when we have big bureaucracies telling teachers how to do it.

Mr. Speaker, I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman. I just want to make it clear, we talk here on the floor about nationalizing education. I am sure a lot of people are going, What does that mean?

What it really means is the sad fact of moving all the decisions about education to Washington, D.C. If my colleagues think every decision that is made in Washington, D.C. is a wise and prudent decision and they would like to surrender control over education to Washington, D.C., then they like national testing, they like the President's agenda of hiring all of those teachers here in Washington.

If they think sometimes they can make wiser decisions at home about their own life, including their children's education at their own school, then they have to oppose the President on that issue.

I want to turn, in the time that is remaining, to talking about the drug war. I mentioned earlier that there are six pieces of legislation in this bill that I think dramatically advance our fight against drugs. I want to talk last about one that is personally important to me. Let me just first rattle them off or list them off.

Number one, there is a ban on needle exchanges. There is a prohibition against the Federal Government taking American taxpayers' hard-earned money and giving free needles to drug addicts across America. I think that is a tremendous step forward. The idea of giving free needles to drug addicts is crazy.

There is a prohibition against medical marijuana. I think that is another important step in the right direction.

There is a provision called the Life Imprisonment for Speed Trafficking Act. Nobody in America cannot be concerned about this crime. I know in my own State of Arizona, and in my own community of Phoenix, there are many labs where this drug is created. It is doing immeasurable damage to our kids across America and we need tough penalties for it.

There are also some programs that help kids in this area. There is the Drug Demand Reduction Act which block grants funds to the State for Drug-free Communities Act and other community-based programs. And there is also a Drug-Free Workplace Act to support small businesses that have drug-free workplaces. My brother is in the construction business and drugs are a serious safety threat on the job.

But the most important bill I want to talk about has impact on me personally. It is called the Western Hemisphere Drug Elimination Act. And there is a significant piece of this bill that I care about.

Earlier this year, I had the good fortune to go to Central America and to visit Colombia. We flew into Bogota, Colombia, and while we were there we met with Jose Serrano, General Serrano, who is a legend in that country for his fight against drugs. He is the head of the Colombian National Police and a true hero in the fight against drugs.

He took us on a tour of the hospital he built for his troops who were engaged in the fight against drugs there in Colombia. We have to understand that in Colombia, the drug war is literally a war with machine guns and rockets and anti-aircraft missiles and lives being lost every day. As we toured the hospital and witnessed and talked to his colleagues who had been shot and hurt, he made a plea to us. He said, Congressman, we desperately need Blackhawk helicopters. And in this bill, we give the Colombian National Police and General Serrano six Blackhawk helicopters to fight the drug war. It is a gigantic step forward.

Mr. Speaker, some of us have been fighting to get those helicopters to Colombia for now over a year, almost going on 2 years, and this is just critically important.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Arizona. And let me close with this, Mr. Speaker. This Congress has brought us the balanced budget, that has cut taxes for the first time in 16 years, that has on a bipartisan basis reformed Medicare, and on a bipartisan basis reformed welfare, with 40 percent of the people who were on it in 1994 now being off of it.

This year we have accomplished greater drug laws, greater education laws, greater opportunities for our school kids, protected Social Security, modernized our military and our government. Next year we are going to go on to reduce taxes further, increase the quality of education and health care protection. It is an exciting time to be an American.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, OCTOBER 13, 1998, AT PAGES H10771–H10776

CONFERENCE REPORT ON S. 1260, SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S.

1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

The Clerk read the title of the Senate bill.

(For conference report and statement, see Proceedings of the House of Friday, October 9, 1998, at page H10266.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

(Mr. BLILEY asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. BLILEY. Mr. Speaker, I rise in support of the conference report on the Senate bill, S. 1260, Securities Litigation Uniform Standards Act of 1998. This legislation we are considering today will eliminate State court as a venue for meritless securities litigation.

This legislation has broad bipartisan support. We recognize that the trial bar should not make an end run around the work we did in 1995 in overriding the President's veto of litigation reform in State court. This legislation will protect investors from baseless securities class action lawsuits in the capital markets.

The premise of this legislation is simple: lawsuits alleging violations that involve securities that are offered nationally belong in Federal court. This premise is consistent with the national nature of these markets that we recognize in the National Securities Market Improvement Act of 1995.

The legislative history accompanying the legislation makes clear that we are not disturbing the heightened pleading standard established by the 1995 Act.

The economic disruptions around the globe are reflected by the volatility that affects our markets. Stock prices are up one day, down the next. The prices are not falling due to fraudulent statements, which are the purported basis of many strike suits. The fall is due to economic conditions.

If there is intentional fraud, there is nothing in this legislation or in the Reform Act to prevent those cases from proceeding. We do not need to exacerbate market downturns by allowing companies to be dragged into court every time their stock price falls. The 1995 Reform Act remedied that problem for Federal courts, and this legislation will remedy it for State courts.

I would like to thank the gentleman from Ohio (Mr. OXLEY), the chairman of the Subcommittee on Finance and Hazardous Materials, for his hard work and leadership. I thank the gentleman from Michigan (Mr. JOHN DINGELL), the ranking member of the committee, for his constructive participation as we move the bill through committee.

I commend the gentleman from New York (Mr. TOM MANTON), the ranking member of the subcommittee, not only for his work on this legislation, but his valued service on the committee. It has been a pleasure working with him, and he will be missed.

I also commend the gentleman from Washington (Mr. RICK WHITE), the original cosponsor of the legislation, for his tireless efforts and willingness to compromise that has kept this legislation on track to becoming law.

Likewise, the gentlewoman from California (Ms. ANNA ESHOO) has been a leading proponent of this legislation, and has worked to ensure its passage, and certainly the gentleman from California (Mr. COX), the chairman of the Republican policy committee who has been working on this issue for many years.

Finally, I also commend our colleagues in the other body for their work on this important legislation. Mr. Speaker, I urge my colleagues to join me and support S. 1260.

Mr. Speaker, I ask unanimous consent to include for the RECORD a complete copy of the conference report on S. 1260.

When the conference report was filed in the House, a page from the statement of managers was inadvertently omitted. That page was included in the copy filed in the Senate, reflecting the agreement of the managers. We are considering today the entire report and statement of managers as agreed to by conferees and inserted in the RECORD.

The SPEAKER pro tempore. Since the Chair is aware that the papers filed in the Senate contain that matter as part of the joint statement, its omission from the joint statement filed in the House can be corrected by a unanimous consent request.

Is there objection to the request of the gentleman from Virginia?

There was no objection.

* * *

The text of the Joint Statement of managers on S. 1260 is as follows:

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

THE SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

UNIFORM STANDARDS

Title 1 of S. 1260, the Securities Litigation Uniform Standards Act of 1998, makes Federal court the exclusive venue for most securities class action lawsuits. The purpose of this title is to prevent plaintiffs from seeking to evade the protections that Federal law provides against abusive litigation by filing suit in State, rather than in Federal, court. The legislation is designed to protect the interests of shareholders and employees of public companies that are the target of meritless ''strike'' suits. The purpose of these strike suits is to extract a sizeable settlement from companies that are forced to settle, regardless of the lack of merits of the suit, simply to avoid the potentially bankrupting expense of litigating.

Additionally, consistent with the determination that Congress made in the National Securities Markets Improvement Act[1] (NSMIA), this legislation establishes uniform national rules for securities class action litigation involving our national capital markets. Under the legislation, class actions relating to a ''covered security'' (as defined by section 18(b) of the Securities Act of 1933, which was added to that Act by NSMIA) alleging fraud or manipulation must be maintained pursuant to the provisions of Federal securities law, in Federal court (subject to certain exceptions).

''Class actions'' that the legislation bars from State court include actions brought on behalf of more than 50 persons, actions brought on behalf of one or more unnamed parties, and so-called ''mass actions,'' in which a group of lawsuits filed in the same court are joined or otherwise proceed as a single action.

The legislation provides for certain exceptions for specific types of actions. The legislation preserves State jurisdiction over: (1) certain actions that are based upon the law of the State in which the issuer of the security in question is incorporated[2]; (2) actions brought by States and political subdivisions, and State pension plans, so long as the plaintiffs are named and have authorized participation in the action; and (3) actions by a party to a contractual agreement (such as an indenture trustee) seeking to enforce provisions of the indenture.

Additionally, the legislation provides for an exception from the definition of ''class action'' for certain shareholder derivative actions.

Title II of the legislation reauthorizes the Securities and Exchange Commission (SEC or Commission) for Fiscal Year 1999. This title also includes authority for the SEC to pay economists above the general services scale.

Title III of the legislation provides for corrections to certain clerical and technical errors in the Federal securities laws arising from changes made by the Private Securities Litigation Reform Act of 1995[3] (the ''Reform Act'') and NSMIA.

The managers note that a report and statistical analysis of securities class actions lawsuits authored by Joseph A. Grundfest and Michael A. Perino reached the following conclusion:

The evidence presented in this report suggests that the level of class action securities fraud litigation has declined by about a third in federal courts, but that there has been an almost equal increase in the level of state court activity, largely as a result of a ''substition effect'' whereby plaintiffs resort to state court to avoid the new, more stringent requirements of federal cases. There has also been an increase in parallel litigation between state and federal courts in an apparent effort to avoid the federal discovery stay or other provisions of the Act. This increase in state activity has the potential not only

[1] Public law 104–290 (October 11, 1996).

[2] It is the intention of the managers that the suits under this exception be limited to the state in which issuer of the security is incorporated, in the case of a corporation, or state of organization, in the case of any other entity.

[3] Public Law 104–67 (December 22, 1995).

to undermine the intent of the Act, but to increase the overall cost of litigation to the extent that the Act encourages the filing of parallel claims.[4]

Prior to the passage of the Reform Act, there was essentially no significant securities class action litigation brought in State court.[5] In its Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995, the SEC called the shift of securities fraud cases from Federal to State court ''potentially the most significant development in securities litigation'' since passage of the Reform Act.[6]

The managers also determined that, since passage of the Reform Act, plaintiffs' lawyers have sought to circumvent the Act's provisions by exploiting differences between Federal and State laws by filing frivolous and speculative lawsuits in State court, where essentially none of the Reform Act's procedural or substantive protections against abusive suits are available.[7] In California, State securities class action filings in the first six months of 1996 went up roughly five-fold compared to the first six months of 1995, prior to passage of the Reform Act.[8] Furthermore, as a state securities commissioner has observed:

It is important to note that companies can not control where their securities are traded after an initial public offering. * * * As a result, companies with publicly-traded securities can not choose to avoid jurisdictions which present unreasonable litigation costs. Thus, a single state can impose the risks and costs of its pecular litigation system on all national issuers.[9]

The solution to this problem is to make Federal court the exclusive venue for most securities fraud class action litigation involving nationally traded securities.

SCIENTER

It is the clear understanding of the managers that Congress did not, in adopting the Reform Act, intend to alter the standards of liability under the Exchange Act.

The managers understand, however, that certain Federal district courts have interpreted the Reform Act as having altered the scienter requirement. In that regard, the managers again emphasize that the clear intent in 1995 and our continuing intent in this legislation is that neither the Reform Act nor S. 1260 in any way alters the scienter standard in Federal securities fraud suits.

Additionally, it was the intent of Congress, as was expressly stated during the legislative debate on the Reform Act, and particularly during the debate on overriding the President's veto, that the Reform Act establish a heightened uniform Federal standard on pleading requirements based upon the pleading standard applied by the Second Circuit Court of Appeals. Indeed, the express language of the Reform Act itself carefully provides that plaintiffs must ''state with particularity facts giving rise to a strong inference that the defendant acted with the required state of mind.'' The Managers emphasize that neither the Reform Act nor S. 1260 makes any attempt to define that state of mind.

The managers note that in Ernst and Ernst v. Hochfelder[10], the Supreme Court left open the question of whether conduct that was not intentional was sufficient for liability under the Federal securities laws. The Supreme Court has never answered that question. The Court expressly reserved the question of whether reckless behavior is sufficient for civil liability under section 10(b) and Rule 10b–5 in a subsequent case, Herman & Maclean v. Huddleston[11], where it stated, ''We have explicitly left open the question of whether recklessness satisfies the scienter requirement.''

The managers note that since the passage of the Reform Act, a data base containing many of the complaints, responses and judicial decisions on securities class actions since enactment of the Reform Act has been established on the Internet. This data base, the Securities Class Action Clearinghouse, is an extremely useful source of information on securities class actions. It can be accessed on the world wide web at http://securities.stanford.edu. The managers urge other Federal courts to adopt rules, similar to those in effect in the Northern District of California, to facilitate maintenance of this and similar data bases.

TOM BLILEY,
M.G. OXLEY,
BILLY TAUZIN,
CHRIS COX,
RICK WHITE,
ANNA G. ESHOO,
Managers on the Part of the House.

ALFONSE D'AMATO,
PHIL GRAMM,
CHRIS DODD,
Managers on the Part of the Senate.

Mr. BLILEY. Mr. Speaker, In 1995, during the consideration of the Private Securities Litigation Reform Act and the override of the President's veto of that Act, Congress noted that in Ernst and Ernst v. Hochfelder,[1] the Supreme court expressly left open the question of whether conduct that was not intentional was sufficient for liability under section 10(b) of the Securities Exchange Act of 1934. The Supreme Court has never answered that question. The Court specifically reserved the question of whether reckless behavior is sufficient for civil liability under section 10(b) and Rule 105–5[2] in a subsequent case, Herman & Maclean v. Huddleston,[3] where it stated, ''We have explicitly left open the question of whether recklessness satisfies the scienter requirement.''

The Reform Act did not alter statutory standards of liability under the securities laws (except in the safe harbor for forward-looking statements). As Chairman of the Conference Committee that considered the Reform Act and as the bill's author, respectively, it is our view that non-intentional conduct can never be sufficient for liability under section 10(b) of the Exchange Act. We believe that the structure and history of the securities laws indicates no basis for liability under this section for non-intentional conduct. The following is a discussion of the legal reasons supporting our view that non-intentional conduct is insufficient for liability under section 10(b) of the Exchange Act.[4]

In Ernst & Ernst v. Hochfelder, the Supreme Court held that scienter is a necessary element of an action for damages under Section 10(b) and Rule 10b–5. The Supreme Court defined scienter as ''a mental state embracing intent to deceive, manipulate, or defraud.'' Hochfelder, 425 U.S. at 194 n. 12.

A. NEITHER THE TEXT NOR THE LEGISLATIVE HISTORY OF SECTION 10(B) SUPPORT LIABILITY FOR RECKLESS BEHAVIOR

''The starting point in every case involving construction of a statute is the language itself.''[5] Because Congress ''did not create a private § 10(b) cause of action and had no occasion to provide guidance about the elements of a private liability scheme,'' the Supreme Court has been forced ''to infer how the 1934 Congress would have addressed the issue[s] had the 10b–5 action been included as an express provision in the 1934 Act.''[6]

The inference from the language of the statute is clear: Congress would not have created Section 10(b) liability for reckless behavior. Section 10(b) prohibits ''any manipulative or deceptive device or contrivance'' in contravention of rules adopted by the Commission pursuant to Section 10(b)'s delegated authority. The terms ''manipulative,'' ''device,'' and ''contrivance'' ''make unmistakable a congressional intent to proscribe a type of conduct quite different from negligence.'' Hochfelder, 425 U.S. at 199. The intent was to ''proscribe *knowing or intentional* misconduct.'' Id. (emphasis supplied). In addition, the use of the word manipulative is ''especially significant'' because ''[i]t is and was virtually a term of art when used in connection with securities markets. It connotes intentional or willful conduct designed to deceive or defraud investors by controlling or artificially affecting the price of securities.'' Id. (footnote omitted).

Section 10(b) of the Exchange Act cannot be violated through inadvertence or with lack of subjective consciousness. Nor can one construct a device or contrivance without willing to do so. The words ''manipulate,'' ''device,'' or ''contrivance,'' by their very nature, require conscious intent and connote purposive activity.[7] The mental state consistent with the statute can be achieved only if a defendant acts with a state of mind ''embracing''—an active verb—''intent''—requiring a conscious state of mind—''to deceive, manipulate or defraud.''[8]

The legislative history compels the same conclusion. ''[T]here is no indication that § 10(b) was intended to proscribe conduct not involving scienter.'' *Hochfelder*, 425 U.S. at 202; *see also Aaron v. SEC*, 446 U.S. 680, 691 (1980) (same). Indeed, ''[i]n considering specific manipulative practices left to Commission regulation * * * the [Congressional] reports indicate that liability would not attach absent scienter, supporting the conclusion that Congress intended no lesser standard under § 10(b). ''*Hochfelder*, 425 U.S. at 204. Congress thus ''evidenced a purpose to proscribe only *knowing and intentional misconduct*.'' *Aaron*, 446 U.S. at 690 (emphasis supplied).

B. THE STRUCTURE OF THE STATUTE UNDERSCORES THAT THERE CAN BE NO SECTION 10(B) LIABILITY FOR RECKLESSNESS

In drafting the federal securities laws, Congress knew how to use specific language to

[4] Grundfest, Joseph A. & Perino, Michael A., *Securities Litigation Reform: The First Year's Experience: A Statistical and Legal Analysis of Class Action Securities Fraud Litigation under the Private Securities Litigation Reform Act of 1995*, Stanford Law School (February 27, 1997).

[5] *Id.* n. 18.

[6] *Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995*, U.S. Securities and Exchange Commission, Office of the General Counsel, April 1997 at 61.

[7] Testimony of Mr. Jack G. Levin before the Subcommittee on Finance and Hazardous Materials of the Committee on Commerce, House of Representatives, Serial No. 105–85, at 41–45 (May 19, 1998).

[8] *Id.* at 4.

[9] Written statement of Hon. Keith Paul Bishop, Commissioner, California Department of Corporations, submitted to the Senate Committee on Banking, Housing and Urban Affairs' Subcommittee on Securities'' ''Oversight Hearing on the Private Securities Litigation Reform Act of 1995,'' Serial No. 105–182, at 3 (July 27, 1998).

[10] 425 U.S. 185 (1976).

[11] 459 U.S. 375 (1983).

Footnotes at end.

impose liability for reckless or negligent behavior and how to create strict liability for violations of the federal securities laws.[8] But Congress did not use such language to impose Section 10(b) liability on reckless behavior. Therefore, just as there is no liability for aiding and abetting a violation of Section 10(b) because Congress knew how to create such liability but did not,[10] and just as there is no liability under Section 12(l) of the Securities Act, 17 U.S.C. § 771(l), for participants who are merely collateral to an offer or sale because Congress knew how to create such liability but did not,[11] and just as there is no remedy under Section 10(b) for those who neither purchase nor sell securities because Congress knew how to create such a remedy but did not,[12] there can be no liability for reckless conduct under Section 10(b) because Congress clearly knew how to impose liability for reckless behavior but did not.

The Supreme Court has, moreover, emphasized that the securities laws ''should not be read as a series of unrelated and isolated provisions.''[13] The federal securities laws are to be interpreted consistently and as part of an interrelated whole.''[14] In *Virginia Bankshares, Inc. v. Sandberg*, 501 U.S. 1083 (1991), the Court reserved ''the question whether scienter was necessary for liability under § 14(a).''[15] The Court nonetheless held that statements of ''reasons, opinions or belief'' are actionable under § 14(a), 15 U.S.C. 78n(a), and Rule 14a–9, 17 C.F.R. § 240.14a–9, as false or misleading only if there is proof of (1) subjective ''disbelief or undisclosed motivation,'' and (2) objective falsity. 501 U.S. at 1095–96. Justice Scalia explained the Court's holding as follows:

As I understand the Court's opinion, the statement ''In the opinion of the Directors, this is a high value for the shares'' would produce liability if in fact it was not a high value and the Directors knew that. It would not produce liability if in fact it was not a high value but the Directors honestly believed otherwise. The statement ''The Directors voted to accept the proposal *because* they believe it offers a high value'' would not produce liability if in fact the Directors' genuine motive was quite different—except that it would produce liability if the proposal in fact did not offer a high value and the Directors knew that.[16]

It follows that, if: (A) a statement must be subjectively disbelieved in order to be actionable under Section 14(a), a provision that may or may not required scienter, then: (B) *a fortiori*, under Section 10(b), a provision that clearly requires scienter, plaintiffs must show subjective awareness of a scheme or device.

Any other result would lead to the anomalous conclusion that statements actionable under Section 10(b), the more restrictive ''catchall'' provision of the federal securities laws, *Hochfelder*, 425 U.S. at 203, would not be actionable under Section 14(a). Indeed, ''[t]here is no indication that Congress intended anyone to be made liable [under § 10(b)] unless he acted other than in good faith [and] [t]he catchall provision of § 10(b) should be interpreted no more broadly.'' *Id.* at 206[17]

The language of the text, the legislative history, and the structure of the statute therefore each compel the conclusion that intentional conduct is a prerequisite for liability under Section 10(b).

Additionally, the Reform Act established a heightened pleading standard for private securities fraud lawsuits. The Conference Report accompanying the Reform Act stated in relevant part:

The Conference Committee language is based in part on the pleading standard of the Second Circuit. The standard also is specifically written to conform the language to rule 9(b)'s notion of pleading with ''particularity.''

Regarded as the most stringent pleading standard, the Second Circuit requirement is that the plaintiff state facts with particularity, and that these facts intern must give rise a strong inference of the defendant's fraudulent intent. Because the Conference Committee intends to strengthen existing pleading requirements, it does not intend to codify the Second Circuit's case law interpreting this pleading standard. Footnote: For this reason, the conference Report chose not to include in the pleading standard certain language relating to motive, opportunity, or recklessness.[18]

The Conference Report accompanying S. 1260 is consistent with that heightened pleading standard articulated in 1995.

FOOTNOTES

[1] 425 U.S. 185 (1976).

[2] 17 C.F.R. § 240.10b–5.

[3] 459 U.S. 375 (1983).

[4] We are grateful to Professor Joe Grundfest and Ms. Susan French of Stanford University for guidance to us on these questions.

[5] *Hochfelder,* 425 U.S. at 197 (quoting *Blue Chip Stamps v. Manor Drug Stores,* 421 U.S. 723, 756 (1975) (Powell, J., concurring). *See also Gustafson v. Alloyd Co.,* 115 S. Ct. 1061, 1074 (1995) (Thomas, J., Dissenting). *Central Bank,* 114 S. Ct. at 1446; *Landreth Timber Co. v. Landreth,* 471 U.S. 681, 685 (1985); *Santa Fe Indus., Inc. v. Green, 430* U.S. 462, 472 (1977).

[6] *Central Bank,* 114 S. Ct. at 1441–42 (quoting *Musick, Peeler* 113 S. Ct. at 2089–90).

[7] *See Hochfelder,* 425 U.S. at 199 n. 20 (''device'' means '''that which is devised, or formed by design; a contrivance; an invention; project; scheme; often a scheme to deceive; a strategem; an artifice''') (quoting Webster's International Dictionary (2d ed. 1934)); *id* (defining ''contrivance'' as '' '[a] thing contrived or used in contrivance; a scheme . . . .'').

[8] *Hochfelder,* 425 U.S. at 193 n. 12. *Cf. Santa Fe Industries,* 430 U.S. at 478; *Schreiber* v. *Burlington Northern Inc.,* 472 U.S. 1, 5–8 (1985).

[9] Section 11 of the Securities Act of 1933, 15 U.S.C. § 77k. for example, imposes strict liability on the issuer for material misstatements or omissions in a registration statement and a ''sliding scale'' negligence standard on other participants in the offering process. *See Hochfelder,* 425 U.S. at 208. Sections 17 (a)(2) and (3) of the Securities Act, 15 U.S.C. § 77q(a) (2),(3), impose liability for negligent or reckless conduct in the sale of securities. *Aaron,* 446 U.S. at 697.

[10] *Central Bank, 114 S. Ct.* at 1448 (''Congress knew how to impose aiding and abetting liability when it chose to do so.'') (citing statutes).

[11] *Pinter v. Dahl,*486 U.S. 622, 650 & n.26 (1988) (Congress knew how to provide liability for collateral participants in securities offerings when it chose to do so).

[12] *Blue Chip,* 421 U.S. at 734 (''When Congress wished to provide a remedy for those who neither purchase nor sell securities, it has little trouble doing so expressly.'').

[13] *Gustafson v. Alloyd Co.,* 115 S. Ct. 1061, 1067 (1995).

[14] *See, e.g, Hochfelder,* 425 U.S. at 206 (*citing Blue Chip,* 421 U.S. at 727–30; *SEC v. National Sec., Inc., 393 U.S. 453, 466 (1969)).*

[15] 501 U.S. at 1090 n. 5 (*citing TSC Indus. Inc. v. Northway, Inc.,* 426 U.S. 438, 444 n. 7 (1976) (reserving the same question).

[16] 501 U.S. at 1108–09 (Scalia, J., concurring in part and concurring in the judgment).

[17] The Supreme Court has previously extended holdings from § 14(a)'s proxy antifraud provisions to § 10(b)'s general antifraud provision. *See, e.g., Basic, Inc. v. Levinson,* 485 U.S. 224, 231–32 (1988) (adopting for purposes of § 10(b) liability the standard for materiality initially defined under § 14(a) by *TSC,* 426 U.S. at 445).

[18] Conference Report accompanying the Private Securities Litigation Reform Act of 1995, p. 41, 48.

OMISSION FROM THE CONGRESSIONAL RECORD OF OCTOBER 14, 1998, PAGE H10875

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON THURSDAY, OCTOBER 15, 1998

Mr. FOLEY. Mr. Speaker, pursuant to House Resolution 589, I hereby give notice that the following suspensions will be considered on Thursday, October 15, 1998:

1. S. 1733—To Require the Commissioner of Social Security and Food Stamp State Agencies to Take Certain Actions to Ensure that Food Stamp Coupons are not Issued for Deceased Individuals.

2. H.R. 4821—A bill to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

3. S.J. Res. 35—granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

4. S. 1134.—granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 610.—Chemical Weapons Convention Implementation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. THOMPSON (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. HUTCHINSON (at the request of Mr. ARMEY) for today until 7 p.m., on account of official business.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for October 14, on account of personal reasons.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today and October 16, on account of events in the district.

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. FILNER) to revise and extend their remarks and include extraneous material:

Mr. FILNER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:

Mr. GOODLING, for 5 minutes, today.

Mr. SAXTON, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.
Mr. EWING, for 5 minutes, today.
Mr. SMITH of Michigan, for 5 minutes, today.
Mr. TIAHRT, for 5 minutes, today.
The following Members (at their own request) to revise and extend their remarks and include extraneous material:
Mr. HAYWORTH, for 5 minutes, today.
Mr. WELLER, for 5 minutes, today.
The following Members (at their own request) to revise and extend their remarks and include extraneous material:
Mr. WAMP, for 5 minutes, today.
Mr. MCCOLLUM, for 5 minutes, today.
The following Members (at their own request) to revise and extend their remarks and include extraneous material:
Mr. BUYER, for 5 minutes, today.
Mr. MCINNIS, for 5 minutes, today.
Mr. SESSIONS, for 5 minutes, today.
Mr. NETHERCUTT, for 5 minutes, today.
Mr. LATHAM, for 5 minutes, today.
Mr. TAYLOR of Mississippi, for 5 minutes, today.
Mr. CUNNINGHAM, for 5 minutes, today.
Mr. SOUDER, for 5 minutes, today.

A BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 8. To amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes.

ADJOURNMENT

Mr. SHADEGG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 16, 1998, at 1 p.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform and Oversight. Hepatitis C: Silent Epidemic, Mute Public Health Response (Rept. 105–820), Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform and Oversight. Medicare Home Health Services: No Surety in the Fight Against Fraud and Waste (Rept. 105–821), Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SHUSTER. Committee on Transportation and Infrastructure. H.R. 2748. A bill to amend title 49, United States Code, to provide assistance and slots with respect to air carrier service between high density airports and airports not receiving sufficient air service, to improve jet aircraft service to underserved markets, and for other purposes; with an amendment; referred to the Committee on Judiciary for a period ending not later than October 16, 1998, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(j), rule X. (Rept. 105–822, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. THURMAN (for herself and Mr. SCARBOROUGH):

H.R. 4842. A bill to release the reversionary interests retained by the United States in four deeds that conveyed certain lands to the State of Florida so as to permit the State to sell, exchange, or otherwise dispose of the lands, and to provide for the conveyance of certain mineral interests of the United States in the lands to the State of Florida; to the Committee on Agriculture.

By Ms. ROYBAL-ALLARD:

H.R. 4843. A bill to amend titles XVIII and XIX of the Social Security Act to require skilled nursing facilities and nursing facilities filing for relief under title 11 of the United States Code to provide to appropriate State agencies written notice of such filing, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 4844. A bill to improve the quality of child care through grants and a commission on child care standards, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 4845. A bill to prohibit the Federal Communications Commission from increasing the national audience reach limitations established under the Telecommunications Act of 1996; to the Committee on Commerce.

By Mr. CAMPBELL:

H.R. 4846. A bill to amend the Internal Revenue Code of 1986 to increase the deduction allowed for interest on education loans; to the Committee on Ways and Means.

By Mr. MCHALE:

H. Con. Res. 351. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3910; considered and agreed to.

By Mr. YOUNG of Alaska:

H. Con. Res. 352. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of a bill; considered and agreed to.

By Mr. CRANE:

H. Res. 601. A resolution returning to the Senate the bill S. 361; considered and agreed to.

By Mr. SHUSTER:

H. Res. 602. A resolution providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 2204; considered and agreed to.

By Mr. ROHRABACHER:

H. Res. 603. A resolution expressing the sense of the House of Representatives that the seat in the United Nations that is reserved to Burma should be occupied by a representative of the National League for Democracy; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 836: Mrs. LINDA SMITH of Washington.
H.R. 1636: Mrs. JOHNSON of Connecticut and Mr. KILDEE.
H.R. 2273: Mrs. MCCARTHY of New York and Mr. FORD.
H.R. 2351: Mr. LAFALCE.
H.R. 2545: Mr. SHAW.
H.R. 2635: Mr. NADLER.
H.R. 2669: Mr. BOB SCHAFFER, Mr. KINGSTON, Mr. BARR of Georgia, Mr. HANSEN, Mrs. CUBIN, Mr. HILLEARY, and Mr. MORAN of Kansas.
H.R. 2704: Ms. MILLENDER-MCDONALD, Mr. YATES, Mrs. CLAYTON, Ms. ROYBAL-ALLARD, and Ms. HARMAN.
H.R. 2789: Mr. PAYNE.
H.R. 3081: Mr. FORBES, Ms. LOFGREN, and Mr. MENENDEZ.
H.R. 3320: Mr. CRAMER and Mr. DOYLE.
H.R. 3400: Mr. JACKSON of Illinois.
H.R. 3439: Mr. FRANK of Massachusetts.
H.R. 3553: Mr. MORAN of Virginia.
H.R. 3572: Mr. BROWN of Ohio.
H.R. 3629: Mr. GUTKNECHT.
H.R. 3862: Mr. STRICKLAND, Mrs. MINK of Hawaii, Mr. SERRANO, Mr. NEY, and Mr. FRELINGHUYSEN.
H.R. 3918: Mr. BERMAN.
H.R. 3956: Mr. BROWN of California.
H.R. 4018: Mr. BARRETT of Wisconsin, Mr. UNDERWOOD, and Mr. LUTHER.
H.R. 4035: Mr. LAZIO of New York.
H.R. 4036: Mr. PITTS, Mrs. LOWEY, and Mr. ROGERS.
H.R. 4214: Mr. MILLER of California.
H.R. 4233: Mr. PALLONE.
H.R. 4235: Mr. WEYGAND.
H.R. 4242: Mr. ROEMER.
H.R. 4344: Mr. KUCINICH, Mr. TURNER, Mr. CLEMENT, Mr. EDWARDS, Mrs. THURMAN, Mr. BENTSEN, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. JACKSON-LEE of Texas.
H.R. 4403: Mr. OLVER.
H.R. 4492: Mrs. LINDA SMITH of Washington and Mr. GOODLATTE.
H.R. 4552: Mr. BROWN of California and Ms. KILPATRICK.
H.R. 4553: Mr. DEGETTE.
H.R. 4621: Mr. LUTHER and Ms. KILPATRICK.
H.R. 4653: Mr. OLVER.
H.R. 4659: Mrs. NORTHUP and Mr. STOKES.
H.R. 4683: Mr. HALL of Texas.
H.R. 4684: Mr. REDMOND.
H.R. 4789: Mrs. MYRICK.
H.R. 4795: Mr. PORTMAN.
H.R. 4837: Mr. BARTON of Texas, Mr. CASTLE, Mr. EHRLICH, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. HOEKSTRA, Mr. INGLIS of South Carolina, Mr. MILLER of Florida, Mr. PARKER, Mr. PITTS, Mr. ROYCE, Mr. SHADEGG, Mr. SHAYS, and Mr. SMITH of Washington.
H.J. Res. 130: Mr. BLILEY.
H. Con. Res. 229: Mr. FOX of Pennsylvania.
H. Con. Res. 283: Mr. PRICE of North Carolina.
H. Con. Res. 307: Mr. MILLER of California and Mrs. CAPPS.
H. Con. Res. 325: Ms. WATERS.
H. Res. 554: Mr. ABERCROMBIE.
H. Res. 556: Mr. SAWYER.
H. Res. 596: Mr. BISHOP.
H. Res. 598: Mr. COSTELLO, Mr. BUYER, Mr. STUPAK, Mr. EVANS, Mr. ADERHOLT, Ms. LEE, Mr. DAN SCHAEFER of Colorado, and Mr. SKEEN.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, THURSDAY, OCTOBER 15, 1998 *No. 147*

Senate

(Legislative day of Friday, October 2, 1998)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You provide strength in our struggles and courage for contentious days of conflict. We thank You for consensus out of conflict and creative decisions out of discord. In the midst of the concluding discussion and debate over crucial issues in the completion of the budget, we need Your divine intervention and inspiration. Overcome party spirit; make us party to Your Spirit. Give the Senators strength to communicate with mutual respect and without rancor. Keep them focused more on winning what is best for our Nation, than defeating political opponents. May the motivation of brave patriotism overcome the manipulation of bartered partisanship. The time for greatness is now; the place for greatness is here. Grant it, Father. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you very much, Mr. President.

THE CHAPLAIN'S PRAYER

Mr. LOTT. I thank the Chaplain again for his prayer. Over the past few days, as we have tried to negotiate in good faith, it has been so important we try to maintain respect for each other. Yesterday morning I had reached the point where I had lost that. But I referred to the Chaplain's book ''One Quiet Moment,'' and there was a passage in there, I believe from Proverbs, that said you must respect your fellow human beings. And I thought about that, and I thought from the unborn child in late term, they have a right to respect for human life, or a young man in Wyoming who is killed, for whatever horrible motives, they have a right to respect, and also for strong action against those who caused this problem. So the admonition to negotiate in good faith and have respect for each other has certainly been a source of strength to me during the last 48 hours.

NOTICE

If the 105th Congress adjourns sine die on or before October 16, 1998, a final issue of the Congressional Record for the 105th Congress will be published on October 28, 1998, in order to permit Members to revise and extend their remarks.

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By order of the Joint Committee on Printing.

JOHN W. WARNER, *Chairman.*

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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SCHEDULE

Mr. LOTT. Mr. President, the Senate will begin a period of morning business until 1 p.m. Following morning business, we may consider any legislation that can be cleared by unanimous consent.

OMNIBUS APPROPRIATIONS NEGOTIATIONS

Mr. LOTT. Mr. President, negotiations are still ongoing with respect to the omnibus appropriations bill, but I think I can say that it is in its very final stages, and we should have a final conclusion before 2 o'clock so that all of the drafting can be carried out. I emphasize, though, there are a few minor issues that have not been finally cleared, and there are a couple of big issues that are still being debated about exactly what the effective date would be, for instance, with regard to the census issue.

I think it is a very important issue. The census is in the Constitution. And the Constitution says that the census shall be taken by enumeration; that means count, head count. No amount of modern manipulation or technology can replace what the Constitution says. Twice Federal courts have ruled 3–0 that the census must be done by enumeration.

But rather than fight this out on and on and on, I think the logical order to do business is, let the Supreme Court rule, which they will do in March, and then we will proceed from there. That issue has not been finally resolved, but it will be in the next couple of hours, and then every Senator and House Member will have an opportunity to ask questions, to look at the language.

There are hundreds—thousands—of issues that are in this legislation. But the legislation will be available. There will be staff and Senators and Congressmen who have been involved, who can answer questions about things as varied as education and agriculture and defense and the drug war and missile defense. It is all in this bill.

I must say that while there are some great disappointments on my part about what is not in the bill and some disappointments about some things that are in the bill, on balance this is going to be good for America. I had a question a moment ago about who is the winner and who is the loser. The only question should be: Is America the winner? Are our children going to be better off, safer? Will there be a greater effort to fight the scourge of drugs in our schools and in our society? The answer is yes.

We will have a stronger defense. For the first time since 1985, we have stopped the free-fall in spending for the necessary readiness and equipment for our men and women in uniform. We added some $9 billion in this legislation for the drug war, for defense of our country, for intelligence, and for missile defense.

We also agreed to $690 million for a greater effort in the drug area. We did agree to the President's request for more funds for education. A lot of time has been spent this year in the education area, and we have made some progress. We have a better higher education bill. We are going to have a stronger vocational education bill. And that is an area where I think we should put a lot more emphasis.

We did improve on some of the programs connected to Head Start, and we are going to have more teachers in our schools in America, smaller class sizes. But the decision of how it is going to be done will be made at the local level in the individual school districts; it will not be dictated by and run by bureaucrats here in Washington, DC. So I think that was a significant achievement on both sides of the issue.

I will not go down the list of all the areas in this bill, but when you look at them all and you consider what we have done and what this can lead to next year, I think it is progress, and I hope the Members will believe that they can support it.

There will be time for Members to review its content. If a rollcall is requested, it is expected to occur at either 10 o'clock in the morning on Friday or 5 o'clock in the afternoon, to accommodate the maximum number of Senators and give them time to review the language that is included in the final agreement. Certainly, we will make Members aware of any specific time for votes, if necessary. I will be consulting with Senator DASCHLE on that.

I thank my colleagues for their attention and for their cooperation throughout the year.

I do have a number of issues that we would like to do in terms of some tributes and resolutions on travel and other issues. So I would like to do that now.

ORDER FOR PRINTING OF INDIVIDUAL SENATE DOCUMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that there be printed as individual Senate documents a compilation of materials from the CONGRESSIONAL RECORD in tribute to Senators DAN COATS of Indiana, DIRK KEMPTHORNE of Idaho, DALE BUMPERS of Arkansas, WENDELL FORD of Kentucky, and JOHN GLENN of Ohio.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

Mr. LOTT. These clearly are five great Senators who have served their States and their country so well. And I am sure they will continue to do so, albeit in a different arena. Of course, I have said here, DAN COATS has been one of my closest friends for the past 20 years. I will miss him here but I will be with him in other areas.

And, of course, JOHN GLENN makes history once again flying off into space. And many Senators and their spouses will be there to see that event.

ELECTION OF SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 300, which is at the desk, and I ask that the resolution be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 300) electing James W. Ziglar, of Mississippi, as the Sergeant at Arms and Doorkeeper of the Senate.

Resolved, That James W. Ziglar, of Mississippi, be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate effective November 9, 1998.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 300) was agreed to.

RULE XXXIX AUTHORIZATION

Mr. LOTT. I ask unanimous consent that the Senate now proceed to Senate Resolution 301, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 301) relative to Rule XXXIX.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 301) was agreed to as follows:

S. RES. 301

Resolved, That if a Member who is precluded from foreign travel by the provisions of Rule 39 is appointed as a delegate to an official conference to be attended by Members of the Senate, then the appointment of that individual shall constitute an authorization by the Senate and the individual will not be deemed in violation of Rule 39.

SEC. 2. This resolution shall be applicable only until November 21, 1998.

RULE XXXIII AUTHORIZATION

Mr. LOTT. I ask unanimous consent that the Senate now proceed to Senate Resolution 302, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 302) relative to Rule XXXIII.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, reserving the right to object—I don't have any intention of objecting—what are these two changes in 33 and 39?

Mr. LOTT. Mr. President, Rule XXXIX is with regard to foreign travel by Members. Senator BUMPERS will be going with a Codel and we had to have special permission for that to occur.

I am very anxious to advise Senator BYRD regarding Rule XXXIII. The purpose is to provide for a video presentation of Senator BYRD on the operation of the Senate during orientation. We think it would be very useful for our Members who may not be able to attend orientation, for review later. We think it would also be useful for students of this institution.

Mr. BYRD. I thank the distinguished majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 302) was agreed to as follows:

S. RES. 302

Resolved, That, notwithstanding the provisions of Rule XXXIII, the Senate authorizes the videotaping of the address by the Senator from West Virginia (Mr. Byrd) to the incoming Senators scheduled to be given in the Senate Chamber in December 1998.

AUTHORIZATION OF RECESS APPOINTMENTS

Mr. LOTT. I ask unanimous consent that the Senate now proceed to Senate Resolution 303, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 303) authorizing the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders to make certain appointments during the recess of the present session.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 303) was agreed to as follows:

S. RES. 303

Resolved, That during the recess of the present session of the Senate, the President of the Senate, the President of the Senate pro tempore, the Majority Leader of the Senate, and the Minority Leader of the Senate be, and they are hereby, authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Mr. LOTT. I might say to Senators who are in the Chamber, and others who may be watching, ordinarily much of this is done at the very last minute of the session. I thought that some of it could be done this morning. I thought we would start our wrap-up work now. I think that is appropriate. We get, frankly, more attention, and it also will help conclude sooner tomorrow.

THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. LOTT. I ask unanimous consent that the Senate now proceed to Senate Resolution 304, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 304) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 304) was agreed to as follows:

S. RES. 304

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fifth Congress.

THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to Senate Resolution 305, introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 305) tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 305) was agreed to as follows:

S. RES. 305

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fifth Congress.

Mr. LOTT. Mr. President, I want to add one note. I have never seen a more diligent Senator than Senator THURMOND has been in opening the Senate. He and Senator BYRD are living institutions. They have reverence for this institution. Many times, Senator THURMOND had been up late, had committee hearings, had been involved in moving the Thurmond bill, which was the armed services authorization bill, and had worked well into the night for a year. But when the Senate would open at 8:30, 9 o'clock, or 9:30, he was in the Chair and always very kind to our Chaplain. That exemplifies what the Senate should really be like. So I add my special appreciation to the President pro tempore.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. MACK). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I assume we remain in morning business until 1 o'clock; is that correct?

The PRESIDING OFFICER. That's correct.

AGRICULTURAL CRISIS

Mr. CRAIG. Mr. President, we have just heard the Republican majority leader outline in brief the negotiations between the White House and the Congress as it relates to a final package of fiscal affairs for this Government for the coming year.

Over the course of the last several days, I have had the opportunity to attend a variety of those negotiations, and on occasion, based on my certain areas of knowledge, to be consulted as to what directions we might head.

I thought for a few moments this morning I would discuss briefly the agricultural package, because it is one of those major areas of concern and dispute for a period of time up until late last evening—that, of course, and the educational package that most of our colleagues are now becoming aware of.

While the final language on the agricultural package is being put together, there are some fundamental principles we adhered to that I think are important for our colleagues to understand when they begin to examine this package for their final consideration of it tomorrow.

First and foremost, it is important to recognize that this Republican Congress back in May and June began to recognize the very critical situation that American agriculture was in and the character of the decline in commodity prices that was evident out there, along with loss of foreign markets, that was producing what I consistently called on the floor of this Senate and across my State of Idaho an ''agricultural crisis.''

It was in late June that I, along with six other Senators and the majority leader, sat down with about 15 commodity group representatives in this community, representing national agricultural commodity groups, to examine the crisis from their perspective and to look at a variety of things that we might do here within current policy and current budget constraints to deal with the crisis, recognizing that if we weren't responsive, we would see many of our farmers on the edge of bankruptcy, and potentially by next crop season they would be out of production. That is not good for America. It is not good for our economic base or for the food-consuming public.

Fewer farmers mean larger farmers, usually, or fewer farmers with larger acreages. And in many instances what we find is large corporations buying up smaller production units that find themselves in bankruptcy.

Consistently we have looked at farm policy recognizing the need to keep farm families intact and a production unit in American agriculture that was sympathetic to the American farm family. So it was with that spirit in mind that we met with these commodity groups and came up with a list of items that we would attempt to be responsive to.

First and foremost in the general discussion with that commodity group was to keep the current farm policy in place, keep the 1996 farm bill, better known as Freedom to Farm, in place. It is working. It gives farmers greater flexibility to decide what to farm, what to grow, and how to deal with market trends. It does so with less Government interference, less opportunity to farm to a Government program instead of farm to what the market is demanding, what the consuming market is demanding. That became a premise of operation for us here in the Senate—that we would not violate or attempt to go in and offer dramatic changes to farm policy.

Immediately before the August recess, we responded by reaching out and putting more of what we call the AMFTA payments into this year's current payment to bump up some money that would go directly back to that farmer and to that production unit.

Most of us, of course, in August visited our farmers, and we came back clearly with the understanding that we were in a crisis, that the commodity prices were at a 20-year low, many times below the cost of production, and that the loss of Asian markets, the loss of markets in Central and South America, was also driving this decline in commodity prices.

There was also a large influx of product coming in from Canada, which was part of a program of opening the borders for the North American Free Trade Agreement. And we had to be sensitive to that.

But, most importantly, what our farmers were telling us, along with the decline in commodity prices, was that when we had put the 1996 farm policy in place, we had also said at that time there would be other things we would have to do. We would have to review trade policy. We would have to look at the cold war policy coming out of World War II that put sanctions on a variety of countries and basically took 13 to 20 percent of the world market out of reach of production agriculture by one or another sanctions that were built up as a product of foreign policy statements and/or policy laws in this country that we had to review.

Most immediate, when we came back in August, was the need to deal with the inability to trade with Pakistan and India based on the confrontation they were having and the nuclear tests they were engaged in, which was a direct violation of the nuclear test ban and, of course, the provisions we had put in there that would disallow us trading with or dealing with countries that were in violation. We were able to strike those two sanctions down immediately, which then in a near immediate sense put in play major sales of soft white wheat out of the Pacific Northwest. Those sales have gone forward, and they have been very helpful to production agriculture nationwide.

We also said—and Chairman LUGAR, chairman of the Senate Agriculture Committee, said—we have to look at the overall need to review sanctions, the attempted sanctions legislation. There were some modifications in it, but it was not complete. He knows it; we know it.

One of our jobs coming back next year will be to take a serious look at the post-World War II era sanctions that have taken a large chunk of the world market away from our farmers, because in Freedom to Farm we said: You are going to be free to farm, and we are going to use the political clout, the governmental clout, of your country to open up these world markets to assist you. And we would look at another provision.

That is the very provision that the negotiations moved toward in the past several days. That was a tax component—a tax provision that said to production units: You are cyclical by nature. By that I mean, 1-year commodity prices are at an all-time high and the next year they are at an all-time low. Those who have ever farmed—and I farmed during my other life as a private citizen—know that very well, that some years you make money and in other years you lose a lot of money. It is simply because of oversupply and then undersupply of certain commodities within the market.

As a result, we had historically said, up to 1986, that tax laws should reflect that you ought to be able to reach back and pull forward some of those losses into a crop year where there are high profits; you ought to be able to income average those kinds of things out. In 1986 we took that out—or I should say a Democrat Congress took that out—of the tax policy of that year, in my opinion badly handicapping and creating long-term injury to production agriculture. Last year we did some tentative work in that area putting income averaging back.

But the package that our colleagues will have a chance to review tonight and tomorrow as a final work product of this Congress will have made permanent the permanent income average, which is a key component to agriculture. Someone on the other side suggested to us that doesn't solve the immediate problem. No, it doesn't. But we put $5.97 billion in to solve the immediate problem directly flowing through to production agriculture. But what we have to look at is the long-term character that we had promised production agriculture when we changed the farm bill. And we do that—permanent income averaging, a 5-year carryback provision allowing farmers to account for, as I expressed a moment ago, the cyclical character or future of production agriculture.

Then we went in and did some technical corrections to IRS tax laws, because, for example, when a farmer is guaranteed a Government payment but the payment doesn't come until a certain time, the Government wants to tax you on the payment at the moment that you are eligible for it. We say no; that payment should occur at that time.

The bill that is being reviewed now also recognizes the kind of drought that your State of Florida had, Mr. President, and Texas and other parts of the southeastern part of the United States, Georgia. And there are $3 billion in there to deal with economic disasters. That will be critically important.

Between the payments that were scheduled in the Freedom to Farm 1996 farm policy, along with recognizing the crisis created by loss of foreign markets and the typical natural cycling of our environment and our weather, we are going to recognize all of that.

I will conclude by saying this. We preserve current farm policy because American agriculture told us they needed that to happen for the flexibility of future years. We have also kept some promises that we made in 1996, to begin to look at sanctions and to free

up opportunity in world markets. And also, most important, the third passage dealt with tax—tax law flexibility, so that that production unit, that farmer or rancher, can deal with the cyclical character of his or her markets on good years versus bad years. So they pay their fair share in taxes but they do not pay taxes one year on substantial profits and then the next year have tremendous losses that put them in a bind.

They used to understand that. That is the way the law used to be. With that flexibility, you kind of store it up in the good years to offset your needs in the bad years. That is the way agriculture ought to operate, and that is the way our tax laws ought to allow them to operate.

I thought I would give that synopsis of what we are doing and what I think is important for our taxpayers to understand. Keeping this tremendous production unit in our country—known as agriculture—healthy and producing is of critical importance to our country. The American consumers today pay less for food than any other item they buy. As a result of that, our consuming public has more spendable income to buy cars, to buy homes, to provide for their children's education. They are not paying 30 percent or 40 percent or 50 percent or 60 percent of their income for food. They are paying 13 to 14 percent, for the highest quality, safest, richest foods in the world. That is a result of this marvelous production unit we call American agriculture.

I am proud that this Republican Congress, working with our colleagues on the other side, represented that understanding in the current policy that is embodied in this omnibus bill with which we will be dealing. It is an important area. I am glad our leaders were sensitive to it and that we can turn to agriculture and say: We didn't save you, we didn't guarantee you, but we recognize the need to shore up, in those areas of disaster, and to assure that those units of production—and those are family farms; these are people, men and women and their children who oftentimes work from daylight to dark—are going to be held as whole as we can possibly keep them at a time when farm commodities, because of certain situations here and around the world, have plummeted to nearly 25- and 30-year lows.

Mr. President, let me run through a few unanimous consent requests cleared by both sides of the aisle.

ACTIVITIES OF THE MICCOSUKEE TRIBE

Mr. CRAIG. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3055, which is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3055) to deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes.

The Senate proceeded to consider the bill.

Mr. GRAHAM. Today I join my colleague Senator MACK in supporting the right of the Miccosukee Tribe of Indians of Florida to reside in Everglades National Park.

Mr. MACK. I thank the Senator and feel that although the acreage provided to the Miccosukee in this legislation is far less than their historic territory within the Everglades, it does satisfy their right to reside within Everglades National Park.

Mr. GRAHAM. It is also my understanding that by giving the Miccosukee Tribe this opportunity to build a community within Everglades National Park we are fully resolving their claims to land within the park.

Mr. MACK. Yes. Also, it is expected that Miccosukee Tribe is granted the right to occupy, reside in, and govern in perpetuity the Miccosukee Reserved Area in Everglades National Park. I am pleased that this legislation will resolve the dispute between the Park Service and the Miccosukee Tribe over lands within the park.

Mr. GRAHAM. I am pleased to join the Senator in supporting the continued residence of the Miccosukee Tribe of Indians of Florida in Everglades National Park.

Mr. CRAIG. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3055) was considered read the third time and passed.

PUBLIC SAFETY OFFICERS EDUCATIONAL ASSISTANCE ACT OF 1998

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1525) to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1525) entitled ''An Act to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Police, Fire, and Emergency Officers Educational Assistance Act of 1998''.

SEC. 2. FINANCIAL ASSISTANCE FOR HIGHER EDUCATION TO DEPENDENTS OF PUBLIC SAFETY OFFICERS KILLED OR PERMANENTLY AND TOTALLY DISABLED IN THE LINE OF DUTY.

Part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended—

*(1) in the heading for subpart 2, by striking ''**Civilian Federal Law Enforcement**'' and inserting ''**Public Safety**'';*

(2) in section 1211(1), by striking ''civilian Federal law enforcement'' and inserting ''public safety'';

(3) in section 1212(a)—

(A) in paragraph (1)(A), by striking ''Federal law enforcement'' and inserting ''public safety'';

(B) in paragraph (2), by striking ''Financial'' and inserting the following: ''Except as provided in paragraph (3), financial''; and

(C) by adding at the end the following:

''(3) The financial assistance referred to in paragraph (2) shall be reduced by the sum of—

''(A) the amount of educational assistance benefits from other Federal, State, or local governmental sources to which the eligible dependent would otherwise be entitled to receive; and

''(B) the amount, if any, determined under section 1214(b).'';

(4) in section 1214—

(A) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(B) by adding at the end the following:

''(b) SLIDING SCALE.—Notwithstanding section 1213(b), the Attorney General shall issue regulations regarding the use of a sliding scale based on financial need to ensure that an eligible dependent who is in financial need receives priority in receiving funds under this subpart.'';

(5) in section 1216(a), by inserting ''and each dependent of a public safety officer killed in the line of duty on or after October 1, 1997,'' after ''1992,''; and

(6) in section 1217—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

Mr. CRAIG. I ask unanimous consent the Senate agree to the amendment of the House-passed bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I was proud to cosponsor the Federal Law Enforcement Dependents Assistance Act of 1996 and am again proud to cosponsor this bill, S. 1525, the Public Safety Officers Educational Benefits Assistance Act of 1998. I am delighted that the Senate is finally sending this important bill to the President's desk for his signature into law.

Our legislation extends the educational benefits that we previously provided to the children of federal law enforcement to the families of State and local public safety officials who die or are disabled in the line of duty. Those families make the ultimate sacrifice for our public safety and deserve our support and assistance. I commend Senator SPECTER and Senator BIDEN and all the cosponsors for their work on these measures.

The Federal Law Enforcement Dependents Assistance Act of 1996, known as the Degan Act after U.S. Deputy Marshall Bill Degan, who died in the Ruby Ridge incident in 1992, provides Federal educational assistance to families of Federal law enforcement officers

killed in the line of duty. It is proper that we expand this educational assistance to the families of state and local law enforcement officers because most law enforcement needs are met at the state and local level. I would have preferred to send the President the original text of our legislation since it provided full assistance to these families, but the House of Representatives decided to impose a sliding scale means test to our bill.

This past May, I called for Congress to pass this legislation during National Police Week and the annual memorial activities for law enforcement officers. I believe it would have been a fitting tribute to those who gave their lives in preserving our public safety for Congress to enact the Public Safety Officers Educational Benefits Assistance Act, S. 1525; the Care for Police Survivors Act of 1998, S. 1985; and the Bulletproof Vest Partnership Act of 1998, S. 1605. Fortunately, President Clinton signed the Bulletproof Vests Partnership Act and the Care for Police Survivors Act into law on June 16, 1998 and now he will have the opportunity to sign into law this third piece of legislation. Together these measures make a significant package of legislation to benefit the families of those who serve in law enforcement.

The unfortunate reality of contemporary life is that we may still lose upwards of 100 law enforcement officers a year nationwide. I wish there were none and I will keep working to improve the assistance and support we provide our law enforcement officers. For those families that sacrifice a loved one in the line of duty I support the college education assistance that will be made possible by the Public Safety Officers Educational Benefits Assistance Act. I look forward to the President signing this important legislation into law.

AMENDING THE ORGANIC ACT OF GUAM

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 2370, which is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2370) to amend the Organic Act of Guam to clarify local executive and legislative provisions in such Act, and for other purposes.

The Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2370) was considered read the third time, and passed.

INTERNATIONAL CRIME AND ANTI-TERRORISM AMENDMENTS OF 1998

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 677, S. 2539.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (S. 2539) to protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence.

The Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, after months of review and careful Committee action, I am proud that the full Senate is poised to approve the International Crime and Anti-Terrorism Amendments of 1998. Along with Senators LEAHY, BIDEN, and others, the Senate Judiciary Committee has undertaken a careful review of the ambitious and expansive international crime package developed by the administration and introduced by President Clinton on May 12. This proposal took the best ideas developed by the Department of Justice, the Customs Service, the Treasury Department, and other federal agencies involved in the fight against international crime.

Senator LEAHY and I have worked with the Department to winnow the bill down to 17 sections which are generally noncontroversial but would provide valuable assistance in the fight against international crime, terrorism, and drug trafficking. Potentially controversial sections have been shelved in an effort to broaden support for the legislation, and Senator LEAHY supports each of the remaining 17 sections. I hope that next Congress we can undertake a broad review of these issues and confront the more difficult provisions which have been placed aside for the moment.

It is clear that the world has become a smaller place, with faster transportation and communication, loosening of borders, and great leaps in transnational economic activity. But as these changes have benefited law-abiding citizens, they have also made it easier for criminals to spread their misery and destruction throughout the globe. Whether we talking about drug cartels, arms smugglers, terrorists, or those involved in economic espionage, international crime is an increasing threat to our national security and well-being.

This legislation should not be seen as a comprehensive response to these problems, but rather as a package of moderate technical responses to weaknesses in current law that would make a real difference in the fight against international crime. Our proposal, among other things, improves federal laws which regulate the jurisdiction of law enforcement, allows exclusion of violent criminals, determines how our legal system deals with foreign defendants and records, and responds to emerging computer and financial crimes.

On a title-by-title basis, the bill does the following:

TITLE I—INVESTIGATING AND PUNISHING VIOLENT CRIMES AGAINST U.S. NATIONALS ABOARD

101 Extend investigative authority to cover crimes committed against U.S. nationals abroad by organized criminal groups

102 Allow federal authorities to investigate murder and attempted murder of state and local officials

TITLE II—STRENGTHENING THE BORDERS OF THE UNITED STATES

201 Strengthen law enforcement authority to board ships

TITLE III—DENYING SAFE HAVEN TO INTERNATIONAL CRIMINALS AND ENHANCING NATIONAL SECURITY RESPONSES

301 Allow exclusion from U.S. of persons fleeing lawful, non-political prosecution

302–04 Allow exclusion of persons from U.S. involved in RICO offenses, arms trafficking, drug trafficking, or alien smuggling from U.S., with waiver authority to Attorney General

305 Forfeiture of proceeds of foreign crimes held in U.S.

306 Expand administrative summons authority under Bank Secrecy Act

307 Increase monetary penalties for violations of International Emergency Economic Powers Act

308 Add attempt crime to Trading with the Enemy Act

TITLE IV—RESPONDING TO EMERGING INTERNATIONAL CRIME THREATS

501 Expand wiretap authority to cover computer fraud and hackers

502 Expand extraterritorial jurisdiction to cover credit card, ATM, and other electronic frauds with can cause harm in U.S.

TITLE V—PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME

601 Authority to share proceeds from joint forfeiture actions with cooperating foreign agencies

602 Changes in procedures for MLAT's (mutual legal assistance treaties)

TITLE VI—STREAMLINING THE INVESTIGATION AND PROSECUTION OF INTERNATIONAL CRIMES IN U.S. COURTS

701 Allow Attorney General to reimburse state and local governments for costs incurred in assisting extraditions

702 Change Federal Rules of Evidence to ease admission of foreign records

703 Bar foreign fugitives from receiving credit for time served abroad

I appreciate the Senate's quick action on this necessary legislation, and I urge the House to pass this bill before we adjourn.

Following my statement is a detailed section-by-section analysis of the legislation.

INTERNATIONAL CRIME AND ANTI-TERRORISM AMENDMENTS OF 1998

TITLE I—INVESTIGATING AND PUNISHING VIOLENT CRIMES AGAINST U.S. NATIONALS ABROAD

Section 101. Murder and extortion against U.S. nationals abroad in furtherance of organized crime (old section 1001)

This section provides additional discretionary authority for investigations and

prosecutions of organized crime groups who perpetrate criminal acts against U.S. nationals abroad. With the expanded role of Federal law enforcement, specifically the Federal Bureau of Investigations, in the investigation of international organized criminal groups, additional legislation is needed to counteract crimes occurring abroad. Statutes now in effect are narrow and generally address these kinds of issues only when they are related to international terrorism matters. This provisions broadens the scope of other current statutes so that they can be of assistance in targeting violent criminal acts committed against U.S. nationals by members of organized criminal groups. The same safeguards are required that have been established in statutes relating to international terrorism, *i.e.*, such a prosecution cannot be brought without the approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General. In subsection (g), the statute places a monetary limitation in extortion cases, and defines an organized criminal group by reference to the RICO statute. These limitations have been included to preclude any expectation that the United States will devote resources to investigate and prosecute cases which are or primarily local (versus international) impact or those which the foreign nation is adequately addressing.

Section 102. Murder and serious assault of a state or local official abroad (old section 1002)

This section provides additional discretionary authority to investigate and prosecute murders and serious assaults of State and local Officials that occur abroad when the State and local officials are involved in a federally-sponsored training or assistance program. As the United States expands its efforts to fight international crime and bring peace and stability to nations the world over, the role of State and local officials—law enforcement, judges, and others—in federally-sponsored training and other forms of assistance programs is also increasing. The scope of these programs is broad, and includes programs designed to bolster law enforcement, promote trade and tourism, and improve education. As with United States military personnel, these officials may become targets of violent acts committed abroad. Insofar as these officials are often involved in training designed to assist a host country in improving its criminal justice system or other public-sector infrastructures, the host country may lack the resources and skills to effectively investigate and prosecute such crimes. Because these officials are acting under the auspices of the Federal Government, the United States has a strong interest in prosecuting those criminals who attack and kill them. As with other provisions of law that allow extraterritorial jurisdiction over crimes, this provision requires that the Attorney General approve any prosecutions under this section.

TITLE II—STRENGTHENING THE BORDERS OF THE UNITED STATES

Section 201. Sanctions for failure to heave to, obstructing a lawful boarding, and providing false information (old section 2201)

The Coast Guard is authorized to enforce, or assist in the enforcement of, all applicable federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States (14 U.S.C. §2). Coast Guard commissioned, warrant, and petty officers are also deemed to be customs officers (14 U.S.C. §143; 19 U.S.C. §1401). The Coast Guard may board and examine any vessel subject to the jurisdiction of the United States (14 U.S.C. §89). To carry out this broad grant of authority, statutory sanctions are needed against the master, operator, or person in charge of a vessel who fails to obey the order of a federal law enforcement officer to heave to, or who otherwise obstructs the exercise of law enforcement authority.

Under existing law, a civil penalty can be imposed for failure to heave to a vessel upon the command of a customs officer (19 U.S.C. §1581(d)). However, the penalty only applies to violations involving vessels at those places where a customs officer is authorized to stop and board. In addition, a criminal and civil penalty can be imposed for failure to stop a vessel when hailed by a customs officer or other government authority within 250 miles of the territorial sea of the United States (19 U.S.C. §1590(g)(8)). However, these penalties may be imposed only on vessels caught with prohibited or restricted merchandise. As a last resort, to compel vessels to heave to, the Coast Guard is authorized, after firing warning shots, to fire into and disable a vessel which has failed to stop (14 U.S.C. §637).

Appropriate sanctions are required to facilitate and enhance the Coast Guard's interdiction of vessels smuggling contraband. The Coast Guard requires an intermediate measure—short of firing into a vessel—to compel a vessel to comply with a lawful order to heave to. Without such sanctions drug smugglers can delay or sometimes prevent the legitimate exercise of Coast Guard law enforcement boarding authority.

Such sanctions are necessary to address the following scenario. The operator of a vessel fails to heave his vessel to in order to delay a Coast Guard boarding. After a lengthy pursuit, the vessel is finally boarded and no contraband is found. Or the operator of a vessel avoids being boarded by failing to heave his vessel to and fleeing; he eventually enters the territorial waters of a safe haven country. In either case, the vessel may have initially been carrying contraband—which has been jettisoned—or may have been acting as a decoy to divert Coast Guard assets away from other vessels carrying contraband. The use of such tactics by drug smugglers not only thwarts Coast Guard drug law enforcement efforts, but diverts Coast Guard assets from their other missions.

Sanctions are also required to deter nonforcible acts of obstruction during a Coast Guard boarding. While forcibly obstructing a federal law enforcement officer is a crime (18 U.S.C. §§111, 113), no statute provides penalties, criminal or civil, for non-forcible acts of obstruction during a Coast Guard boarding. Such penalties are needed as a deterrent to prevent confrontational situations from escalating from non-physical obstructions of boardings to physical assaults on Coast Guard boarding officers.

Sanctions are also required as a means to compel persons on board vessels to provide truthful information regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew. False information concerning a vessel's nationality or registration can delay the determination as to whether the United States has jurisdiction over a vessel, or hinder attempts to obtain consent from a foreign country for the United States to exercise jurisdiction. This offers drug smugglers the opportunity to jettison contraband and destroy evidence. Truthful information concerning the vessel's destination, origin, ownership, cargo, or crew facilitates the ability of the boarding team to determine whether the vessel may be engaged in drug smuggling. This information is also important for the successful prosecution of drug smuggling cases.

This section addresses these gaps in current United States drug interdiction law and makes several changes to enhance enforcement of federal law involving vessels. Subsection (a)(1) provides that it shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to fail to obey an order to heave to that vessel on being ordered to do so by an authorized federal law enforcement officer. Paragraph (2) provides that it shall be unlawful for any person on board a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to: (1) fail to comply with an order of an authorized federal law enforcement officer in connection with the boarding of the vessel; (2) impede or obstruct a boarding or arrest, or other law enforcement action authorized by any federal law; or (3) provide false information to a federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew. Nothing in this section is a limitation on 18 U.S.C. §1001, which makes it a crime to give a false statement to a government agent.

Subsection (b) provides that this section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any federal law enforcement officer under any law of the United States to order a vessel to heave to. This section is necessary to establish that this statute in no way limits the potential actions of federal law enforcement officers that exist under other statutes.

Subsection (c) specifies that a foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section in an international agreement, or, on a case-by-case basis, by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

Subsection (d) defines the terms used in this section, including ''vessel of the United States,'' ''vessel subject to the jurisdiction of the United States;'' to ''heave to;'' and ''Federal law enforcement officer.''

Subsection (e) sets forth penalties for violation of this section. Any person who intentionally violates the provisions of this section shall be subject to: (1) imprisonment for not more than five years; and (2) a fine as provided in this title.

Subsection (f) authorizes the seizure and forfeiture of a vessel that is used in violation of this section. Existing customs laws and duties shall apply to such seizures and forfeitures. This subsection further provides that any vessel that is used in violation of this section is also liable in rem for any fine or civil penalty imposed under this section. This provision gives added force to the prohibitions contained in the section, and provides additional incentives to would-be portrunners to comply with the law.

TITLE III—DENYING SAFE HAVEN TO INTERNATIONAL CRIMINALS AND ENHANCING NATIONAL SECURITY RESPONSES

Section 301. Exclusion of persons fleeing prosecution in other countries (old section 3201)

This section will add flight to avoid lawful prosecution as an additional ground of inadmissibility under the Immigration and Nationality Act and designate the country seeking to prosecute such individuals as the primary country of deportation. This section will be triggered if the crime for which prosecution is sought is a crime of moral turpitude, other than a purely political offense.

Individuals often seek refuge in the United States to avoid prosecution for crimes committed in other countries. Presently, if such persons are detected attempting to enter the United States, the United States must either

find some other basis for exclusion (*e.g.*, having been previously convicted of another crime), or embark on lengthy extradition proceedings, assuming there is an applicable extradition treaty, which is not always the case.

This section will provide an independent statutory basis to remove persons who enter or attempt to enter the United States for the purpose of avoiding lawful prosecution in another country and to return them to the country seeking their prosecution unless the Attorney General, in his/her discretion, determines that such return would be impracticable, inadvisable, or impossible. An additional ground of removal under INA section 237 is not necessary because such an alien fugitive found in the United States would be removable under section 237(a)(1)(A) as an alien inadmissible at the time of entry or adjustment of status. The provision is intended to reach situations where the person flees after a warrant has been issued or in anticipation of a warrant being issued. Nothing in this proposed new section would alter U.S. obligations to protect bona fide refugees. Persons covered by this section remain eligible to apply for withholding of deportation under INA section 241(b)(3), and asylum under section 208, to the extent those remedies would otherwise be available.

Section 302. Exclusion of persons involved in racketeering and arms trafficking (old section 3202)

This section will provide for inadmissibility of any individual whom a consular officer has reason to believe has or is engaged in certain RICO and arms trafficking offenses, or any criminal activity in a foreign country that would constitute such an offense if committed in the United States, regardless of whether a judgment of conviction has been entered or avoided due to flight, corruption, etc. This section treats serious criminals with the same standard applicable to drug traffickers and will make our ability to exclude aliens involved in such activities less dependent upon our ability to draw inferences about a person's intent to do something illicit in the United States. With only minor exceptions, the RICO offenses referenced constitute crimes involving moral turpitude that are already grounds for exclusion under the Immigration and Nationality Act.

The Provision includes a waiver provision that allows the Attorney General to waive its applicability for offenses other than aggravated felonies. This provision has been added to provide the Attorney General flexibility to waive these provisions in the event that there is a law enforcement, humanitarian or other important national interest justifying such waiver.

A part of this section related to spouses and adult children of persons in this category has been removed before Committee consideration.

Section 303. Clarification of exclusion of persons involved in drug traffickers (old section 3203)

This section makes minor changes to the law concerning exclusion of those the Attorney General or a consular officer has reason to believe are or have been an illicit trafficker in controlled substances.

A part of this section related to spouses and adult children of persons in this category has been removed before Committee consideration.

Section 304. Exclusion of persons involved in international alien smuggling (old section 3204)

This section will address the problem of excluding international alien smugglers where there is evidence that they have assisted aliens to illegally enter countries other than the United States, but not the United States. Often there is a strong likelihood that such assistance was part of a scheme to illegally bring such aliens into the U.S. or could develop into a scheme to illegally bring such aliens into the U.S., but under current law the alien providing such assistance may not be excludable. This provision will allow consular officers and the Immigration and Naturalization Service to find such aliens ineligible for entry into the U.S. when the alien should have known that the illegal entry into another country would have assisted other aliens to enter the U.S. in violation of law.

Section 305. Seizure of assets of persons arrested abroad (old section 4008)

This section relates to situations where a person has been arrested in a foreign country and there is a danger that property subject to forfeiture in the United States in connection with the foreign offenses will disappear if it is not immediately restrained. In the case of foreign arrests, it is possible for the property of the arrested person to be transferred out of the United States before U.S. law enforcement officials have received from the foreign country the evidence necessary to support a finding a probable cause for the seizure of the property in accordance with federal law. This situation is most likely to arise in the case of drug traffickers and money launderers whose bank accounts in the United States may be emptied within hours of an arrest by foreign authorities in the Latin America or Europe.

To ensure that property subject to forfeiture in such cases is preserved, the new provision provides for the issuance of an ex parte restraining order upon the application of the Attorney General and a statement that the order is needed to preserve the property while evidence supporting probable cause for seizure is obtained. A party whose property is retrained would have a right to a post-restraint hearing in accordance with Rule 65(b), Fed.R. Civ.

Section 306. Administrative summons authority under the Bank Secrecy Act (old section 4015)

This section will amend 31 U.S.C. §5318(b)(1) to expand the situations in which an administrative summons will be sufficient to obtain information from financial institutions subject to the Bank Secrecy Act (BSA). At present, the Secretary of the Treasury is permitted to examine information maintained at financial institutions under the requirements of the BSA, but is permitted to summon information or individuals only ''in connection with investigations for the purpose of civil enforcement of violations of'' BSA, it regulations, or certain related statutes. BSA policy requires the government to focus on the efficacy of compliance systems rather than attempt to identify particular BSA violations. Restriction of summons authority to investigations for the purpose of civil enforcement of BSA violations could hamper the ability of the Secretary to review the adequacy of compliance systems. In addition to existing civil enforcement authority, this amendment will enable the Secretary to review the adequacy of BSA compliance systems. Subpoena requests will remain subject to the account holder rights specified in the Right to Financial Privacy Act.

Section 307. Criminal and civil penalties under the International Emergency Economic Powers Act (old section 4018)

This provision will increase the monetary limits of the civil and criminal penalty authorities provided for in the International Emergency Economic Powers Act (IEEPA). IEEPA currently provides for civil penalties of up to $10,000 per violation of IEEPA prohibitions, and criminal penalties of up to $50,000 per violation for individual and corporations, and imprisonment for up to 10 years per violation by individuals and participating corporate officers. These limitations no longer constitute effective deterrents for flagrant or willful violations of IEEPA and are significantly less than the penalty limitations provided for in the Trading with the Enemy Act for violations of economic sanctions imposed under that statute. The ineffectiveness of the civil penalty cap is particularly apparent in situations where the IEEPA violation relates to transactions (and profits) valued at many times the maximum penalty amount. This section will raise the IEEPA civil penalty authority to $50,000 per violation, and raise the criminal penalty monetary limits to $250,000 per violation for individuals and participating corporate officers, as is provided for criminal offenses generally in 18 United States code §3571(b)(3), and $1 million per violation for corporations.

Section 308. Attempted violations of the Trading With the Enemy Act (old section 4019)

This section will amend the Trading with the Enemy Act (TWEA) to provide that criminal and civil penalties may be imposed not only against any person who violates a license, order, or regulation issued under TWEA, but also against a person who attempts to violate such a license, order, or regulation. last year, Congress added an ''attempt'' provision to the International Emergency Economic Powers Act (IEEPA), but did not add a similar provision to its companion statute, TWEA. TWEA lacks an attempt provision similar to those found in other export administration statutes, for example, the Export Administration Act. Recent executive orders imposing economic sanctions and regulations implementing such orders typically include language prohibiting attempted violations. Current case law in the federal circuit courts of appeal supports promulgation of regulations prohibiting attempts to violate statutes not explicitly containing attempt language. In spite of these factors, the absence of an attempt provision in TWEA makes prosecution of attempted violations more problematic. to clarify existing law and to insulate prosecutions of attempted violations from any possibility of attack based on the scope of the President's authority, these amendments expressly prohibit attempts to violate TWEA.

TITLE IV—RESPONDING TO EMERGING INTERNATIONAL CRIME THREATS

Section 401. Enhanced authority to investigate computer fraud and attacks on computer systems (old section 5101)

This section would add certain violations relating to computer crime to the list of serious criminal activity for which 18 U.S.C. §2516 permits court authorized interception of wire, oral, and electronic communications when the rigorous requirements of chapter 119 (including section 2516) are met. Violations of 18 U.S.C. §1030 can include computer fraud and attacks on computer systems, such as those controlling the public telecommunications networks, air traffic control, and the electric power network. In computer attack cases, since the evidence of the crime may lie largely in cyberspace, interceptions of wire and electronic communications may be the primary or only available avenue of investigation. Moreover, in computer cases where the activities originate from a business or university, voicetaps may be the only way to complete the identification of the criminal actually using the terminal involved. The statute limits wiretap authority to investigation of felony offenses.

Section 402. Jurisdiction over certain financial crimes committed abroad (old section 5102)

This section clarifies the extraterritorial jurisdiction of 18 U.S.C. §1029 (access device

fraud). It expressly recognizes United States jurisdiction over access device fraud—including credit card fraud, debit card fraud and telecommunications fraud—in cases where the fraud causes an effect on an entity within the jurisdiction of the United States, even if the defendant has never physically entered the United States. Such a clarification is of great importance to the United States' ability to protect its financial system. The modern financial system relies substantially on access devices to access and utilize a vast array of accounts and systems, including credit and debit card accounts, accounts in banks and other financial institutions, electronic funds, and telecommunications systems. Increasingly, U.S. financial, corporate and government entities have implemented access device payment systems to conduct transactions reaching billions of dollars per day. The dramatic increase in electronic and computerized access to such systems from outside the United States has enhanced the vulnerabilities of these systems to criminal activities internationally. By recognizing that the United States has the authority to protect its access device systems against both foreign and domestic threats, this section ensures the security and integrity of United States based payment systems in the same way that 18 U.S.C. §470 ensures the integrity of United States currency. Together, this section and 18 U.S.C. §470 will enhance the United States' ability to protect its financial system and combat transnational financial crimes that target that system.

TITLE V—PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME

Section 501. Sharing proceeds of joint forfeiture operations with cooperating foreign agencies (old section 6001)

This proposal provides for expansion of the authorization to share forfeited property with foreign governments that cooperate in federal forfeitures. It was Section 406 of the ''Forfeiture Act of 1996'' which has been previously submitted to Congress. Section 981(i) of Title 18, U.S. Code, authorizes the sharing of forfeited property with foreign governments in certain circumstances. It currently applies to all civil and criminal forfeitures under 18 U.S.C. §§981, 982, which are the forfeiture statutes for most federal offenses in Title 18. Older parallel provisions applicable only to drug cases and Customs cases appear in 21 U.S.C. §881(e)(1)(E) and 19 U.S.C. §1616a(c)(2), respectively.

The amendment simply extends the existing sharing authority to all other criminal and civil forfeitures, including those undertaken pursuant to RICO, the Immigration and Naturalization Act, the antipornography and gambling laws, and other statutes throughout the United States Code. Because the amendment makes the parallel provisions in the drug and customs statutes unnecessary, Section 881(e) is amended to remove the redundancy.

Section 502. Streamlined procedures for execution of MLAT requests (old section 6002)

This section expands the authority of U.S. district courts to execute, or order execution of, foreign requests for assistance in criminal matters made pursuant to mutual legal assistance treaties (MLATs), conventions, and executive agreements such as an ''antitrust mutual assistance agreement'' (see, e.g., 15 U.S.C. §6201 et seq.). This section applies only when the execution of such a request requires or appears to require the use of compulsory measures in more than one district. On such occasions, this section permits a judge or judge magistrate in any district involved in a multidistrict execution, or in the District of Columbia, to execute the entire request.

The U.S. generally relies on 28 U.S.C. §1782—which authorizes the practice of appointing a ''commissioner'' to execute a foreign request for assistance—to provide the framework for executing foreign requests for assistance, whether made by letter rogatory, letter of request, request pursuant to an MLAT, or other similar form of request. Section 1782 calls for execution of the foreign request in the district where the witness resides or is found, or where the evidence is located. Consequently, the Attorney General—the authority to whom foreign requests in criminal matters are generally sent for execution—often transmits the same request to each district in which a witness or evidence may be located for execution of that portion directly connected to the district.

This practice of transmitting a request to each and every district in which assistance requested may be found is inefficient and prone to creating delay. A majority of requests entail execution in multiple districts. Execution of a multiple district request requires substantial coordination by U.S. authorities (e.g., often documents located in different districts must be produced and analyzed before testimony from witnesses located in other districts can be profitably taken) and duplication of efforts by U.S. authorities (e.g., a judge or magistrate judge, prosecutor, and assisting agent or agents in each district must become familiar with and involved in executing the same request). In addition to the profligate expenditure of U.S. resources, the practice often results in delay, rendering the U.S. unable to provide foreign law enforcement authorities, and especially foreign treaty partners, with the level of service that the U.S. would like to receive with respect to U.S. requests. Another problem often encountered with multidistrict requests is that a U.S. Attorney's Office designated to execute a portion of a request is unable to devote the necessary resources at the time requested. If timing is critical, and it often is, execution of the request in a district involved in another aspect of the execution, or in the District of Columbia, is a reasonable solution.

This proposal provides an alternative to the current practice of executing foreign requests for assistance only in each and every district in which a witness or evidence is located. Placing authority in a U.S. district court for a district otherwise involved in the execution of a multidistrict request, or in the U.S. District Court for the District of Columbia, should dramatically improve: (1) the efficient use of U.S. resources to execute foreign requests that involve multiple districts, and (2) the execution of requests involving multiple districts in a timely manner.

Providing the U.S. District Court for the District of Columbia as an alternative venue also permits the Attorney General, with requests that require substantial allocation of resources or coordination, to provide attorneys to undertake execution in the District of Columbia in conjunction with the United States Attorney's Office for the District of Columbia.

Finally, this proposal recognizes that executing foreign requests in criminal matters by requiring witnesses to appear in different districts from those in which they are located may create some hardships for witnesses, just as it does in domestic criminal investigations and prosecutions where the U.S. prosecutor subpoenas witnesses to appear anywhere in the U.S. (i.e., where in the U.S. the investigation or prosecution is taking place). This proposal contemplates the same possibility of travel to comply with a commissioner's order as in a domestic criminal investigation or prosecution; however, it provides a procedure to balance the hardship against the exigencies of the request. Upon notice to either the court or the commissioner executing the request, the court will decide whether to transfer execution involving the complaining witness to that witness' district by balancing the (1) inconvenience to the witness against the (2) negative impact upon execution of the request.

TITLE VI—STREAMLINING THE INVESTIGATION AND PROSECUTION OF INTERNATIONAL CRIMES IN U.S. COURTS

Section 601. Reimbursement of state and local law enforcement agencies in international crime cases (old section 7001)

This proposal authorizes the Attorney General to designate funds to defray unusual expenses incurred by state and local jurisdictions in international extradition cases, including the costs of transporting the fugitive back to the United States and the cost of translating the extradition documents into the language of the foreign state.

State and local prosecutors are sometimes forced to abandon efforts to extradite serious offenders who have fled abroad because the prosecutors lack the resources to pay the cost of international extradition. Because extradition in cases involving violent offenders or career criminals is a national priority, this provision would authorize the Attorney General to allocate funds to pay the costs of such extraditions in serious cases if the state or local authorities certify that the financial assistance is needed. The Marshals Service spent about $900,000 last year transporting federal fugitives back to the U.S., and it estimates that transportation of all state and local fugitives could cost twice that amount. The Marshals Service currently retrieves fugitives from abroad for state and local jurisdictions, on a reimbursable basis.

This provision is not intended to shift the entire financial burden that may be involved in international cases from states and localities to the federal government. Rather, it provides authority to assist state and localities in meeting extraordinary expenses that could not reasonably be anticipated in the local jurisdiction's ordinary budget process.

Section 602. Facilitating the admission of foreign records in United States courts (old section 7002)

This section provides a statutory basis to authenticate and admit into evidence, in federal judicial proceedings, foreign-based records of regularly conducted activity obtained pursuant to official requests. The section expands the extant statutory basis with respect to foreign business records, making records produced in accordance with the statute admissible to civil proceedings (whereas the statute currently authorizes admission only in criminal proceedings). The section also provides an independent statutory basis for foreign official records, treating official records produced in accordance with the statute as admissible in a fashion similar to foreign business records. The section continues to incorporate elements of the Federal Rules of Evidence, especially Rule 803(6), that ensure the reliability of the foreign records and maintains the requirement of a foreign certification or similar certification provided by treaty, convention, or agreement.

To make foreign business records admissible in a civil proceeding under Federal Rules of Evidence 803(6) and 901(a)(1), a foreign custodian or other qualified witness must give testimony, either by appearing at a proceeding in the U.S. or by providing a deposition taken abroad and introduced at the U.S. proceeding, which testimony or deposition establishes that the foreign business records are authentic (901(a)(1)) and reliable (Rule 803(6)). The United States has no means by which to compel the attendance of a foreign

custodian or other qualified foreign witness at a U.S. proceeding to testify. Thus, to adduce the requisite testimony, U.S. authorities must (1) rely on the prospective witness' willingness to voluntarily appear (which is rare and subject to vicissitude) or (2) attempt to depose the witness abroad. The latter process is unduly cumbersome and not available in many situations (e.g., in matters involving tax administration pursuant to tax treaties or agreements). This section provides a streamlined process for making foreign business records admissible without having to rely on the unpredictability of a foreign witness' voluntary travel to the U.S. or the unpredictable and cumbersome process of deposing the witness abroad.

Foreign official records include records of birth, vehicle registry, property transfer and liens, foreign business incorporation, and the like. Such records are routinely kept in much the same manner as business records. This section authorizes a single certification for both self-authentication and foundation for an exception to the hearsay rule similar to that currently available for foreign business records. It, likewise, will streamline the process of securing documents admissible in U.S. judicial proceedings while, at the same time, maintaining assurances of reliability.

Section 603. Prohibiting fugitives from benefitting from time served abroad (old section 7004)

This proposal is designed so that defendants who become fugitives either by fleeing the United States, or by remaining outside the United States (in the event they are sought based on an assertion of extraterritorial jurisdiction), in order to avoid trial and punishment do not inappropriately benefit from their actions. Because U.S. prison time is now credited to fugitives after their return to the U.S. for the time during which fugitives pursue tactics in foreign countries designed to delay their return and trial in the United States, the current law unwittingly encourages fugitives to file every frivolous challenge to their rendition which is available, in order to delay the case and perhaps weaken the prosecution's case. This proposal is needed because the time consuming and complex nature of the international extradition process which involves foreign sovereigns, foreign legal laws and processes, and foreign languages, typically creates substantially longer delays than the delays that occur in the comparable domestic situation. Nationwide Federal jurisdiction and interstate compacts typically result in the swift rendition of interstate fugitives.

Mr. LEAHY. Mr. President, I am pleased to have been able to work with the Senator from Utah to gain passage of this important legislation, the Improvements to International Crime and Anti-Terrorism Amendments of 1998. It will give United States law enforcement agencies important tools to help them combat international crime.

Unfortunately, recent incidents have made amply clear that crime and terrorism directed at Americans and American interests abroad are part of our modern reality. The bombings of U.S. embassies in Kenya and Tanzania are just the most recent reminders of how vulnerable American citizens and interests are to terrorist attacks. In a shockingly brutal attack, more than 250 men, women and children, were murdered in cold blood. Among those 250 victims were 12 of our fellow citizens.

With improvements in technology, criminals now can move about the world with ease. They can transfer funds with a push of a button, or use computers and credit card numbers to steal from American citizens and businesses from any spot on the globe. They can strike at Americans here and abroad. The playing field keeps changing, and we need to change with it.

This bill does exactly that, not with sweeping changes but with thoughtful provisions carefully targeted at specific problems faced by law enforcement. The bill gives tools and protection to investigators and prosecutors, while narrowing the room for maneuver that international criminals and terrorists now enjoy.

I initially introduced certain provisions of this bill on April 30, 1998, in the Money Laundering Enforcement and Combating Drugs in Prisons Act of 1998, S. 2011, with Senators DASCHLE, KOHL, FEINSTEIN, and CLELAND. Again, on July 14, 1998, I introduced with Senator BIDEN, on behalf of the Administration, the International Crime Control Act of 1998, S. 2303, which contains many of the provisions set forth in this bill. Virtually all of the provisions in the bill were included in another major anti-crime bill, the ''Safe Schools, Safe Streets, and Secure Borders Act of 1998,'' that I introduced on September 16, 1998, along with Senators DASCHLE, BIDEN, MOSELEY-BRAUN, KENNEDY, KERRY, LAUTENBERG, MIKULSKI, BINGAMAN, REID, MURRAY, DORGAN, and TORRICELLI.

We have drawn from these more comprehensive bills a set of discrete improvements that enjoy bipartisan support so that important provisions may be enacted promptly. Each of these provisions has been a law enforcement priority.

The bill would provide discretionary authority for investigations and prosecutions of organized crime groups that kill or threaten violence against Americans abroad, when in the view of the Attorney General, the organized crime group was trying to further its objectives. This should not be viewed as an invitation for American law enforcement officers to start investigating organized crime around the world, but when such groups are targeting Americans abroad for physical violence and the Attorney General believes it is necessary, we must act.

In addition, the bill would expand current law to criminalize murder and other serious crimes committed against state and local officials who are working abroad with federal authorities on joint projects or operations. The penalties for murder against such state or local officials, who are acting abroad under the auspices of the federal government, are the same as for federal officers, under section 1119 of title 18, United States Code, and would therefore authorize imposition of the death penalty. While I oppose the death penalty, there is no reason to distinguish the penalties for murder of federal versus non-federal officials, who are both acting under the auspices of the Federal Government.

Also, the authority of the Attorney General to bring such prosecutions is limited so as not to interfere with the criminal jurisdiction of the foreign nation where the murder occurred. Thus, I would expect this authority to be exercised only in the rare circumstance in which the Attorney General believes the foreign country is not adequately addressing the crime.

The bill contains provisions to protect our maritime borders by providing realistic sanctions for vessels that fail to ''heave to'' or otherwise obstruct the Coast Guard. No longer will drug-runners be able to stall or resist Coast Guard commands with impunity. The additional sanctions for resisting ''heave to'' orders and for lying to law enforcement officers about a boat's destination, origin and other pertinent matters, will help the Coast Guard in its efforts to interdict illegal drugs and other contraband.

The bill also provides specific authority to exclude from entry into our country international criminals and terrorists, including those engaged in flight to avoid foreign prosecution, alien smuggling, or arms or drug trafficking under specific circumstances. At the same time, we ensure that the Attorney General has full authority to make exceptions for humanitarian and similar reasons.

The bill includes important money laundering provisions strongly supported by law enforcement. At a recent Judiciary Committee hearing on anti-terrorism, FBI Director Louis Freeh noted the importance of money laundering laws as a tool in stopping not only international drug kingpins, but also international terrorists, such as Usama bin Laden, the multi-millionaire terrorist who has been linked to the recent embassy bombings.

The bill has two important provisions aimed at computer crimes: it provides expanded wiretap authority, subject to court order, to cover computer crimes, and also gives us extraterritorial jurisdiction over access device fraud, such as stealing telephone credit card numbers, where the victim of the fraud is within our borders.

We cannot stop international crime without international cooperation, however. This bill facilitates such cooperation by allowing our country to share the proceeds of joint forfeiture operations, to encourage participation by foreign countries. It streamlines procedures for executing MLAT requests that apply to multiple judicial districts. Furthermore, the bill addresses the essential but often overlooked role of state and local law enforcement in combating international crime, and authorizes reimbursement of state and local authorities for their cooperation in international crime cases. The bill helps our prosecutors in international crime cases by facilitating the admission of foreign records in U.S. courts. Finally, it will speed the wheels of justice by prohibiting international criminals from being credited

with any time they serve abroad while they fight extradition to face charges in our country.

These are important provisions that I have advocated for some time. They are helpful, solid law enforcement provisions. I thank my friend from Utah, Senator HATCH, for his help in making this bill a reality. Working together, we were able to craft a bipartisan bill that will accomplish what all of us want, to make America a safer and more secure place.

Finally, I would like to address the encryption amendment that Senator KYL offered and then withdrew during Committee consideration of this bill. This amendment would have criminalized the use of encryption in the commission of any federal felony.

Unlike analogous provisions incorporated into pending encryption bills, the Kyl amendment was not limited in any way to the criminal use of encryption ''for the purpose of avoiding detection by law enforcement agencies or prosecution'', as reflected in the SAFE bill, H.R. 695, or ''with the intent to conceal that communication or information for the purpose of avoiding detection by a law enforcement agency or prosecutor,'' as reflected in the Ashcroft-Leahy E-PRIVACY bill, S. 2067. The scope of the offered Kyl amendment raised concerns about inviting government over-reaching. There is no requirement in the amendment, for example, that a conviction for use of encryption be predicated on a conviction of any underlying criminal offense.

Moreover, were this amendment to become law, it could chill even the routine use of encryption in the course of every day business, such as communications between clients and lawyers or accountants, since the mere use of encryption could result in exposure to substantial criminal penalties of up to five years in prison.

In addition, as I noted during the committee's discussion of the amendment, the definition of encryption in the offered Kyl amendment varied greatly from definitions used in pending legislation, including bills I have introduced and cosponsored, that have been thoroughly vetted with encryption and other technical exports. The Kyl amendment definition of ''encryption'' is drafted so broadly that it could apply to any transformation of analog to digital communications, without any use of mathematical algorithms commonly associated with encryption. We can and should do better if we are going to add a definition of this highly technical operation to the criminal code for the first time.

I appreciate the chairman's efforts, and Senator KYL's willingness, to address this issue in a considered fashion in the next Congress.

As a former prosecutor, I have long been concerned about helping law enforcement have the tools necessary to deal with changing technologies, and at the same time provide procedural safeguards to protect privacy and other important constitutional rights of American citizens. That is why I sponsored, among other laws, the Electronic Communications Privacy Act in 1986 and the Communications Assistance for Law Enforcement Act in 1994, and worked with Senator KYL and Chairman HATCH on passage of the National Information Infrastructure Protection Act in 1996 and, most recently, on identity theft legislation.

When it comes to encryption, I fully appreciate the challenge such technology poses for law enforcement officers, who may increasingly find that the communications they capture during court authorized electronic surveillance is unintelligible because it is scrambled with encryption technology. In the last Congress, I introduced legislation, S. 1587, that contained a provision to criminalize the use of encryption to obstruct justice. Again, in this Congress, I have introduced a bill with such a provision, S. 376, and cosponsored with Senator ASHCROFT yet another bill, S. 2067, that contains a criminal penalty for the willful use of encryption to conceal incriminating communications or information. Thus, taking the step of creating a new crime to address the criminal use of encryption is not a new idea to me.

I remain frustrated that sound encryption legislation was not enacted this year, particularly since this technology is such an effective crime prevention tool. The longer we go without addressing encryption policy in a comprehensive fashion, the longer our computer information, networks and critical infrastructures remain vulnerable to cyber-attacks and theft.

I encourage the FBI to continue working with industry to try to define some cooperative efforts to facilitate court ordered access to encrypted files and communications. But the job of Congress is to ensure that procedural safeguards are in place to guide such cooperation in ways that comport with our Constitution. I look forward to working with Senator KYL, as we have successfully in the past on technology issues, and with other members, on comprehensive encryption legislation that addresses both the criminal use of encryption as well as policy changes to promote the widespread use of encryption as a shield against cybercrime.

CRIMINALIZING THE USE OF ENCRYPTION

Mr. KYL. Mr. President, I am concerned over our inability to advance good policy on encryption this Congress. The Senate has held many hearings on encryption, and there have been a number of bills introduced, with nothing concrete to show for it. What these bills have in common is an approach that would fold all aspects of national policy on encryption into one legislative vehicle. That has been a recipe for gridlock.

Meanwhile, terrorist and criminals and drug lords are increasingly using encryption to hide their acts from law enforcement investigators. This already serious problem will continue to worsen unless we find some way to level the playing field.

In committee, I offered an amendment I believed to be noncontroversial. It would criminalize the use of encryption in furtherance of a crime. It echoes language that appeared in each and every encryption bill introduced this Congress. And yet, it was rejected by some Members because it did not address other aspects of encryption policy. We need to get beyond this all-or-nothing approach.

Mr. HATCH. I am generally supportive of the concept embodied in the amendment offered by the Senator from Arizona which was discussed in committee, and I regret that it was not possible to work out acceptable language to include in this bill. Next Congress, I believe the Judiciary Committee should take up the challenge of reviewing this Nation's encryption policies and ensure that law enforcement agencies can continue to fulfill their critical responsibilities. This review will include a hearing to consider the FBI's proposed Technical Support Center, in order to evaluate its potential for solving some of law enforcement's access concerns. I pledge my support to help enact legislation to address the use of encryption in furtherance of a felony.

Mr. CRAIG. Mr. President, I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2539) was read the third time and passed as follows:

S. 2536

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''International Crime and Anti-Terrorism Amendments of 1998''.

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

Sec. 1. Short title; table of contents.

TITLE I—INVESTIGATING AND PUNISHING VIOLENT CRIMES AGAINST UNITED STATES NATIONALS ABROAD

Sec. 101. Murder and extortion against United States nationals abroad in furtherance of organized crime.

Sec. 102. Murder or serious assault of a State or local official abroad.

TITLE II—STRENGTHENING THE BORDERS OF THE UNITED STATES

Sec. 201. Sanctions for failure to heave to, obstructing a lawful boarding, and providing false information.

TITLE III—DENYING SAFE HAVENS TO INTERNATIONAL CRIMINALS AND ENHANCING NATIONAL SECURITY RESPONSES

Sec. 301. Inadmissibility of persons fleeing prosecution in other countries.

Sec. 302. Inadmissibility of persons involved in racketeering and arms trafficking.

Sec. 303. Clarification of inadmissibility of persons who have benefited from illicit activities of drug traffickers.
Sec. 304. Inadmissibility of persons involved in international alien smuggling.
Sec. 305. Seizure of assets of persons arrested abroad.
Sec. 306. Administrative summons authority under the Bank Secrecy Act.
Sec. 307. Criminal and civil penalties under the International Emergency Economic Powers Act.
Sec. 308. Attempted violations of the Trading With the Enemy Act.
TITLE IV—RESPONDING TO EMERGING INTERNATIONAL CRIME THREATS
Sec. 401. Enhanced authority to investigate computer fraud and attacks on computer systems.
Sec. 402. Jurisdiction over certain financial crimes committed abroad.
TITLE V—PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME
Sec. 501. Sharing proceeds of joint forfeiture operations with cooperating foreign agencies.
Sec. 502. Streamlined procedures for execution of MLAT requests.
TITLE VI—STREAMLINING THE INVESTIGATION AND PROSECUTION OF INTERNATIONAL CRIMES IN UNITED STATES COURTS
Sec. 601. Reimbursement of State and local law enforcement agencies in international crime cases.
Sec. 602. Facilitating the admission of foreign records in United States courts.
Sec. 603. Prohibiting fugitives from benefiting from time served abroad.

TITLE I—INVESTIGATING AND PUNISHING VIOLENT CRIMES AGAINST UNITED STATES NATIONALS ABROAD

SEC. 101. MURDER AND EXTORTION AGAINST UNITED STATES NATIONALS ABROAD IN FURTHERANCE OF ORGANIZED CRIME.

Section 2332 of title 18, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e);

(2) by inserting after subsection (c) the following:

''(d) EXTORTION OF UNITED STATES NATIONALS ABROAD.—Whoever commits or attempts to commit extortion against a national of the United States, while the national is outside the United States, shall be fined under this title, imprisoned not more than 20 years, or both.'';

(3) in subsection (e), as redesignated, by inserting '', or was intended to further the objectives of an organized criminal group. A certification under this paragraph shall not be subject to judicial review'' before the period at the end; and

(4) by adding at the end the following:

''(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed as indicating an intent on the part of Congress—

''(1) to interfere with the exercise of criminal jurisdiction by the nation or nations in which the criminal act occurred; or

''(2) to mandate that each potential violation should be the subject of investigation or prosecution by the United States.

''(g) DEFINITIONS.—In this section—

''(1) the term 'extortion' means the obtaining of property worth $100,000 or more from another by threatening or placing another person in fear that any person will be subjected to bodily injury or kidnapping or that any property will be damaged or destroyed; and

''(2) the term 'organized criminal group' means a group that has a hierarchical structure or is a continuing enterprise, and that is engaged in or has as a purpose the commission of an act or acts that would constitute racketeering activity (as defined in section 1961) if committed within the United States.''.

SEC. 102. MURDER OR SERIOUS ASSAULT OF A STATE OR LOCAL OFFICIAL ABROAD.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

''§ 1123. Murder or serious assault of a State or local law enforcement, judicial, or other official abroad

''(a) DEFINITIONS.—In this section:

''(1) SERIOUS BODILY INJURY.—The term 'serious bodily injury' has the meaning given the term in section 2119.

''(2) STATE.—The term 'State' has the meaning given the term in section 245(d).

''(b) PENALTIES.—Whoever, in the circumstance described in subsection (c)—

''(1) kills or attempts to kill an official of a State or a political subdivision thereof shall be punished as provided in sections 1111, 1112, and 1113; or

''(2) assaults an official of a State or a political subdivision thereof, if that assault results in serious bodily injury shall be punished as provided in section 113.

''(c) CIRCUMSTANCE DESCRIBED.—The circumstance described in this subsection is that the official of a State or political subdivision—

''(1) is outside the territorial jurisdiction of the United States; and

''(2) is engaged in, or the prohibited activity occurs on account of the performance by that official of training, technical assistance, or other assistance to the United States or a foreign government in connection with any program funded, in whole or in part, by the Federal Government.

''(d) LIMITATIONS ON PROSECUTION.—No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated and shall not be subject to judicial review.

''(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to indicate an intent on the part of Congress—

''(1) to interfere with the exercise of criminal jurisdiction by the nation or nations in which the criminal act occurred; or

''(2) to mandate that each potential violation should be the subject of investigation or prosecution by the United States.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following:

''1123. Murder or serious assault of a State or local law enforcement, judicial, or other official abroad.''.

TITLE II—STRENGTHENING THE BORDERS OF THE UNITED STATES

SEC. 201. SANCTIONS FOR FAILURE TO HEAVE TO, OBSTRUCTING A LAWFUL BOARDING, AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''§ 2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information

''(a) DEFINITIONS.—In this section:

''(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' has the meaning given that term in section 115(c).

''(2) HEAVE TO.—The term 'heave to' means, with respect to a vessel, to cause that vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and the sea state.

''(3) VESSEL OF THE UNITED STATES; VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The terms 'vessel of the United States' and 'vessel subject to the jurisdiction of the United States' have the meanings given those terms in section 3 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

''(b) FAILURE TO OBEY AN ORDER TO HEAVE TO.—

''(1) IN GENERAL.—It shall be unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States, to fail to obey an order to heave to that vessel on being ordered to do so by an authorized Federal law enforcement officer.

''(2) IMPEDING BOARDING; PROVIDING FALSE INFORMATION IN CONNECTION WITH A BOARDING.—It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States knowingly or willfully to—

''(A) fail to comply with an order of an authorized Federal law enforcement officer in connection with the boarding of the vessel;

''(B) impede or obstruct a boarding or arrest, or other law enforcement action authorized by any Federal law; or

''(C) provide false information to a Federal law enforcement officer during a boarding of a vessel regarding the destination, origin, ownership, registration, nationality, cargo, or crew of the vessel.

''(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to limit the authority granted before the date of enactment of the International Crime and Anti-Terrorism Amendments of 1998 to—

''(1) a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other provision of law enforced or administered by the United States Customs Service; or

''(2) any Federal law enforcement officer under any Federal law to order a vessel to heave to.

''(d) CONSENT OR WAIVER OF OBJECTION BY A FOREIGN COUNTRY.—

''(1) IN GENERAL.—A foreign country may consent to or waive objection to the enforcement of United States law by the United States under this section by international agreement or, on a case-by-case basis, by radio, telephone, or similar oral or electronic means.

''(2) PROOF OF CONSENT OR WAIVER.—The Secretary of State or a designee of the Secretary of State may prove a consent or waiver described in paragraph (1) by certification.

''(e) PENALTIES.—Any person who intentionally violates any provision of this section shall be fined under this title, imprisoned not more than 5 years, or both.

''(f) SEIZURE OF VESSELS.—

''(1) IN GENERAL.—A vessel that is used in violation of this section may be seized and forfeited.

''(2) APPLICABILITY OF LAWS.—

''(A) IN GENERAL.—Subject to subparagraph (C), the laws described in subparagraph (B) shall apply to seizures and forfeitures undertaken, or alleged to have been undertaken, under any provision of this section.

''(B) LAWS DESCRIBED.—The laws described in this subparagraph are the laws relating to the seizure, summary, judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of the property or the proceeds from the sale thereof, the remission or mitigation of the forfeitures, and the compromise of claims.

''(C) EXECUTION OF DUTIES BY OFFICERS AND AGENTS.—Any duty that is imposed upon a customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to a seizure or forfeiture of property under this section by the officer, agent, or other person that is authorized or designated for that purpose.

''(3) IN REM LIABILITY.—A vessel that is used in violation of this section shall, in addition to any other liability prescribed under this subsection, be liable in rem for any fine or civil penalty imposed under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 109 of title 18, United States Code, is amended by adding at the end the following:

''2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information.''.

TITLE III—DENYING SAFE HAVENS TO INTERNATIONAL CRIMINALS AND ENHANCING NATIONAL SECURITY RESPONSES

SEC. 301. INADMISSIBILITY OF PERSONS FLEEING PROSECUTION IN OTHER COUNTRIES.

(a) NEW GROUNDS OF INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

''(G) UNLAWFUL FLIGHT TO AVOID PROSECUTION.—Any alien who is coming to the United States solely, principally, or incidentally to avoid lawful prosecution in a foreign country for a crime involving moral turpitude (other than a purely political offense) is inadmissible.''.

(b) COUNTRIES TO WHICH ALIENS MAY BE REMOVED.—Section 241(b) of the Immigration and Nationality Act (8 U.S.C. 1231(b)) is amended—

(1) in paragraph (3)(A), by striking ''(1) and (2)'' and inserting ''(1), (2), and (4)''; and

(2) by adding at the end the following:

''(4) ALIENS SOUGHT FOR PROSECUTION.—Notwithstanding paragraphs (1) and (2) of this subsection, any alien who is found removable under section 212(a)(2)(G) (or section 212(a)(2)(G) as applied pursuant to section 237(a)(1)(A)), shall be removed to the country seeking prosecution of that alien unless, in the discretion of the Attorney General, the removal is determined to be impracticable, inadvisable, or impossible. In that case, removal shall be directed according to paragraphs (1) and (2) of this subsection.''.

SEC. 302. INADMISSIBILITY OF PERSONS INVOLVED IN RACKETEERING AND ARMS TRAFFICKING.

(a) NEW GROUNDS OF INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

''(H) RACKETEERING ACTIVITIES.—Any alien is inadmissible if the consular officer or the Attorney General knows or has reason to believe that the alien is or has been engaged in activities that, if engaged in within the United States, would constitute 'pattern of racketeering activity' (as defined in section 1961 of title 18, United States Code) or has been a knowing assister, abettor, conspirator, or colluder with others in any such illicit activity.

''(I) TRAFFICKING IN FIREARMS OR NUCLEAR OR EXPLOSIVE MATERIALS.—Any alien inadmissible if the consular officer or the Attorney General knows or has reason to believe that the alien is or has been engaged in illicit trafficking of firearms (as defined in section 921 of title 18, United States Code), nuclear materials (as defined in section 831 of title 18, United States Code), or explosive materials (as defined in section 841 of title 18, United States Code); or has been a knowing assister, abettor, conspirator, or colluder with others in the illicit activity.''.

(b) WAIVER AUTHORITY.—Section 212(h) of the Immigration and Nationality Act (8 U.S.C. 1182) is amended, in the matter preceding paragraph (1)—

(1) by striking ''The Attorney General'' and all that follows through ''of subsection (a)(2)'' and inserting the following: ''The Attorney General may, as a matter of discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2),''; and

(2) by inserting before ''if—'' the following: '', and subparagraph (H) of that subsection insofar as it relates to an offense other than an aggravated felony''.

SEC. 303. CLARIFICATION OF INADMISSIBILITY OF PERSONS WHO HAVE BENEFITED FROM ILLICIT ACTIVITIES OF DRUG TRAFFICKERS.

Section 212(a)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1182 (a)(2)(C)) is amended to read as follows:

''(C) CONTROLLED SUBSTANCE TRAFFICKERS.—Any alien is inadmissible if the consular officer or the Attorney General knows or has reason to believe that the alien is or has been an illicit trafficker in any controlled substance or in any listed chemical or listed precursor chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), or is or has been a knowing assister, abettor, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical.''.

SEC. 304. INADMISSIBILITY OF PERSONS INVOLVED IN INTERNATIONAL ALIEN SMUGGLING.

Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(6), by striking subparagraph (E) and inserting the following:

''(E) SMUGGLERS.—Any alien is inadmissible if, at any time, the alien has knowingly encouraged, induced, assisted, abetted, or aided any other alien—

''(i) to enter or try to enter the United States in violation of law; or

''(ii) to enter or try to enter any other country, if that alien knew or reasonably should have known that the entry or attempted entry was likely to be in furtherance of the entry or attempted entry by that alien into the United States in violation of law.''; and

(2) in subsection (d)(11)—

(A) by striking ''clause (i) of''; and

(B) by inserting ''or to enter any other country in furtherance of an entry or attempted entry into the United States in violation of law'' before the period at the end.

SEC. 305. SEIZURE OF ASSETS OF PERSONS ARRESTED ABROAD.

Section 981(b) of title 18, United States Code, is amended by adding at the end the following:

''(3)(A) If any person is arrested or charged in a foreign country in connection with an offense that would give rise to the forfeiture of property in the United States under this section or under the Controlled Substances Act, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the property is located for an ex parte order restraining the property subject to forfeiture for not more than 30 days, except that the time may be extended for good cause shown at a hearing conducted in the manner provided in Rule 43(e), Federal Rules of Civil Procedure.

''(B) An application for a restraining order under subparagraph (A) shall—

''(i) set forth the nature and circumstances of the foreign charges and the basis for belief that the person arrested or charged has property in the United States that would be subject to forfeiture; and

''(ii) contain a statement that the restraining order is necessary to preserve the availability of property for such time as is necessary to receive evidence from the foreign country or elsewhere in support of probable cause for the seizure of the property under this subsection.''.

SEC. 306. ADMINISTRATIVE SUMMONS AUTHORITY UNDER THE BANK SECRECY ACT.

Section 5318(b) of title 31, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) SCOPE OF POWER.—The Secretary of the Treasury may take any action described in paragraph (3) or (4) of subsection (a) for the purpose of—

''(A) determining compliance with the rules of this subchapter or any regulation issued under this subchapter; or

''(B) civil enforcement of violations of this subchapter, section 21 of the Federal Deposit Insurance Act, section 411 of the National Housing Act, or chapter 2 of Public Law 91–508 (12 U.S.C. 1951 et seq.), or any regulation issued under any such provision.''.

SEC. 307. CRIMINAL AND CIVIL PENALTIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

(a) INCREASED CIVIL PENALTY.—Section 206(a) of the International Emergency Economic Powers Act (50 U.S.C. 1705(a)), is amended by striking ''$10,000'' and inserting ''$50,000''.

(b) INCREASED CRIMINAL FINE.—Section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)), is amended to read as follows:

''(b) Whoever willfully violates any license, order, or regulation issued under this chapter shall be fined not more than $1,000,000 if an organization (as defined in section 18 of title 18, United States Code), and not more than $250,000, imprisoned not more than 10 years, or both, if an individual.''.

SEC. 308. ATTEMPTED VIOLATIONS OF THE TRADING WITH THE ENEMY ACT.

Section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16) is amended—

(1) in subsection (a), by inserting ''or attempt to violate'' after ''violate'' each time it appears; and

(2) in subsection (b)(1), by inserting ''or attempts to violate'' after ''violates''.

TITLE IV—RESPONDING TO EMERGING INTERNATIONAL CRIME THREATS

SEC. 401. ENHANCED AUTHORITY TO INVESTIGATE COMPUTER FRAUD AND ATTACKS ON COMPUTER SYSTEMS.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting '', a felony violation of section 1030 (relating to computer fraud and attacks on computer systems)'' before ''section 1992 (relating to wrecking trains)''.

SEC. 402. JURISDICTION OVER CERTAIN FINANCIAL CRIMES COMMITTED ABROAD.

Section 1029 of title 18, United States Code, is amended by adding at the end the following:

''(g) JURISDICTION OVER CERTAIN FINANCIAL CRIMES COMMITTED ABROAD.—Any person who, outside the jurisdiction of the United States, engages in any act that, if committed within the jurisdiction of the United States, would constitute an offense under subsection (a) or (b), shall be subject to the same penalties as if that offense had been committed in the United States, if the act—

''(1) involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

''(2) causes, or if completed would have caused, a transfer of funds from or a loss to an entity listed in paragraph (1).''.

TITLE V—PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME

SEC. 501. SHARING PROCEEDS OF JOINT FORFEITURE OPERATIONS WITH COOPERATING FOREIGN AGENCIES.

(a) IN GENERAL.—Section 981(i)(1) of title 18, United States Code, is amended by striking ''this chapter'' and inserting ''any provision of Federal law''.

(b) CONFORMING AMENDMENT.—Section 511(e)(1) of the Controlled Substances Act (21 U.S.C. 881(e)(1)) is amended—

(1) in subparagraph (C), by adding ''or'' at the end;

(2) in subparagraph (D), by striking ''; or'' and inserting a period; and

(3) by striking subparagraph (E).

SEC. 502. STREAMLINED PROCEDURES FOR EXECUTION OF MLAT REQUESTS.

(a) IN GENERAL.—Chapter 117 of title 28, United States Code, is amended by adding at the end the following:

''§ 1790. Assistance to foreign authorities

''(a) IN GENERAL.—

''(1) PRESENTATION OF REQUESTS.—The Attorney General may present a request made by a foreign government for assistance with respect to a foreign investigation, prosecution, or proceeding regarding a criminal matter pursuant to a treaty, convention, or executive agreement for mutual legal assistance between the United States and that government or in accordance with section 1782, the execution of which requires or appears to require the use of compulsory measures in more than 1 judicial district, to a judge or judge magistrate of—

''(A) any 1 of the districts in which persons who may be required to appear to testify or produce evidence or information reside or are found, or in which evidence or information to be produced is located; or

''(B) the United States District Court for the District of Columbia.

''(2) AUTHORITY OF COURT.—A judge or judge magistrate to whom a request for assistance is presented under paragraph (1) shall have the authority to issue those orders necessary to execute the request including orders appointing a person to direct the taking of testimony or statements and the production of evidence or information, of whatever nature and in whatever form, in execution of the request.

''(b) AUTHORITY OF APPOINTED PERSONS.—A person appointed under subsection (a)(2) shall have the authority to—

''(1) issue orders for the taking of testimony or statements and the production of evidence or information, which orders may be served at any place within the United States;

''(2) administer any necessary oath; and

''(3) take testimony or statements and receive evidence and information.

''(c) PERSONS ORDERED TO APPEAR.—A person ordered pursuant to subsection (b)(1) to appear outside the district in which that person resides or is found may, not later than 10 days after receipt of the order—

''(1) file with the judge or judge magistrate who authorized execution of the request a motion to appear in the district in which that person resides or is found or in which the evidence or information is located; or

''(2) provide written notice, requesting appearance in the district in which the person resides or is found or in which the evidence or information is located, to the person issuing the order to appear, who shall advise the judge or judge magistrate authorizing execution.

''(d) TRANSFER OF REQUESTS.—

''(1) IN GENERAL.—The judge or judge magistrate may transfer a request under subsection (c), or that portion requiring the appearance of that person, to the other district if—

''(A) the inconvenience to the person is substantial; and

''(B) the transfer is unlikely to adversely affect the effective or timely execution of the request or a portion thereof.

''(2) EXECUTION.—Upon transfer, the judge or judge magistrate to whom the request or a portion thereof is transferred shall complete its execution in accordance with subsections (a) and (b).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 28, United States Code, is amended by adding at the end the following:

''1790. Assistance to foreign authorities.''.

TITLE VI—STREAMLINING THE INVESTIGATION AND PROSECUTION OF INTERNATIONAL CRIMES IN UNITED STATES COURTS

SEC. 601. REIMBURSEMENT OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN INTERNATIONAL CRIME CASES.

The Attorney General may obligate, as necessary expenses, from any appropriate appropriation account available to the Department of Justice in fiscal year 1998 or any fiscal year thereafter, the cost of reimbursement to State or local law enforcement agencies for translation services and related expenses, including transportation expenses, in cases involving extradition or requests for mutual legal assistance from foreign governments.

SEC. 602. FACILITATING THE ADMISSION OF FOREIGN RECORDS IN UNITED STATES COURTS.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

''§ 2466. Foreign records

''(a) DEFINITIONS.—In this section:

''(1) BUSINESS.—The term 'business' includes business, institution, association, profession, occupation, and calling of every kind whether or not conducted for profit.

''(2) FOREIGN CERTIFICATION.—The term 'foreign certification' means a written declaration made and signed in a foreign country by the custodian of a record of regularly conducted activity or another qualified person, that if falsely made, would subject the maker to criminal penalty under the law of that country.

''(3) FOREIGN RECORD OF REGULARLY CONDUCTED ACTIVITY.—The term 'foreign record of regularly conducted activity' means a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, maintained in a foreign country.

''(4) OFFICIAL REQUEST.—The term 'official request' means a letter rogatory, a request under an agreement, treaty or convention, or any other request for information or evidence made by a court of the United States or an authority of the United States having law enforcement responsibility, to a court or other authority of a foreign country.

''(b) FOREIGN RECORDS.—In a civil proceeding in a court of the United States, including civil forfeiture proceedings and proceedings in the United States Claims Court and the United States Tax Court, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness, a foreign record of regularly conducted activity, or copy of the record, obtained pursuant to an official request, shall not be excluded as evidence by the hearsay rule if the foreign certification is obtained pursuant to subsection (c).

''(c) FOREIGN CERTIFICATION.—A foreign certification meeting the requirements of this subsection is a foreign certification, obtained pursuant to an official request, that adequately identifies the foreign record and attests that—

''(1) the record was made, at or near the time of the occurrence of the matters set forth, by (or from information transmitted by) a person with knowledge of those matters;

''(2) the record was kept in the course of a regularly conducted business activity;

''(3) the business activity made or kept such a record as a regular practice; and

''(4) if the record is not the original, the record is a duplicate of the original.

''(d) AUTHENTICATION.—A foreign certification under this section shall authenticate the record or duplicate.

''(e) CONSIDERATION OF MOTION.—

''(1) NOTICE.—As soon as practicable after a responsive pleading has been filed, a party intending to offer in evidence under this section a foreign record of regularly conducted activity shall provide written notice of that intention to each other party.

''(2) OPPOSING MOTION.—A motion opposing admission in evidence of the record under paragraph (1) shall be made by the opposing party and determined by the court before trial. Failure by a party to file that motion before trial shall constitute a waiver of objection to the record or duplicate, but the court for cause shown may grant relief from the waiver.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

''2466. Foreign records.''.

SEC. 603. PROHIBITING FUGITIVES FROM BENEFITING FROM TIME SERVED ABROAD.

Section 3585 of title 18, United States Code, is amended by adding at the end the following:

''(c) EXCLUSION FOR TIME SERVED ABROAD.—Notwithstanding subsection (b), a defendant shall receive no credit for any time spent in official detention in a foreign country if—

''(1) the defendant fled from, or remained outside of, the United States to avoid prosecution or imprisonment;

''(2) the United States officially requested the return of the defendant to the United States for prosecution or imprisonment; and

''(3) the defendant is in custody in the foreign country pending surrender to the United States for prosecution or imprisonment.''.

COMMENDING THE CREW MEMBERS OF THE U.S. NAVY DESTROYERS OF DESRON 61

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 308, introduced earlier today by Senators DODD and INOUYE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 308) commending the crew members of the U.S. Navy destroyers of Desron 61 for their heroism, intrepidity and skill in action in the only surface engagement occurring inside Tokyo Bay during World War II.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I rise today to commend the crews of the

United States Navy destroyers of Destroyer Squadron 61 who participated in the July 22, 1945 surface naval engagement in Tokyo Bay. That night, the squadron detached from Admiral Halsey's Task Group 38.1, avoided a typhoon, and steamed towards the Japanese mainland. The alert sailors of the squadron identified radar contacts that turned out to be a four-ship Japanese convoy. The squadron commander maneuvered his destroyers on various courses and attacked the convoy with gunfire and torpedoes. At the conclusion of the daring surface engagement, two enemy ships had been sunk, one probably sunk, and one damaged. United States forces suffered neither damage nor casualties. The nine destroyers of the squadron were: U.S.S. *DeHaven*, U.S.S. *Mansfield*, U.S.S. *Swenson*, U.S.S. *Collett*, U.S.S. *Maddox*, U.S.S. *Blue*, U.S.S. *Brush*, U.S.S. *Taussig*, and U.S.S. *Moore*. The sailors who manned those destroyers during this unprecedented operation are deserving of this nation's deepest gratitude, and I hope that my colleagues will join me in this small act of recognition.

Mr. CRAIG. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statement relating thereto be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 308) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 308

Whereas DesRon 61, a group of nine United States destroyers composed of the U.S.S. DeHaven (DD 727), U.S.S. Mansfield (DD 728), U.S.S. Swenson (DD 729), U.S.S. Collett (DD 730), U.S.S. Maddox (DD 731), U.S.S. Blue (DD 744) U.S.S. Brush (DD 745) U.S.S. Taussig (DD 746) and U.S.S. Moore (DD 747), and commanded by Captain T.H. Hederman, penetrated Tokyo Bay, Japan, on rough seas and at night;

Whereas, although surrounded in darkness, the vigilant and intrepid members of the crews of the United States destroyers were able to detect a Japanese convey attempting to sneak out of Tokyo Bay along the coastline, engage and defeat the heavily-armed warships of the Imperial Japanese Navy escorting the convoy, and subdue the convoy; and

Whereas the victory was gained without the loss of a single sailor or ship: Now, therefore, be it

Resolved, That the Senate, on behalf of the people of the United States commends the members of the crews of the United States Navy destroyers of DesRon 61 who participated in the July 22, 1945, surface naval engagement in Tokyo Bay for their heroism, intrepidity, and skill in battle that contributed to the defeat of Japanese forces in World War II.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MCCONNELL). Without objection, it is so ordered.

RECESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m. today.

There being no objection, at 1 p.m., the Senate recessed until 2:28 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Washington, asks and grants unanimous consent that morning business be extended until 3:30 p.m., with Senators permitted to speak for up to 5 minutes each, and suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Washington, rescinds the order for the quorum call.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. The Senate stands in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:45 p.m., recessed until 3:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GORTON].

The PRESIDING OFFICER. The acting President, in his capacity as a Senator from the State of Washington, notes the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL RESERVE BOARD REDUCES INTEREST RATES

Mr. CONRAD. Mr. President, I have just learned that the Federal Reserve Board has moved to reduce interest rates by a quarter of a point. The irony for me is that about an hour ago, I came to the floor to give a speech to urge the Federal Reserve Board to take action to reduce interest rates. I left my office to come here, and just when I arrived, the Chair had left for the press informational meeting.

I do not know exactly when the Federal Reserve Board acted, but I was going to urge them to take such action because of the growing financial crisis we see around the world. I noted in the speech that I intended to give about an hour ago, urging the Federal Reserve Board to take this action, that recently Newsweek magazine had a cover story entitled ''The Crash of 1999: It Doesn't Have to Happen.''

I also noted that yesterday in the Wall Street Journal there was an opinion piece by Robert Eisner entitled ''Act Now to Prevent a Recession,'' and a news story also in yesterday's Wall Street Journal indicating that ''Asia Waits in Vain for Money to Return.''

Mr. President, the point that is critically important to understand is that we cannot be an island unto ourselves. I noted with interest the statement of Alan Greenspan, the head of the Federal Reserve, on September 23, 1998, when he said:

> It is not credible that the United States, or for that matter Europe, can remain an oasis of prosperity unaffected by a world that is experiencing greatly increased stress.

It seems very clear the United States is being affected. We have seen growth in the second quarter of 1998 drop to 1.6 percent—down from 5.5 percent in the first quarter. And if corporate profits sag, the business investment which has accounted for nearly a third of our growth over the last 4 years could decline.

Most importantly, the world economic situation is deeply troubling. If we look at what has happened in world stock markets, going back to September of last year and then looking forward to August of this year, only the United States has been holding up. We have seen dramatic declines in Japan, in Hong Kong, and, of course, a virtual collapse in Russia.

Earlier this summer, I was at a meeting with the Russians in Europe. At that meeting, I met with the top people of their economics institute who went through the actual numbers, the financial numbers, for Russia. And I must say, I left there increasingly alarmed. Frankly, Russia is in much deeper trouble than I think is commonly understood. They explained to me that they have at the national level about $3 billion a month of income—$3 billion. They have about $5 billion of fixed expenses.

Mr. President, they have short-term debt due by the end of this year of $41 billion. They are in deep trouble. They are engaged in a giant Ponzi scheme of taking in money from outside and paying those that they are under the most pressure to pay. None of it adds up.

This financial collapse in Russia, coupled with the Asian financial situation, threatens not only most of the developing world but it also can certainly have a dramatic effect on economic growth here at home. That is why I believe it is imperative that the United States take action, specifically with regard to the Federal Reserve Board reducing interest rates to give an additional lift to this economy.

I am very pleased that the Federal Reserve Board took action today to reduce rates a quarter of 1 percent. But I

think it is going to take more than that to get us through this crisis, to prevent a recession from hitting America.

Total U.S. export volume has fallen nearly 6 percent this year, a very sharp reversal over the steady export increases in the preceding 6 years. In addition, the dollar value of our exports to Asia has dropped 13 percent this year while our trade deficit with Asia is projected to increase by nearly $50 billion from last year.

Prices received by U.S. exporters, including our farmers, have fallen. I represent a farm State, perhaps the most agricultural or certainly one of the most agricultural States in our Nation. I can tell you, we are already in a deep recession because of collapsing commodity prices. Those prices are at a 52-year low, adjusted for inflation. So in real terms, the prices our farmers are getting are at a 52-year low. No wonder we have just had to pass a $6 billion rescue package.

In addition, I think it is important to understand that one of the key reasons the Federal Reserve Board has been reluctant to reduce interest rates is because they are concerned about inflation. Well, I do not think inflation is the threat. There currently is virtually no inflation in the U.S. economy.

Over the last 12 months, consumer prices are up less than 2 percent; in fact, they are up about 1.7 percent. Producer prices are actually declining. We are actually experiencing deflation in producer prices. And at that very moment, the real Federal funds rate is at a very high level. The real rate is at about 4 percent. Historically, if we look at the record, the real Federal funds rate is about 2 percent. So the real rate we are paying for interest on money today is about double the historical rate.

Mr. President, that could be understood if we were facing an inflationary threat. But I believe, and I think the evidence suggests, that the greatest threat we are facing is a threat of recession. That is why I am very pleased the Federal Reserve acted today to reduce rates an additional one-quarter of 1 percent. I was disappointed when, at their last meeting, they did not cut more aggressively. And I hope they do not stop here. Further easing of interest rates is going to be necessary to avoid a very serious economic slowdown not only here but around the rest of the world.

If you look at economic history, when other countries are slowing down—and we have seen dramatic slowdowns in much of Asia, in Russia, and now we are seeing the creeping effect of that slowdown in Central America, in Latin America, and South America—the only way to prevent this all from leading to recession here at home is to give a lift to the economy. And the best and simplest and most direct way to give a lift to this economy is to lower interest rates.

As I have indicated, the real rate of interest in this country is at about double the historical rate. So certainly there is room for additional easing to avoid recession here and to help lift the rest of the world out of economic slowdown—in some cases a recession, in some cases potentially much worse than that.

Mr. President, lower interest rates will expand consumer buying power, provide an important stimulus to the U.S. economy, and help restore consumer confidence, which has dropped markedly since the beginning of the year. Businesses, of course, will also be paying less in interest costs, which will help to sustain profits and to encourage continued strong business investment. Finally, lower interest rates will make other investments in troubled economies more attractive, helping to stem capital outflows from those countries that are so deeply troubled.

Additional interest rate cuts will send important psychological reassurance to world markets and to American consumers and businesses. Cutting interest rates is, I believe, a prudent insurance policy against the threat of recession here at home and a deepening recession abroad.

The Federal Reserve Board should be commended for taking action today. And I would urge them to be prepared to take further action to avoid the kind of slowdown in this country that will only make world recovery that much more difficult.

A BUDGET AGREEMENT

Mr. CONRAD. Mr. President, I also want to note that we have now had a budget agreement. I just heard the announcement of our colleagues that we have reached a conclusion. I know there are details still to be sorted out, but this is good news. But I must say, I do not think we are ending on a proud note. We are going to wind up with eight appropriations bills grouped together in one omnibus package.

That isn't the way we ought to do business here. And, frankly, this situation with omnibus appropriations bills has been getting worse every year. Five bills were grouped together 3 years ago; six bills were grouped together two years ago; and now eight bills will be grouped together this year. This is not the way we ought to conduct ourselves. And I think there was a failure this year, a failure for the first time in 24 years, with no budget resolution. The budget resolution, after all, is the blueprint that guides us in the appropriations process.

I think there was a substantial failure this year, the first time since we have had a Budget Act, a failure to achieve a budget resolution. That slowed the appropriations process and left us in this posture of having to group all of these bills together—which comprise a third of all federal spending—and pass them, perhaps in a vote that won't even be a recorded rollcall vote. It is a sorry spectacle and one which I think brings dishonor to this Chamber.

I hope very much we find a way to avoid this practice in the future. I hope very much that next year we would have a budget resolution, we would have it on time, or close to on time. After all, the budget resolution was supposed to have been done April 15. For the first time in 24 years we did not have a budget resolution. In addition, we missed the deadlines, although that has happened often, but always before we have achieved a budget resolution. This year, for the first time in 24 years, there was none.

I remember very well President Reagan said in his 1987 State of the Union Message that we should never again have a continuing resolution that had multiple appropriations bills all stacked together. In his budget message in February of 1988 he said very clearly to Congress, ''Don't do this anymore. Don't do it again. It is wrong.'' Yet here we are, falling back into these old ways. It is unfortunate.

With respect to this agreement, I think it is also important to say that the surplus has, by and large, been preserved. There are emergency spending measures, that Congress and its Leadership must designate as ''emergencies.'' I think one could question whether all of them really constitute emergencies, but, by and large, they are emergencies. The agriculture emergency, certainly that is an emergency response; the spending for the embassies that were destroyed by terrorist attack, certainly that constitutes emergency spending; much of the spending that is in the defense bill constitutes emergency spending.

Those items, under our own budget rules, are considered outside the normal budget process. We have avoided what some were advocating—a very massive multi-year tax reduction, which would have come directly from the Social Security surplus. I think that would have been a profound mistake. I, for one, believe the American people deserve a tax cut, but I don't think it should come from raiding Social Security surpluses.

Some of the language we use in this town is somewhat misleading. We say that there is a $70 billion surplus on a unified basis. That means when you put all of the revenue of the Federal Government in the pot and all of the spending of the Federal Government into the same pot, we have $70 billion more in terms of revenue than we have in terms of spending. But it is important to remember that is counting the Social Security funds. This year Social Security is running a $105 billion surplus. If we put the Social Security money aside—which we should do—we would still be running a budget deficit of $35 billion.

Until and unless that operating deficit is ended—and we now project that will end in 2002, and we won't be using any Social Security surpluses in that year, and we will actually balance on what I consider a true basis—until that is achieved, I don't believe it is appropriate to have new nonemergency

spending or to have unpaid-for tax cuts. If we are going to have new spending that is nonemergency spending, it ought to be paid for. If we are going to have tax reductions, they ought to be paid for. New spending and new tax breaks should not be paid for by taking it from the Social Security surplus. That is truly robbing Peter to pay Paul.

I am pleased that other than the emergency spending, we don't have new spending that is not offset by cuts in other spending. I am also pleased that we didn't embark on a risky tax cut scheme that would have been paid for, in whole, out of Social Security surpluses. I believe that would have been irresponsible.

I am remiss if I do not end on a note on agriculture. As I indicated, agriculture is critically important to my State. North Dakota has 40 percent of its State's income, 40 percent of its State's economy, based on agriculture. North Dakota, like many agricultural States, is in deep trouble. From 1996 to 1997, we saw farm income decline 98 percent. That is a disaster. That is an emergency by any definition. It is the result of a combination of the lowest prices in 52 years, coupled with natural disasters that have spread the disease called scab through our fields which have reduced production, coupled with bad policy. Frankly, it is a trade policy that allows unfairly traded Canadian grain to sweep into our country, displacing our own grain, reducing our own prices, putting enormous pressure on our farm producers.

In the midst of all of this, our chief competitors, the Canadians and the Europeans, are spending 10 times as much as we are to support their farm producers. They are spending nearly $50 billion a year while we are spending, under the new farm bill, about $5 billion a year.

Those are the pressures that our producers are under. It is an emergency. It is a disaster. I am very pleased that we have responded with a $6 billion package. I want to be swift to say that is not enough. The pain felt by farm families and the hole in income in farm country is so deep that even $6 billion won't fill it, but it will certainly help. We have come a long way from the moment in July that I offered on this floor a $500 million indemnity payment plan for those areas devastated by natural disaster.

I say a special thanks to my colleague, Senator DORGAN, who cosponsored that amendment, and to Senator CRAIG, of Idaho, who is on the floor, who gave great help and support to us in that effort and who has played a leading role in trying to win greater support as the need increased, as natural disasters spread from our part of the country to other parts. We saw later this year drought conditions in Oklahoma, Texas and Louisiana, and hurricanes that affected much of the coastal areas of the southeastern United States. It started in our part of the country but it spread. That required a greater response. Again, I thank my colleague, Senator CRAIG, for the very constructive role that he played in assisting us to get a much stronger, more robust package of disaster assistance.

I yield the floor.

Mr. CRAIG. Let me thank my colleague from North Dakota for those kind words. While he and I might disagree on policy as it relates to how we respond to American agriculture, we did not disagree and we do not disagree on the need. There are consequences if we fail to respond to that need at a time when markets are being taken away from production agriculture in this country. We have seen dramatic declines in commodity prices across the board.

He and I agree on Canadian trade policy. We are very frustrated by what appears to be a one-way flow of commodities out of Canada with very little moving from our side into Canada; and when it attempts to move, finding all kinds of restrictions.

I must tell the Senator from North Dakota I have been very frustrated with this administration, that they have not taken a more aggressive role in trying to determine why those differences have come about and responding to them. Thanks to our Governors, collectively, and our urging, the administration is now making some response in that area. I hope it is very, very productive.

Canadians need to understand that under the North American Free Trade Agreement it is not a one-way street, nor should it be.

I would agree also with my colleague from North Dakota as it relates to the response by the chairman of the Federal Reserve today. We probably would not differ on our concern over the analysis of the current world economic situation. I hope that our economy will respond to lower interest rates, but I must say that our economy also responds to tax cuts. Our economy also responds when consumers are having to pay less to their Federal Government and are allowed more of their own hard-earned money to stay in their pockets.

But this administration was adamant this year, and we were unable to effectively respond to what I thought, and others thought, was a need for a reasonable tax cut in certain areas. There is an interesting analysis that we have just done as it relates to the obstructive nature of policy used on the floor of the Senate this year by our colleagues on the other side. In the last four years, the need for cloture—that is a term used here in a procedural effort to shut down a filibuster effort so that we can proceed to deal with a bill—had to be used four times more than in the preceding years under a Democrat-controlled Senate. In other words, there was a concerted effort this year by my colleagues on the other side of the aisle to simply stop the process, to slow it down, to force cloture, to seek endless debates.

So it becomes very frustrating when you are trying to do the business of the citizens, to move a timely budget process, a timely appropriations process that requires the necessary voting on 13 different appropriations bills to fund Government, to get it done when, day after day, debate is made on issues that are not relevant to the procedure and, in some instances, not relevant to the policy at hand. But that is a tactic that can be used and is legitimate before the Senate. I am not denying its legitimacy; I am denying the repetitiveness in which it was used as compared to the prior four years under a Democrat Senate, with George Mitchell as leader of the U.S. Senate. There has been nearly a four times greater need to file cloture so as to move the process forward. In other words, was there a directed effort to slow down the Congress, to slow down the Senate this year? I think the statistics and the history will clearly demonstrate that is the case.

Be that as it may, it was important that we ultimately finish our work and that we adjourn. We are now on the eve of an adjournment because our work is done. We now have completed the appropriations process. We have done so in a way that dealt with the needs of this administration and the balance of power that, by Constitution, must and does occur in our Government. I will tell you that the end product isn't all that I would like, and there is a lot in it that I don't care for. But that is not unusual in any process where compromise is necessary to produce a final product.

So I am pleased to say that that final product has been produced, that our majority leader labored mightily with the speaker, with representatives from the administration, and with representatives of our colleagues on the other side of the aisle to resolve this issue. Should it have been done here on the floor in open debate? Yes. If we hadn't had to file over 100 cloture motions in the last four years, the process would have been much different. But that is the character of the Senate itself, and those are the rules under which we operate. Having to deal with those rules and the obstructive nature that can be applied to the process, I think we can declare a successful session. I hope that is the case in the end.

Is the surplus produced by a balanced budget, which Republicans are proud of, intact? Yes, it is, by a very large amount. But it is also important to say that we never argued in the first place that all of the surplus would be held intact, and that it must be guaranteed to Social Security. That was a marker the President laid down. And while we agreed with him that there was adequate money in the surplus to reform Social Security for present and future purposes, it was the President that laid that marker down and, just in the last 48 hours, has tried to redefine what he

meant by the marker. I am sorry, Mr. President, ''is'' is. Let me repeat that for the President. Mr. President, ''is'' is. We don't need to redefine it. We explain it. We totally understand it. We know what you said in your budget statement. All of the surplus went to Social Security, except you wanted about $20 billion of it to go somewhere else without getting blamed for it, and were simply saying that the argument is much different. We have used a very limited amount of moneys that we had not appropriated that could arguably be called surplus.

But the surplus is intact. The budget is balanced. There is adequate money to begin what I think is a generational opportunity to not only assure and guarantee Social Security in the outyears beyond 2020 but, most importantly, to guarantee that it is done in a way so that our children and our grandchildren will not have to pay excessively to get a reasonable return on a guaranteed retirement annuity as Social Security has become. Those are the issues that we will deal with in a new Congress, and those are issues that are going to be paramount to the strength and stability of our country, and to the well-being of our citizens. I hope that we will deal with them in a reasonable and bipartisan fashion, because the correct solution to Social Security must be bipartisan by its nature and by its definition, and I am sure that we can accomplish that.

Mr. President, with that, I yield the floor and 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. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. CRAIG. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from consideration of Senate Resolution 129 and that the Senate proceed to its consideration and to the consideration of the following private relief bills and resolutions en bloc:

Calendar No. 604, S. 1460; Calendar No. 603; S. 1202; Calendar No. 672, S. 1961; Calendar No. 605, S. 1551; Calendar No. 669, S. 1171; Calendar No. 671, S. 1916; Calendar No. 675, S. 2476; Calendar No. 673; S. 1926; Calendar No. 678, Senate Resolution 283; and S. 2637.

I ask unanimous consent that the committee amendments be agreed to, the measures be considered read a third time and passed, the title amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the bills appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVATE RELIEF BILL

The bill (S. 1406) for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko, was considered, read the third time, and passed; as follows:

S. 1460

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

PRIVATE RELIEF BILL

The bill (S. 1202) providing for the relief for Sergio Lozano, Fauricio, and Ana Lozano, was considered, read the third time, and passed; as follows:

S. 1202

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Sergio Lozano, Fauricio Lozano, and Ana Lozano, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

PRIVATE RELIEF LEGISLATION

The bill (S. 1961) for the relief of Suchada Kwong, was considered, read the third time, and passed; as follows:

S. 1961

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Suchada Kwong shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

PRIVATE RELIEF BILL

The bill (S. 1551) for the relief of Kerantha Poole-Christian, was considered, read the third time, and passed, as follows:

S. 1551

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

SECTION 1. CLASSIFICATION AS A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—In the administration of the Immigration and Nationality Act, Kerantha Poole-Christian shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on her behalf by Clifton or Linette Christian, citizens of the United States, pursuant to section 204 of such Act.

(b) LIMITATION.—No natural parent, brother, or sister, if any, of Kerantha Poole-Christian shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

PRIVATE RELIEF LEGISLATION

The Senate proceeded to consider the bill (S. 1171) for the Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. CERTIFICATE OF CITIZENSHIP.

(a) CITIZENSHIP STATUS.—Upon the filing of an application for a certificate of citizenship and upon being administered the oath of renunciation and allegiance described in section 337(a) of the Immigration and Nationality Act, Janina Altagracia Castillo-Rojas shall be held and considered to be a citizen of the United States from birth pursuant to section 301(g) of the Immigration and Nationality Act (8 U.S.C. 1401(g)) and shall be furnished by the Attorney General with a certificate of citizenship.

(b) SUPERSEDES EXISTING LAW.—This section supersedes the parental physical presence requirement in section 301(g) of the Immigration and Nationality Act (8 U.S.C. 1401(g)) and any other provision of law.

The committee substitute was agreed to.

The bill (S. 1171), as amended, was considered, read the third time, and passed.

The title was amended so as to read: ''For the relief of Janina Altagracia Castillo-Rojas.''.

PRIVATE RELIEF LEGISLATION

The Senate proceeded to consider the bill (S. 2476) for the relief of Wei Jengsheng, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Wei Jingsheng shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Wei Jingsheng as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

Mr. ABRAHAM. Mr. President, I rise today to thank my colleagues for the unanimous support they have given for the Wei Jingsheng Freedom of Conscience Act. This bill will grant lawful permanent residence to writer and philosopher Wei Jingsheng, one of the most heroic individuals the international human rights community has known. I particularly want to mention Senators HATCH, DEWINE, HUTCHINSON, BROWNBACK, HELMS, ROTH, and WELLSTONE, all of whom cosponsored the bill.

Mr. President, Wei has spent literally decades struggling against an oppressive Chinese government. He has called for freedom and democracy through speeches, writings, and as a prominent participant in the Democracy Wall movement. His dedication to the principles we hold dear, and on which our Nation was founded, brought him 15 years of torture and imprisonment at the hands of the Chinese communist regime. Seriously ill, Wei was released only after great international public outcry. Now essentially exiled, he lives in the United States on a temporary visa and cannot return to China without facing further imprisonment.

By granting Wei permanent residence, Mr. President, we will show that America stands by those who are willing to stand up for the principles we cherish. We also will help Wei in his continuing fight for freedom and democracy in China.

I commend my colleagues for sending a strong signal about America's commitment to human rights, human freedom, and the dignity of the individual. I yield the floor.

The committee substitute was agreed to.

The bill (S. 2476), as amended, was considered, read the third time, and passed.

The title was amended so as to read: ''For the relief of Wei Jingsheng.''.

PRIVATE RELIEF LEGISLATION

The bill (S. 1926) for the relief of Regine Beatie Edwards, was considered, read the third time, and passed; as follows:

S. 1926

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

SECTION 1. CLASSIFICATION AS A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—In the administration of the Immigration and Nationality Act, Regine Beatie Edwards shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on her behalf by Stan Edwards, a citizen of the United States, pursuant to section 204 of such Act.

(b) LIMITATION.—No natural parent, brother, or sister, if any, of Regine Beatie Edwards shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

PRIVATE RELIEF LEGISLATION

The bill (S. 1916) for the relief of Marin Turcinovic, and his fiancee, Corina Dechalup, was considered, read the third time, and passed, as follows:

S. 1916

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Marin Turcinovic and his fiancee, Corina Dechalup, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Marin Turcinovic and his fiancee, Corina Dechalup, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

FOR THE RELIEF OF LLOYD B. GAMBLE

The resolution (S. Res. 283) to refer H.R. 998 entitled ''A bill for the relief of Lloyd B. Gamble'' to the chief judge of the United States Court of Federal Claims for a report thereon, was considered and agreed to.

The resolution is as follows:

S. RES. 283

Resolved, That (a) H.R. 998 entitled ''A bill for the relief of Lloyd B. Gamble'' now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims.

(b) The chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to Mr. Lloyd B. Gamble.

(c) It is the sense of the Senate that if any judgment is entered in favor of Lloyd B. Gamble against the United States, any damages arising from injuries sustained by Lloyd B. Gamble should not exceed $253,488.

PRIVATE RELIEF BILL

The bill (S. 2637) providing for the relief for Belinda McGregor was considered, read the third time, and passes, as follows:

S. 2637

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

SECTION 1. PERMANENT RESIDENCE

(a) Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Belinda McGregor shall be held and considered to have been selected for a diversity immigrant visa for fiscal year 1999 as of the date of the enactment of this Act upon payment of the required visa fee.

(b) ADJUSTMENT OF STATUS.—If Belinda McGregor, or any child (as defined in section 101(b)(1) of the Immigration and Nationality Act) of Belinda McGregor, enters the United States before the date of the enactment of this Act, he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Belinda McGregor as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one number during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)).

STRATEGY TO COMBAT MONEY LAUNDERING AND RELATED FINANCIAL CRIMES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1756, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1756) to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3828

(Purpose: To amend the definition of ''money laundering and related financial crimes'')

Mr. CRAIG. Mr. President, Senators GRASSLEY and D'AMATO have an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho (Mr. CRAIG), for Mr. GRASSLEY, for himself and Mr. D'AMATO, proposes an amendment numbered 3828.

On page 2, strike line 21 and all that follows through page 3, line 3 and insert the following:

''(2) MONEY LAUNDERING AND RELATED FINANCIAL CRIME.—The term 'money laundering and related financial crime'—

''(A) means the movement of illicit cash or cash equivalent proceeds into, out of, or through the United States, or into, out of, or through United States financial institutions, as defined in section 5312 of title 31, United States Code; or

''(B) has the meaning given that term (or the term used for an equivalent offense) under State and local criminal statutes pertaining to the movement of illicit cash or cash equivalent proceeds.''.

Mr. GRASSLEY. Mr. President, I am pleased today to see this historic piece

of legislation will pass the Senate. After much careful work with Senator D'AMATO, the Treasury Department, and the Justice Department, as well as our colleagues in the other body, we have crafted a bill that I believe will lead to much improved coordination in fighting money laundering. I want to thank everyone involved for their hard work on this legislation.

The bill will hit the criminals where they feel it the most—in their pocketbooks. By implementing a strategy on a national level, hundreds of communities across our country will no longer be held hostage by these criminal enterprises. As you know, money laundering involves disguising financial assets so they can be used without detection of the illegal activity that produced them. Through money laundering, the criminal transforms the monetary proceeds derived from the criminal activity into funds with an apparently legal source. Money laundering provides the resources from drug dealers, terrorists, arms dealers, and other criminals to operate and expand their criminal enterprises. Today, experts estimate that money laundering has grown into a $500 billion problem worldwide.

The Money Laundering and Related Financial Crimes Strategy Act of 1998 will authorize the Secretary of the Treasury, in consultation with the Attorney General and other relevant agencies, to coordinate and implement a national strategy to address the exploitation of our Nation's payment systems to facilitate money laundering and related financial crimes. I look forward to the delivery of this first strategy next February, and believe it will be a valuable document not only for law enforcement agencies, but also for Congress as we look to react to the increasingly inventive ways criminals take advantage of our financial system. I hope this legislation will be the beginning of a serious effort by Congress to impact the growing threat of money laundering not only to our Nation, but worldwide.

Mr. D'AMATO. Today, Mr. President, I urge my colleagues to support the passage of H.R. 1756, the Money Laundering and Financial Crimes Strategy Act of 1997. I am glad that we have been able to reach this point. The House has sent over H.R. 1756, a strong antimoney laundering tool for law enforcement, and after some negotiation, we have amended the language slightly. The House has agreed to accept the compromise and I have a letter from James E. Johnson, Under Secretary for Enforcement at the Treasury Department supporting the goals of this legislation. I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. D'AMATO. I believe we are now ready to proceed to passage of the bill providing sufficient time for the House to act.

Mr. President, this is an important tool for the counternarcotics effort. Drug traffickers and dealers are destroying our families, communities and the future of our children, and we must fight them with Every weapon at our disposal. This bill will attack drug traffickers by making it harder for these criminals to profit from their illegal windfalls.

Mr. President, through money laundering, drug traffickers are able to take their blood money and launder it clean. Their ill gotten gains are then filtered throughout our economy. Money laundering sustains drug traffickers and arms dealers, as well as terrorists and other criminals searching for a way to prolong their illegal enterprises.

That is why I joined with Senator GRASSLEY and Congresswoman VELÁZQUEZ to develop the Money Laundering and Financial Crimes Strategy Act which the House passed on October 5, 1998. The bill will provide the means for federal, state and local crime fighters to pursue and prosecute the drug traffickers and those that finance their criminal trade.

This bill will allow the Secretary of the Treasury and the Attorney General to create a national money laundering strategy and designate high risk zones. State and local officials within these zones will be encouraged to form a task force and become eligible for enforcement and technical assistance and, most importantly, anti-money laundering grants.

Mr. President, let me explain why this is especially important for New York, where money launderers have benefited from the financial, trade and transportation systems in the metropolitan area. New York is the largest financial center in this country—and one of the top three international money centers in the world. Unfortunately, money launderers have used this infrastructure to pursue their own criminal activities.

Assistance by state and local officers in New York has been invaluable in stopping drug traffickers from sending money back to the cartels. In 1997, in the New York area, law enforcement officials determined that organized narcotics traffickers were using the services of unscrupulous money remitters and their agents to send the proceeds of drug sales back to the drug source countries.

Utilizing a temporary Geographical Targeting Order (GTO) for the New York metropolitan area, remitters and agents were required to report detailed information about the remittances of cash to Colombia of more than $750.

Within a week of the GTO's issuance, the local, state and federal agencies that made up the El Dorado Task Force found that money laundering activity in that area, Jackson Heights, dropped dramatically. The number of remittances to Colombia dropped 95 percent and the dollar amount dropped 97 percent (from $67 million to $2 million). The New York GTO resulted in the seizure of millions in currency that was diverted to bulk shipments through the air and seaports and most importantly, disrupted the profit back to the drug cartels.

Mr. President, this operation was a huge success—thanks to the cooperative efforts of federal, state and local law enforcement. We should build on that cooperation with this legislation.

Law enforcement efforts must follow the financial schemes and cash flows of the drug traffickers. As the drug cartels change their method of laundering their proceeds, law enforcement must respond. This bill provides law enforcement and prosecutors with the resources and flexibility to do just that. This monumental effort will cripple the drug traffickers where it hurts—in their pockets—and take an important step forward in our war on drugs.

I am proud to have cosponsored the Senate measure with Senator GRASSLEY and to have worked with Representative VELÁZQUEZ to enact this important tool in antidrug efforts.

I urge my colleagues to support this important anticrime bill.

EXHIBIT 1

DEPARTMENT OF THE TREASURY,
Washington, DC, October 8, 1998.

Hon. ALFONSE D'AMATO,
Chairman, Senate Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR MR. CHAIRMAN: During the course of this year we have been following a bill introduced by Congresswoman Velazquez, the ''Money Laundering and Related Financial Crimes Strategy Act'' (H.R. 1756). On June 16, the Treasury Department provided testimony on H.R. 1756 indicating support for the bill's overall goals and objectives.

We continue to support these goals. We appreciate that Congresswoman Velazquez's bill recognizes the scope of the money laundering problem, and attempts to develop a mechanism to address these challenges. Developing an anti-money laundering strategy could prove useful in setting priorities and communicating them to Congress and the public. Moreover, money laundering enforcement is complex and resource-intensive. Enforcement of money laundering laws could benefit from proper coordination among federal, state, and local law enforcement.

We also appreciate the bill's goal of providing additional resources for state and local antimoney laundering activities. Financial crime investigations are complex and require specialized expertise, as well as resource commitments to follow leads that often take time to develop. Cases themselves may span years and are information-intensive. Because of this, state and local law enforcement could benefit from additional resources and expertise to fully join the fight against money laundering.

We look forward to continuing to work with you and your Committee in combating money laundering and other financial crimes.

Sincerely,

JAMES E. JOHNSON,
Under Secretary (Enforcement).

Mr. CRAIG. Mr. President, I ask unanimous consent that amendment be agreed to, the bill considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3828) was agreed to.

The bill (H.R. 1756), as amended, was passed.

GOVERNMENT PAPERWORK ELIMINATION ACT

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 581, S. 2107.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (S. 2107) to enhance electronic commerce by promoting the reliability and integrity of commercial transactions through establishing authentication standards for electronic communication and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Government Paperwork Elimination Act''.

SEC. 2. STUDIES ON USE OF ELECTRONIC SIGNATURES TO ENHANCE ELECTRONIC COMMERCE.

The Secretary shall conduct an ongoing study of the enhancement of electronic commerce and the impact on individual privacy due to the use of electronic signatures pursuant to this Act, and shall report findings to the Commerce Committee of the House and to the Commerce, Science, and Transportation Committee of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 3. ELECTRONIC AVAILABILITY OF FORMS.

(a) NEW FORMS, QUESTIONNAIRES, AND SURVEYS.—The head of an agency or operating unit shall provide for the availability to the affected public in electronic form for downloading or printing through the Internet or other suitable medium of any agency form, questionnaire, or survey created after the date of enactment of this Act that is to be submitted to the agency by more than 1,000 non-government persons or entities per year, except where the head of the agency or operating unit determines by a finding that providing for such availability would be impracticable or otherwise unreasonable.

(b) ALL FORMS, QUESTIONNAIRES, AND SURVEYS.—As soon as practicable, but not later than 18 months after the date of enactment of this Act, each Federal agency shall make all of its forms, questionnaires, and surveys that are expected to be submitted to such agency by more than 1,000 non-government persons or entities per year available to the affected public for downloading or printing through the Internet or other suitable electronic medium. This requirement shall not apply where the head of an agency or operating unit determines that providing such availability for particular form, questionnaire or survey documents would be impracticable or otherwise unreasonable.

(c) APPLICABILITY OF SECTION.—The requirements of this section shall not apply to surveys that are both distributed and collected one-time only or that are provided directly to respondents by the agency.

(d) AVAILABILITY.—Forms subject to this section shall be available for electronic submission (with an electronic signature when necessary) under the provisions of section 8, and shall be available for electronic storage by employers as described in section 7.

(e) PAPER FORMS TO BE AVAILABLE.—Each agency and operating unit shall continue to make forms, questionnaires, and surveys available in paper form.

SEC. 4. PAYMENTS.

In conjunction with the process required by section 8—

(1) where they deem such action appropriate and practicable, and subject to standards or guidance of the Department of the Treasury concerning Federal payments or collections, agencies shall seek to develop or otherwise provide means whereby persons submitting documents electronically are accorded the option of making any payments associated therewith by electronic means.

(2) payments associated with forms, applications, or similar documents submitted electronically, other than amounts relating to additional costs associated with the electronic submission such as charges imposed by merchants in connection with credit card transactions, shall be no greater than the payments associated with the corresponding printed version of such documents.

SEC. 5. USE OF ELECTRONIC SIGNATURES BY FEDERAL AGENCIES.

(a) AGENCY EMPLOYEES TO RECEIVE ELECTRONIC SIGNATURES.—The head of each agency shall issue guidelines for determining how and which employees in each respective agency shall be permitted to use electronic signatures within the scope of their employment.

(b) AVAILABILITY OF ELECTRONIC NOTICE.—An agency may provide a person entitled to receive written notice of a particular matter with the opportunity to receive electronic notice instead.

(c) PROCEDURES FOR ACCEPTANCE OF ELECTRONIC SIGNATURES.—The Director, in consultation with the Secretary, shall coordinate agency actions to comply with the provisions of this Act and shall develop guidelines concerning agency use and acceptance of electronic signatures, and such use and acceptance shall be supported by the issuance of such guidelines as may be necessary or appropriate by the Secretary.

(1) The procedures shall be compatible with standards and technology for electronic signatures as may be generally used in commerce and industry and by State governments, based upon consultation with appropriate private sector and State government standard setting bodies.

(2) Such procedures shall not inappropriately favor one industry or technology.

(3) Under the procedures referred to in subsection (a), an electronic signature shall be as reliable as is appropriate for the purpose, and efforts shall be made to keep the information submitted intact.

(4) Successful submission of an electronic form shall be electronically acknowledged.

(5) In accordance with all other sections of the Act, to the extent feasible and appropriate, and described in a written finding, an agency, when it receives electronically 50,000 submittals of a particular form, shall take all steps necessary to ensure that multiple formats of electronic signatures are made available for submitting such forms.

SEC. 6. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with agency procedures and guidelines established pursuant to the Act, or electronic signatures or other forms of electronic authentication used in accordance with such procedures and guidelines, shall not be denied legal effect, validity or enforceability because they are in electronic form.

SEC. 7. EMPLOYER ELECTRONIC STORAGE OF FORMS.

If an employer is required by any Federal law or regulation to collect or store, or to file with a Federal agency forms containing information pertaining to employees, such employer may, after 18 months after enactment of this Act, store such forms electronically unless the relevant agency determines by regulation that storage of a particular form in an electronic format is inconsistent with the efficient secure or proper administration of an agency program. Such forms shall also be accepted in electronic form by agencies as provided by section 8.

SEC. 8. IMPLEMENTATION BY AGENCIES.

(a) IMPLEMENTATION.—Consistent with the Privacy Protection Act of 1980 (42 U.S.C. 2000aa) and after consultation with the Attorney General, and subject to applicable laws and regulations pertaining to the Department of the Treasury concerning Federal payments and collections and the National Archives and Records Administration concerning the proper maintenance and preservation of agency records, Federal agencies shall, not later than 18 months after the enactment of this Act, establish and implement policies and procedures under which they will use and authorize the use of electronic technologies in the transmittal of forms, applications, and similar documents or records, and where appropriate, for the creation and transmission of such documents or records and their storage for their required retention period.

(b) ESTABLISHMENT OF A TIMELINE FOR IMPLEMENTATION.—Within 18 months after the date of enactment of this Act, Federal agencies shall establish timelines for the implementation of the requirements of subsection (a).

(c) GENERAL ACCOUNTING OFFICE REPORT.—The Comptroller General shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce 21 months after the date of enactment of this Act on the proposed implementation policies and timelines described in subsections (a) and (b).

(d) IMPLEMENTATION DEADLINE.—Except where an agency makes a written finding that electronic filing of a form is either technically infeasible, economically unreasonable, or may compromise national security, all Federal forms must be made available for electronic submission within 60 months after the date of enactment of this Act.

SEC. 9. SENSE OF THE CONGRESS.

Because there is no meaningful difference between contracts executed in the electronic world and contracts executed in the analog world, it is the sense of the Congress that such contracts should be treated similarly under Federal law. It is further the sense of the congress that such contracts should be treated similarly under State law.

SEC. 10. APPLICATION WITH OTHER LAWS.

Nothing in this this Act shall apply to the Department of the Treasury or the Internal Revenue Service, to the extent that—

(1) it involves the administration of the internal revenue laws; and

(2) it conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

SEC. 11. DEFINITIONS.

For purposes of this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(2) AGENCY.—The term ''agency'' means executive agency, as that term is defined in section 105 of title 5, United States Code.

(3) ELECTRONIC SIGNATURE.—The term ''electronic signature'' means a method of signing an electronic message that—

(A) identifies a particular person as the source of such electronic message; and

(B) indicates such person's approval of the information contained in such electronic message.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(5) FORM, QUESTIONNAIRE, OR SURVEY.—The terms ''form'', ''questionnaire'', and ''survey'' include documents produced by an agency to facilitate interaction between an agency and non-government persons.

AMENDMENT NO. 3829

(Purpose: To establish procedures for efficient government paperwork reduction)

Mr. CRAIG. Mr. President, Senator ABRAHAM has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. ABRAHAM, proposes an amendment numbered 3829.

The amendment is as follows:

On page 10, strike out line 7 and all that follows through page 18, line 10, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Government Paperwork Elimination Act''.

SEC. 2. AUTHORITY OF OMB TO PROVIDE FOR ACQUISITION AND USE OF ALTERNATIVE INFORMATION TECHNOLOGIES BY EXECUTIVE AGENCIES.

Section 3504(a)(1)(B)(vi) of title 44, United States Code, is amended to read as follows:

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

SEC. 3. PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES BY EXECUTIVE AGENCIES.

(a) IN GENERAL.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in consultation with the National Telecommunications and Information Administration and not later than 18 months after the date of enactment of this Act, develop procedures for the use and acceptance of electronic signatures by Executive agencies.

(b) REQUIREMENTS FOR PROCEDURES.—(1) The procedures developed under subsection (a)—

(A) shall be compatible with standards and technology for electronic signatures that are generally used in commerce and industry and by State governments;

(B) may not inappropriately favor one industry or technology;

(C) shall ensure that electronic signatures are as reliable as is appropriate for the purpose in question and keep intact the information submitted;

(D) shall provide for the electronic acknowledgment of electronic forms that are successfully submitted; and

(E) shall, to the extent feasible and appropriate, require an Executive agency that anticipates receipt by electronic means of 50,000 or more submittals of a particular form to take all steps necessary to ensure that multiple methods of electronic signatures are available for the submittal of such form.

(2) The Director shall ensure the compatibility of the procedures under paragraph (1)(A) in consultation with appropriate private bodies and State government entities that set standards for the use and acceptance of electronic signatures.

SEC. 4. DEADLINE FOR IMPLEMENTATION BY EXECUTIVE AGENCIES OF PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall ensure that, commencing not later than five years after the date of enactment of this Act, Executive agencies provide—

(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and

(2) for the use and acceptance of electronic signatures, when practicable.

SEC. 5. ELECTRONIC STORAGE AND FILING OF EMPLOYMENT FORMS.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, not later than 18 months after the date of enactment of this Act, develop procedures to permit private employers to store and file electronically with Executive agencies forms containing information pertaining to the employees of such employers.

SEC. 6. STUDY ON USE OF ELECTRONIC SIGNATURES.

(a) ONGOING STUDY REQUIRED.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in cooperation with the National Telecommunications and Information Administration, conduct an ongoing study of the use of electronic signatures under this title on—

(1) paperwork reduction and electronic commerce;

(2) individual privacy; and

(3) the security and authenticity of transactions.

(b) REPORTS.—The Director shall submit to Congress on a periodic basis a report describing the results of the study carried out under subsection (a).

SEC. 7. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with procedures developed under this Act, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

SEC. 8. DISCLOSURE OF INFORMATION.

Except as provided by law, information collected in the provision of electronic signature services for communications with an executive agency, as provided by this Act, shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or government practice, for the purpose of facilitating such communications, or with the prior affirmative consent of the person about whom the information pertains.

SEC. 9. APPLICATION WITH INTERNAL REVENUE LAWS.

No provision of this Act shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) ELECTRONIC SIGNATURE.—The term ''electronic signature'' means a method of signing an electronic message that—

(A) identifies and authenticates a particular person as the source of the electronic message; and

(B) indicates such person's approval of the information contained in the electronic message.

(2) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

Mr. ABRAHAM. Mr. President, I wish to take a moment to discuss language that has been added to this legislation, the Government Paperwork Elimination Act. In May, I introduced S. 2107 to enhance electronic commerce and promote the reliability and integrity of commercial transactions through the establishment of authentication standards for electronic communications. S. 2107 was reported by the Committee on Commerce, Science, and Transportation last month.

After the bill was reported, it was discovered that the bill was erroneously referred to the Commerce Committee and should have been referred to the Committee on Governmental Affairs. S. 2107 deals with Federal Government information issues and, according to the parliamentarian, falls directly within the jurisdiction of Governmental Affairs. I understand a similar bill had been approved by Governmental Affairs last Congress.

Obviously, this was discovered late in the session. Nevertheless, Senator THOMPSON, the chairman of the Governmental Affairs Committee, worked with me to develop language which combines language from the bill reported by his committee last Congress and S. 2107. I want to thank my colleague from Tennessee for his help and insight. He spent a great deal of time assisting me with this legislation and, in my opinion, his language makes many improvements to the original bill.

Mr. LEAHY. Mr. President, the digitization of information and the explosion in the growth of computing and electronic networking offer tremendous potential benefits to the way Americans live, work, conduct commerce, and interact with their government. This bill, S. 2107, will make the United States government more accessible and accountable to the citizenry by directing federal agencies to accept ''electronic signatures'' for government forms that are submitted electronically.

I am pleased that Senator ABRAHAM has addressed my concerns about the privacy issues raised by this legislation. As reported out of committee, S. 2107 would have established a framework for government use of electronic signatures without putting in place any privacy protections for the vast amounts of personal information collected in the process. Without such

protections, people could be forced to sacrifice their privacy as the price of communicating with the government electronically.

For example, to submit a particular form electronically, a person might be required to use an electronic signature technology that offers a high level of security, such as the increasingly popular cryptographic digital signature. This will usually involve the use of a commercial third party—we'll call it ''X Corp.''—to guarantee the person's identity. X Corp. will need to collect detailed personal information about the person, such as home address, phone number, social security number, date of birth, and even credit information. Some of the most secure systems even collect biometric information such as fingerprints or handwritten signatures. X Corp. might also collect information about how the person uses electronic signature services, amassing a detailed dossier of the person's activities on-line. Nothing in the original bill prevented X Corp. from using or selling such private information without permission.

We have corrected this oversight by adding forward-looking privacy protections to the amendment, which strictly limit the ways in which information collected as a byproduct of electronic communications with the government can be used or disclosed to others. The provision we have crafted is designed to prevent anyone who collects personal information in the course of providing electronic signatures for use with government agencies from inappropriately disclosing that information.

We recognize that this is just the beginning of Congress's efforts to address the new privacy issues raised by electronic government and the information age. Congress will almost certainly be called upon in the next session to consider broader electronic signature legislation, and issues of law enforcement access to electronic data and mechanisms for enforcing privacy rights in cyberspace will need to be part of that discussion. For the time being, however, this legislation will ensure that Americans can interact with their government on-line, and that they can do so with the necessary safeguards in place to protect their privacy and security.

Mr. THOMPSON. Mr. President, I thank my colleague from Michigan for his hard work on and dedication to information technology issues. The Committee on Governmental Affairs which I chair has had a long and involved history with this issue.

This bill which we are addressing today seeks to take advantage of the advances in modern technology to lessen the paperwork burdens on those who deal with the Federal Government. This is accomplished by requiring the Office of Management and Budget, through its existing responsibilities under the Paperwork Reduction Act and the Clinger-Cohen Act, to develop policies to promote the use of alternative information technologies, including the use of electronic maintenance, submission, or disclosure of information to substitute for paper, and the use of acceptance of electronic signatures.

The Federal Government is lagging behind the rest of the nation in using new technologies. Individuals who deal with the Federal Government should be able to reduce the cumulative burden of meeting the Federal Government's information demands through the use of information technology. This bill hopefully will provide the motivation that the Federal Government needs to make this possible for our Nation's citizens.

I thank Senator ABRAHAM for offering us the opportunity to work with him on this important issue.

Mr. CRAIG. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3829) was agreed to.

The bill (S. 2107), as amended, was considered read the third time and passed, as follows:

S. 2107

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 ''Government Paperwork Elimination Act''.

SEC. 2. AUTHORITY OF OMB TO PROVIDE FOR ACQUISITION AND USE OF ALTERNATIVE INFORMATION TECHNOLOGIES BY EXECUTIVE AGENCIES.

Section 3504(a)(1)(B)(vi) of title 44, United States Code, is amended to read as follows:

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

SEC. 3. PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES BY EXECUTIVE AGENCIES.

(a) IN GENERAL.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in consultation with the National Telecommunications and Information Administration and not later than 18 months after the date of enactment of this Act, develop procedures for the use and acceptance of electronic signatures by Executive agencies.

(b) REQUIREMENTS FOR PROCEDURES.—(1) The procedures developed under subsection (a)—

(A) shall be compatible with standards and technology for electronic signatures that are generally used in commerce and industry and by State governments;

(B) may not inappropriately favor one industry or technology;

(C) shall ensure that electronic signatures are as reliable as is appropriate for the purpose in question and keep intact the information submitted;

(D) shall provide for the electronic acknowledgment of electronic forms that are successfully submitted; and

(E) shall, to the extent feasible and appropriate, require an Executive agency that anticipates receipt by electronic means of 50,000 or more submittals of a particular form to take all steps necessary to ensure that multiple methods of electronic signatures are available for the submittal of such form.

(2) The Director shall ensure the compatibility of the procedures under paragraph (1)(A) in consultation with appropriate private bodies and State government entities that set standards for the use and acceptance of electronic signatures.

SEC. 4. DEADLINE FOR IMPLEMENTATION BY EXECUTIVE AGENCIES OF PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall ensure that, commencing not later than five years after the date of enactment of this Act, Executive agencies provide—

(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and

(2) for the use and acceptance of electronic signatures, when practicable.

SEC. 5. ELECTRONIC STORAGE AND FILING OF EMPLOYMENT FORMS.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, not later than 18 months after the date of enactment of this Act, develop procedures to permit private employers to store and file electronically with Executive agencies forms containing information pertaining to the employees of such employers.

SEC. 6. STUDY ON USE OF ELECTRONIC SIGNATURES.

(a) ONGOING STUDY REQUIRED.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in cooperation with the National Telecommunications and Information Administration, conduct an ongoing study of the use of electronic signatures under this title on—

(1) paperwork reduction and electronic commerce;

(2) individual privacy; and

(3) the security and authenticity of transactions.

(b) REPORTS.—The Director shall submit to Congress on a periodic basis a report describing the results of the study carried out under subsection (a).

SEC. 7. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with procedures developed under this Act, or electronic signatures

or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

SEC. 8. DISCLOSURE OF INFORMATION.

Except as provided by law, information collected in the provision of electronic signature services for communications with an executive agency, as provided by this Act, shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or government practice, for the purpose of facilitating such communications, or with the prior affirmative consent of the person about whom the information pertains.

SEC. 9. APPLICATION WITH INTERNAL REVENUE LAWS.

No provision of this Act shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) ELECTRONIC SIGNATURE.—The term ''electronic signature'' means a method of signing an electronic message that—

(A) identifies and authenticates a particular person as the source of the electronic message; and

(B) indicates such person's approval of the information contained in the electronic message.

(2) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

AMENDING TITLE 35, UNITED STATES CODE, TO PROTECT PATENT OWNERS AGAINST THE UNAUTHORIZED SALE OF PLANT PARTS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1197, which was received from the House.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1197) to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3830

(Purpose: To provide for access to electronic patent information)

Mr. CRAIG. Mr. President, Senators LEAHY, SMITH of Oregon, and HATCH have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. LEAHY, for himself, Mr. SMITH of Oregon and Mr. HATCH, proposes an amendment numbered 3830.

The amendment is as follows:

At the end of the bill add the following:

SEC. 4. ACCESS TO ELECTRONIC PATENT INFORMATION.

(a) IN GENERAL.—The United States Patent and Trademark Office shall develop and implement statewide computer networks with remote library sites in requesting rural States such that citizens in those States will have enhanced access to information in their State's patent and trademark depository library.

(b) DEFINITION.—In this section, the term ''rural States'' means the States that qualified on January 1, 1997, as rural States under section 1501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379bb(b)).

Mr. LEAHY. Mr. President, I am pleased that the Senate is considering the ''Plant Patent Amendments Act of 1998,'' H.R. 1197. This legislation closes a loophole in the law by providing patent protection, not only for an entire plant, but for parts of a plant as well.

Since the 1930s, U.S. patent law has benefited agriculture, horticulture and the public by providing an incentive for breeders to develop new plant varieties. This incentive is the availability of patents for new plant varieties.

An unforeseen ambiguity in the law, however, is undermining the incentives for breeders holding U.S. plant patents. Because current U.S. law only provides patent protection for entire plants, plant parts are being traded in U.S. markets to the detriment of U.S. plant patent holders. The resulting lost royalty income has been inhibiting investment in domestic research and breeding activities associated with a wide variety of crops.

By clearly and explicitly providing that U.S. patent law protects the owner of a plant patent against the unauthorized sale of plant parts taken from plants illegally reproduced, H.R. 1197 will close the existing loophole in the law and will strengthen the ability of U.S. plant patent holders to enforce their patent rights.

Another matter of special interest to me is the amendment that I offered to the ''Plant Patent Amendments Act of 1998'' to enhance access to all types of patent information. I have long thought that electronic access should be more widespread and want to work with the United States Patent and Trademark Office (PTO) to ensure the effective implementation of statewide electronic accessibility of patent information in rural states and eventually in all areas to make it easier for inventors to study prior art and make further advances. This should be of particular benefit to Vermont, which last year established a patent and trademark depository library.

The Articles of Association of the Vermont Patent and Trademark Depository Library (Vermont PTDL) state that the library will ''create a vital educational and economic development resource that will provide all Vermonters with access to patent and trademark records and supporting research materials and reference services.'' At this time, however, all Vermonters do not, in a practical sense, have access to the wealth of resources at the Vermont PTDL. In fact, it can be as much as a four hour drive for certain Vermont citizens to drive to the Vermont PTDL at the University of Vermont's Bailey/Howe Library.

The intent of my amendment, which is cosponsored by Senator ORRIN HATCH of Utah and Senator GORDON SMITH of Oregon, is for the PTO to work with the people in the trenches currently operating the patent and trademark depository libraries to develop and implement the statewide computer networks with remote library sites; it only makes sense for the PTO to work with the people who most fully understand the needs of the constituents they currently serve and may serve in the future.

This legislation is timely, because the Senate is considering the United States Patent and Trademark Office Reauthorization Act, Fiscal Year 1999, H.R. 3723. As the lead Senate Democratic champion for H.R. 3723, I am hopeful that the Senate will pass this measure today so the PTO will not suffer a reduction in revenue for the current fiscal year. I am also committed to working with the PTO, now and in the future, as it ensures the effective implementation of statewide electronic accessibility of patent information in rural states.

I would like to pay a special thanks to Eric Benson, President of Vermont PTDL, former State representative KERRY KURT, who was instrumental in the development of the Vermont PTDL, and everybody who serves on the Board of the Vermont PTDL. These Vermonters were the inspiration for my amendment, and they have worked hard to make the Vermont PTDL an asset of which all Vermonters can be proud.

Mr. HATCH. Mr. President, I rise today in support of Senate passage of H.R. 1197, the Plant Patents Amendment Act of 1997. This legislation, passed by the House last Friday, would close a loophole in the Patent Act through which foreign infringers are able to exploit the products of their infringements within the United States, depriving American plant patent owners of millions of dollars in royalties. This bill is identical to legislation introduced in the Senate by Senator GORDON SMITH, and its substantive provisions are mirrored in the omnibus patent bill I introduced and which was reported favorably to the Senate by the Judiciary Committee last year.

The development of new plant varieties in the United States is encouraged by chapter 15 of the Patent Act, which grants patent-like protection to anyone who develops new, distinct varieties of asexually reproduced plants. Plant patent owners are rewarded for their ingenuity with a limited monopoly that allows them to prevent others from asexually reproducing the plant or selling or using a plant so reproduced.

The so-called loophole exists because the sale or use of plant parts is not explicitly prohibited. As a result, plant

patent owners must stand by while their patents are infringed abroad and the products of such infringement—for example, fruit or cut flowers—are then imported to and sold within the United States, without a single dime in royalty revenue to the patent owner. This is no small problem. Royalty losses with respect to some key horticultural plants have been estimated to reach between $50 to $100 million over the past five to ten years. This is money that rightfully should be directed to American plant patent owners—many of whom are small businesses and family farmers—and which would otherwise contribute tremendously to the U.S. economy.

Enactment of this legislation is not only good for American business and the economy, it is consistent with our international treaty obligations. The International Convention for the Protection of New Varieties of Plants (UPOV) was last revised in March 1991, and the United States signed the convention in October 1991. This convention provides protection for plant breeders by requiring member countries to accord certain plant patent rights, including specifically the right to prohibit others from selling, importing, or exporting harvested material (i.e., plant parts) derived from unauthorized asexually reproduced plants.

Mr. President, I had hoped to enact this change in the context of a comprehensive patent reform bill. I am disappointed that consideration of that bill has been blocked by a few senators with unrelated and rather non-descript objections, and that we are forced to take this measure up as a stand-alone bill. Nevertheless, I am pleased that the House has acted on this measure, and I commend the efforts of my colleague, Senator SMITH, to bring this bill to a vote in the Senate.

Mr. CRAIG. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3830) was agreed to.

The bill (H.R. 1197), as amended, was considered read the third time and passed.

THROTTLE CRIMINAL USE OF GUNS

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 191) to throttle criminal use of guns.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 191) entitled ''An Act to throttle criminal use of guns'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. AMENDMENT TO TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 924(c) of title 18, United States Code, is amended—

(1) by striking ''(c)'' and all that follows through the end of paragraph (1) and inserting the following:

''(c)(1)(A) Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

''(i) be sentenced to a term of imprisonment of not less than 5 years;

''(ii) if the firearm is brandished, be sentenced to a term of imprisonment of not less than 7 years; and

''(iii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

''(B) If the firearm possessed by a person convicted of a violation of this subsection—

''(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; or

''(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

''(C) In the case of a second or subsequent conviction under this subsection, the person shall—

''(i) be sentenced to a term of imprisonment of not less than 25 years; and

''(ii) if the firearm involved is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to imprisonment for life.

''(D) Notwithstanding any other provision of law—

''(i) a court shall not place on probation any person convicted of a violation of this subsection; and

''(ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed.''; and

(2) by adding at the end the following:

''(4) For purposes of this subsection, the term 'brandish' means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.''.

(b) CONFORMING AMENDMENT.—Section 3559(c)(2)(F)(i) of title 18, United States Code, is amended by inserting ''firearms possession (as described in section 924(c));'' after ''firearms use;''.

Mr. CRAIG. I ask unanimous consent the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

RHINO AND TIGER PRODUCT LABELING ACT

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 2807) to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2807) entitled ''An Act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger'', with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

TITLE I—MIGRATORY BIRD TREATY REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the ''Migratory Bird Treaty Reform Act of 1998''.

SEC. 102. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting ''(a)'' after ''SEC. 3.''; and

(2) by adding at the end the following:

''(b) It shall be unlawful for any person to—

''(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

''(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.''.

SEC. 103. CRIMINAL PENALTIES.

Section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) is amended—

(1) in subsection (a), by striking ''$500'' and inserting ''$15,000'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) Whoever violates section 3(b)(2) shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.''.

SEC. 104. REPORT.

Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report analyzing the effect of the amendments made by section 2, and the general practice of baiting, on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).

TITLE II—NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Wildlife Refuge System Improvement Act of 1998''.

SEC. 202. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled ''Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers'', dated January 1998, and available, with accompanying legal descriptions of the

land, for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) CONFORMING AMENDMENTS.—The first section and section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (16 U.S.C. 721, 722) are amended by striking ''Upper Mississippi River Wild Life and Fish Refuge'' each place it appears and inserting ''Upper Mississippi River National Wildlife and Fish Refuge''.

SEC. 203. KILLCOHOOK COORDINATION AREA.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 1,439.26 acres of land in the States of New Jersey and Delaware, known as the ''Killcohook Coordination Area'', as established by Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, is terminated.

(b) EXECUTIVE ORDERS.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

SEC. 204. LAKE ELSIE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the ''Lake Elsie National Wildlife Refuge'', as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) EXECUTIVE ORDER.—Executive Order No. 8152, issued June 12, 1939, is revoked.

SEC. 205. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w–1), is amended in subsections (f) and (g) by striking ''Klamath Forest National Wildlife Refuge'' each place it appears and inserting ''Klamath Marsh National Wildlife Refuge''.

SEC. 206. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

(1) in the first sentence of subsection (c), by striking ''knowingly''; and

(2) in subsection (f)—

(A) by striking ''(f) Any'' and inserting the following:

''(f) PENALTIES.—

''(1) KNOWING VIOLATIONS.—Any'';

(B) by inserting ''knowingly'' after ''who''; and

(C) by adding at the end the following:

''(2) OTHER VIOLATIONS.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both.''.

TITLE III—WETLANDS AND WILDLIFE ENHANCEMENT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Wetlands and Wildlife Enhancement Act of 1998''.

SEC. 302. REAUTHORIZATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking ''not to exceed'' and all that follows and inserting ''not to exceed $30,000,000 for each of fiscal years 1999 through 2003.''.

SEC. 303. REAUTHORIZATION OF PARTNERSHIPS FOR WILDLIFE ACT.

Section 7105(h) of the Partnerships for Wildlife Act (16 U.S.C. 3744(h)) is amended by striking ''for each of fiscal years'' and all that follows and inserting ''not to exceed $6,250,000 for each of fiscal years 1999 through 2003.''.

SEC. 304. MEMBERSHIP OF THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) IN GENERAL.—Notwithstanding section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)), during the period of 1999 through 2002, the membership of the North American Wetlands Conservation Council under section 4(a)(1)(D) of that Act shall consist of—

(1) 1 individual who shall be the Group Manager for Conservation Programs of Ducks Unlimited, Inc. and who shall serve for 1 term of 3 years beginning in 1999; and

(2) 2 individuals who shall be appointed by the Secretary of the Interior in accordance with section 4 of that Act and who shall each represent a different organization described in section 4(a)(1)(D) of that Act.

(b) PUBLICATION OF POLICY.—Not later than June 30, 1999, the Secretary of the Interior shall publish in the Federal Register, after notice and opportunity for public comment, a policy for making appointments under section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)).

TITLE IV—RHINOCEROS AND TIGER CONSERVATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Rhinoceros and Tiger Conservation Act of 1998''.

SEC. 402. FINDINGS.

Congress finds that—

(1) the populations of all but 1 species of rhinoceros, and the tiger, have significantly declined in recent years and continue to decline;

(2) these species of rhinoceros and tiger are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973 (27 UST 1087; TIAS 8249) (referred to in this title as ''CITES'');

(3) the Parties to CITES have adopted several resolutions—

(A) relating to the conservation of tigers (Conf. 9.13 (Rev.)) and rhinoceroses (Conf. 9.14), urging Parties to CITES to implement legislation to reduce illegal trade in parts and products of the species; and

(B) relating to trade in readily recognizable parts and products of the species (Conf. 9.6), and trade in traditional medicines (Conf. 10.19), recommending that Parties ensure that their legislation controls trade in those parts and derivatives, and in medicines purporting to contain them;

(4) a primary cause of the decline in the populations of tiger and most rhinoceros species is the poaching of the species for use of their parts and products in traditional medicines;

(5) there are insufficient legal mechanisms enabling the United States Fish and Wildlife Service to interdict products that are labeled or advertised as containing substances derived from rhinoceros or tiger species and prosecute the merchandisers for sale or display of those products; and

(6) legislation is required to ensure that—

(A) products containing, or labeled or advertised as containing, rhinoceros parts or tiger parts are prohibited from importation into, or exportation from, the United States; and

(B) efforts are made to educate persons regarding alternatives for traditional medicine products, the illegality of products containing, or labeled or advertised as containing, rhinoceros parts and tiger parts, and the need to conserve rhinoceros and tiger species generally.

SEC. 403. PURPOSES OF THE RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

Section 3 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5302) is amended by adding at the end the following:

''(3) To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.''.

SEC. 404. DEFINITION OF PERSON.

Section 4 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5303) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) 'person' means—

''(A) an individual, corporation, partnership, trust, association, or other private entity;

''(B) an officer, employee, agent, department, or instrumentality of—

''(i) the Federal Government;

''(ii) any State, municipality, or political subdivision of a State; or

''(iii) any foreign government;

''(C) a State, municipality, or political subdivision of a State; or

''(D) any other entity subject to the jurisdiction of the United States.''.

SEC. 405. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended—

(1) by redesignating section 7 as section 9; and

(2) by inserting after section 6 the following:

''SEC. 7. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

''(a) PROHIBITION.—A person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

''(b) PENALTIES.—

''(1) CRIMINAL PENALTY.—A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both.

''(2) CIVIL PENALTIES.—

''(A) IN GENERAL.—A person that knowingly violates subsection (a), and a person engaged in business as an importer, exporter, or distributor that violates subsection (a), may be assessed a civil penalty by the Secretary of not more than $12,000 for each violation.

''(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

''(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

''(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are appropriate to carry out this section.

''(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

''(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).''.

SEC. 406. EDUCATIONAL OUTREACH PROGRAM.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) (as amended by section 405) is amended by inserting after section 7 the following:

"SEC. 8. EDUCATIONAL OUTREACH PROGRAM.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

''(b) GUIDELINES.—The Secretary shall publish in the Federal Register guidelines for the program.

''(c) CONTENTS.—Under the program, the Secretary shall publish and disseminate information regarding—

''(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled or advertised as containing, their parts;

''(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

''(3) the status of rhinoceros and tiger species and the reasons for protecting the species.''.

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) (as redesignated by section 405(1)) is amended by striking ''1996, 1997, 1998, 1999, and 2000'' and inserting ''1996 through 2002''.

TITLE V—CHESAPEAKE BAY INITIATIVE

SEC. 501. SHORT TITLE.

This title may be cited as the ''Chesapeake Bay Initiative Act of 1998''.

SEC. 502. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in cooperation with the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator''), shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 1999 through 2003.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING SUPPORT FOR CERTAIN INSTITUTES AND SCHOOLS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2638, introduced earlier today by Senator FRIST.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2638) to provide support for certain institutes and schools.

The Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2638) was considered read the third time and passed, as follows:

S. 2638

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

TITLE I—OREGON INSTITUTE OF PUBLIC SERVICE AND CONSTITUTIONAL STUDIES

SEC. 101. DEFINITIONS.

In this title:

(1) ENDOWMENT FUND.—The term ''endowment fund'' means a fund established by Portland State University for the purpose of generating income for the support of the Institute.

(2) INSTITUTE.—The term ''Institute'' means the Oregon Institute of Public Service and Constitutional Studies established under this title.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 102. OREGON INSTITUTE OF PUBLIC SERVICE AND CONSTITUTIONAL STUDIES.

From the funds appropriated under section 106, the Secretary is authorized to award a grant to Portland State University at Portland, Oregon, for the establishment of an endowment fund to support the Oregon Institute of Public Service and Constitutional Studies at the Mark O. Hatfield School of Government at Portland State University.

SEC. 103. DUTIES.

In order to receive a grant under this title the Portland State University shall establish the Institute. The Institute shall have the following duties:

(1) To generate resources, improve teaching, enhance curriculum development, and further the knowledge and understanding of students of all ages about public service, the United States Government, and the Constitution of the United States of America.

(2) To increase the awareness of the importance of public service, to foster among the youth of the United States greater recognition of the role of public service in the development of the United States, and to promote public service as a career choice.

(3) To establish a Mark O. Hatfield Fellows program for students of government, public policy, public health, education, or law who have demonstrated a commitment to public service through volunteer activities, research projects, or employment.

(4) To create library and research facilities for the collection and compilation of research materials for use in carrying out programs of the Institute.

(5) To support the professional development of elected officials at all levels of government.

SEC. 104. ADMINISTRATION.

(a) LEADERSHIP COUNCIL.—

(1) IN GENERAL.—In order to receive a grant under this title Portland State University shall ensure that the Institute operates under the direction of a Leadership Council (in this title referred to as the ''Leadership Council'') that—

''(A) consists of 15 individuals appointed by the President of Portland State University; and

''(B) is established in accordance with this section.

(2) APPOINTMENTS.—Of the individuals appointed under paragraph (1)(A)—

(A) Portland State University, Willamette University, the Constitution Project, George Fox University, Warner Pacific University, and Oregon Health Sciences University shall each have a representative;

(B) at least 1 shall represent Mark O. Hatfield, his family, or a designee thereof;

(C) at least 1 shall have expertise in elementary and secondary school social sciences or governmental studies;

(D) at least 2 shall be representative of business or government and reside outside of Oregon;

(E) at least 1 shall be an elected official; and

(F) at least 3 shall be leaders in the private sector.

(3) EX-OFFICIO MEMBER.—The Director of the Mark O. Hatfield School of Government at Portland State University shall serve as an ex-officio member of the Leadership Council.

(b) CHAIRPERSON.—

(1) IN GENERAL.—The President of Portland State University shall designate 1 of the individuals first appointed to the Leadership Council under subsection (a) as the Chairperson of the Leadership Council. The individual so designated shall serve as Chairperson for 1 year.

(2) REQUIREMENT.—Upon the expiration of the term of the Chairperson of the individual designated as Chairperson under paragraph (1), or the term of the Chairperson elected under this paragraph, the members of the Leadership Council shall elect a Chairperson of the Leadership Council from among the members of the Leadership Council.

SEC. 105. ENDOWMENT FUND.

(a) MANAGEMENT.—The endowment fund shall be managed in accordance with the standard endowment policies established by the Oregon University System.

(b) USE OF INTEREST AND INVESTMENT INCOME.—Interest and other investment income earned (on or after the date of enactment of this subsection) from the endowment fund may be used to carry out the duties of the Institute under section 103.

(c) DISTRIBUTION OF INTEREST AND INVESTMENT INCOME.—Funds realized from interest and other investment income earned (on or after the date of enactment of this subsection) shall be spent by Portland State University in collaboration with Willamette University, George Fox University, the Constitution Project, Warner Pacific University, Oregon Health Sciences University, and other appropriate educational institutions or community-based organizations. In expending such funds, the Leadership Council shall encourage programs to establish partnerships, to leverage private funds, and to match expenditures from the endowment fund.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $3,000,000 for fiscal year 1999, and each subsequent fiscal year thereafter.

TITLE II—PAUL SIMON PUBLIC POLICY INSTITUTE

SEC. 201. DEFINITIONS.

In this title:

(1) ENDOWMENT FUND.—The term ''endowment fund'' means a fund established by the University for the purpose of generating income for the support of the Institute.

(2) ENDOWMENT FUND CORPUS.—The term ''endowment fund corpus'' means an amount equal to the grant or grants awarded under this title plus an amount equal to the matching funds required under section 202(d).

(3) ENDOWMENT FUND INCOME.—The term ''endowment fund income'' means an amount equal to the total value of the endowment fund minus the endowment fund corpus.

(4) INSTITUTE.—The term ''Institute'' means the Paul Simon Public Policy Institute described in section 202.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(6) UNIVERSITY.—The term ''University'' means Southern Illinois University at Carbondale, Illinois.

SEC. 202. PROGRAM AUTHORIZED.

(a) GRANTS.—From the funds appropriated under section 206, the Secretary is authorized to award a grant to Southern Illinois University for the establishment of an endowment fund to support the Paul Simon Public Policy Institute. The Secretary may enter into agreements with the University and include in any agreement made pursuant to this title such provisions as are determined necessary by the Secretary to carry out this title.

(b) DUTIES.—In order to receive a grant under this title, the University shall establish the Institute. The Institute, in addition to recognizing more than 40 years of public service to Illinois, to the Nation, and to the world, shall engage in research, analysis, debate, and policy recommendations affecting world hunger, mass media, foreign policy, education, and employment.

(c) DEPOSIT INTO ENDOWMENT FUND.—The University shall deposit the proceeds of any grant received under this section into the endowment fund.

(d) MATCHING FUNDS REQUIREMENT.—The University may receive a grant under this section only if the University has deposited in the endowment fund established under this title an amount equal to one-third of such grant and has provided adequate assurances to the Secretary that the University will administer the endowment fund in accordance with the requirements of this title. The source of the funds for the University match shall be derived from State, private foundation, corporate, or individual gifts or bequests, but may not include Federal funds or funds derived from any other federally supported fund.

(e) DURATION; CORPUS RULE.—The period of any grant awarded under this section shall not exceed 20 years, and during such period the University shall not withdraw or expend any of the endowment fund corpus. Upon expiration of the grant period, the University may use the endowment fund corpus, plus any endowment fund income for any educational purpose of the University.

SEC. 203. INVESTMENTS.

(a) IN GENERAL.—The University shall invest the endowment fund corpus and endowment fund income in those low-risk instruments and securities in which a regulated insurance company may invest under the laws of the State of Illinois, such as federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, or obligations of the United States.

(b) JUDGMENT AND CARE.—The University, in investing the endowment fund corpus and endowment fund income, shall exercise the judgment and care, under circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of the person's own business affairs.

SEC. 204. WITHDRAWALS AND EXPENDITURES.

(a) IN GENERAL.—The University may withdraw and expend the endowment fund income to defray any expenses necessary to the operation of the Institute, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research. No endowment fund income or endowment fund corpus may be used for any type of support of the executive officers of the University or for any commercial enterprise or endeavor. Except as provided in subsection (b), the University shall not, in the aggregate, withdraw or expend more than 50 percent of the total aggregate endowment fund income earned prior to the time of withdrawal or expenditure.

(b) SPECIAL RULE.—The Secretary is authorized to permit the University to withdraw or expend more than 50 percent of the total aggregate endowment fund income whenever the University demonstrates such withdrawal or expenditure is necessary because of—

(1) a financial emergency, such as a pending insolvency or temporary liquidity problem;

(2) a life-threatening situation occasioned by a natural disaster or arson; or

(3) another unusual occurrence or exigent circumstance.

(c) REPAYMENT.—

(1) INCOME.—If the University withdraws or expends more than the endowment fund income authorized by this section, the University shall repay the Secretary an amount equal to one-third of the amount improperly expended (representing the Federal share thereof).

(2) CORPUS.—Except as provided in section 202(e)—

(A) the University shall not withdraw or expend any endowment fund corpus; and

(B) if the University withdraws or expends any endowment fund corpus, the University shall repay the Secretary an amount equal to one-third of the amount withdrawn or expended (representing the Federal share thereof) plus any endowment fund income earned thereon.

SEC. 205. ENFORCEMENT.

(a) IN GENERAL.—After notice and an opportunity for a hearing, the Secretary is authorized to terminate a grant and recover any grant funds awarded under this section if the University—

(1) withdraws or expends any endowment fund corpus, or any endowment fund income in excess of the amount authorized by section 204, except as provided in section 202(e);

(2) fails to invest the endowment fund corpus or endowment fund income in accordance with the investment requirements described in section 203; or

(3) fails to account properly to the Secretary, or the General Accounting Office if properly designated by the Secretary to conduct an audit of funds made available under this title, pursuant to such rules and regulations as may be proscribed by the Comptroller General of the United States, concerning investments and expenditures of the endowment fund corpus or endowment fund income.

(b) TERMINATION.—If the Secretary terminates a grant under subsection (a), the University shall return to the Treasury of the United States an amount equal to the sum of the original grant or grants under this title, plus any endowment fund income earned thereon. The Secretary may direct the University to take such other appropriate measures to remedy any violation of this title and to protect the financial interest of the United States.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $3,000,000 for fiscal year 1999, and each subsequent fiscal year thereafter. Funds appropriated under this section shall remain available until expended.

TITLE III—HOWARD BAKER SCHOOL OF GOVERNMENT

SEC. 301. DEFINITIONS.

In this title:

(1) BOARD.—The term ''Board'' means the Board of Advisors established under section 304.

(2) ENDOWMENT FUND.—The term ''endowment fund'' means a fund established by the University of Tennessee in Knoxville, Tennessee, for the purpose of generating income for the support of the School.

(3) SCHOOL.—The term ''School'' means the Howard Baker School of Government established under this title.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(5) UNIVERSITY.—The term ''University'' means the University of Tennessee in Knoxville, Tennessee.

SEC. 302. HOWARD BAKER SCHOOL OF GOVERNMENT.

From the funds authorized to be appropriated under section 306, the Secretary is authorized to award a grant to the University for the establishment of an endowment fund to support the Howard Baker School of Government at the University of Tennessee in Knoxville, Tennessee.

SEC. 303. DUTIES.

In order to receive a grant under this title, the University shall establish the School. The School shall have the following duties:

(1) To establish a professorship to improve teaching and research related to, enhance the curriculum of, and further the knowledge and understanding of, the study of democratic institutions, including aspects of regional planning, public administration, and public policy.

(2) To establish a lecture series to increase the knowledge and awareness of the major

public issues of the day in order to enhance informed citizen participation in public affairs.

(3) To establish a fellowship program for students of government, planning, public administration, or public policy who have demonstrated a commitment and an interest in pursuing a career in public affairs.

(4) To provide appropriate library materials and appropriate research and instructional equipment for use in carrying out academic and public service programs, and to enhance the existing United States Presidential and public official manuscript collections.

(5) To support the professional development of elected officials at all levels of government.

SEC. 304. ADMINISTRATION.

(a) BOARD OF ADVISORS.—

(1) IN GENERAL.—The School shall operate with the advice and guidance of a Board of Advisors consisting of 13 individuals appointed by the Vice Chancellor for Academic Affairs of the University.

(2) APPOINTMENTS.—Of the individuals appointed under paragraph (1)—

(A) 5 shall represent the University;

(B) 2 shall represent Howard Baker, his family, or a designee thereof;

(C) 5 shall be representative of business or government; and

(D) 1 shall be the Governor of Tennessee, or the Governor's designee.

(3) EX OFFICIO MEMBERS.—The Vice Chancellor for Academic Affairs and the Dean of the College of Arts and Sciences at the University shall serve as an ex officio member of the Board.

(b) CHAIRPERSON.—

(1) IN GENERAL.—The Chancellor, with the concurrence of the Vice Chancellor for Academic Affairs, of the University shall designate 1 of the individuals first appointed to the Board under subsection (a) as the Chairperson of the Board. The individual so designated shall serve as Chairperson for 1 year.

(2) REQUIREMENTS.—Upon the expiration of the term of the Chairperson of the individual designated as Chairperson under paragraph (1) or the term of the Chairperson elected under this paragraph, the members of the Board shall elect a Chairperson of the Board from among the members of the Board.

SEC. 305. ENDOWMENT FUND.

(a) MANAGEMENT.—The endowment fund shall be managed in accordance with the standard endowment policies established by the University of Tennessee System.

(b) USE OF INTEREST AND INVESTMENT INCOME.—Interest and other investment income earned (on or after the date of enactment of this subsection) from the endowment fund may be used to carry out the duties of the School under section 303.

(c) DISTRIBUTION OF INTEREST AND INVESTMENT INCOME.—Funds realized from interest and other investment income earned (on or after the date of enactment of this subsection) shall be available for expenditure by the University for purposes consistent with section 303, as recommended by the Board. The Board shall encourage programs to establish partnerships, to leverage private funds, and to match expenditures from the endowment fund.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $10,000,000 for fiscal year 2000, and each subsequent fiscal year thereafter.

TITLE IV—JOHN GLENN INSTITUTE FOR PUBLIC SERVICE AND PUBLIC POLICY

SEC. 401. DEFINITIONS.

In this title:

(1) ENDOWMENT FUND.—The term ''endowment fund'' means a fund established by the University for the purpose of generating income for the support of the Institute.

(2) ENDOWMENT FUND CORPUS.—The term ''endowment fund corpus'' means an amount equal to the grant or grants awarded under this title plus an amount equal to the matching funds required under section 402(d).

(3) ENDOWMENT FUND INCOME.—The term ''endowment fund income'' means an amount equal to the total value of the endowment fund minus the endowment fund corpus.

(4) INSTITUTE.—The term ''Institute'' means the John Glenn Institute for Public Service and Public Policy described in section 402.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(6) UNIVERSITY.—The term ''University'' means the Ohio State University at Columbus, Ohio.

SEC. 402. PROGRAM AUTHORIZED.

(a) GRANTS.—From the funds appropriated under section 406, the Secretary is authorized to award a grant to the Ohio State University for the establishment of an endowment fund to support the John Glenn Institute for Public Service and Public Policy. The Secretary may enter into agreements with the University and include in any agreement made pursuant to this title such provisions as are determined necessary by the Secretary to carry out this title.

(b) PURPOSES.—The Institute shall have the following purposes:

(1) To sponsor classes, internships, community service activities, and research projects to stimulate student participation in public service, in order to foster America's next generation of leaders.

(2) To conduct scholarly research in conjunction with public officials on significant issues facing society and to share the results of such research with decisionmakers and legislators as the decisionmakers and legislators address such issues.

(3) To offer opportunities to attend seminars on such topics as budgeting and finance, ethics, personnel management, policy evaluations, and regulatory issues that are designed to assist public officials in learning more about the political process and to expand the organizational skills and policymaking abilities of such officials.

(4) To educate the general public by sponsoring national conferences, seminars, publications, and forums on important public issues.

(5) To provide access to Senator John Glenn's extensive collection of papers, policy decisions, and memorabilia, enabling scholars at all levels to study the Senator's work.

(c) DEPOSIT INTO ENDOWMENT FUND.—The University shall deposit the proceeds of any grant received under this section into the endowment fund.

(d) MATCHING FUNDS REQUIREMENT.—The University may receive a grant under this section only if the University has deposited in the endowment fund established under this title an amount equal to one-third of such grant and has provided adequate assurances to the Secretary that the University will administer the endowment fund in accordance with the requirements of this title. The source of the funds for the University match shall be derived from State, private foundation, corporate, or individual gifts or bequests, but may not include Federal funds or funds derived from any other federally supported fund.

(e) DURATION; CORPUS RULE.—The period of any grant awarded under this section shall not exceed 20 years, and during such period the University shall not withdraw or expend any of the endowment fund corpus. Upon expiration of the grant period, the University may use the endowment fund corpus, plus any endowment fund income for any educational purpose of the University.

SEC. 403. INVESTMENTS.

(a) IN GENERAL.—The University shall invest the endowment fund corpus and endowment fund income in accordance with the University's investment policy approved by the Ohio State University Board of Trustees.

(b) JUDGMENT AND CARE.—The University, in investing the endowment fund corpus and endowment fund income, shall exercise the judgment and care, under circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of the person's own business affairs.

SEC. 404. WITHDRAWALS AND EXPENDITURES.

(a) IN GENERAL.—The University may withdraw and expend the endowment fund income to defray any expenses necessary to the operation of the Institute, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research. No endowment fund income or endowment fund corpus may be used for any type of support of the executive officers of the University or for any commercial enterprise or endeavor. Except as provided in subsection (b), the University shall not, in the aggregate, withdraw or expend more than 50 percent of the total aggregate endowment fund income earned prior to the time of withdrawal or expenditure.

(b) SPECIAL RULE.—The Secretary is authorized to permit the University to withdraw or expend more than 50 percent of the total aggregate endowment fund income whenever the University demonstrates such withdrawal or expenditure is necessary because of—

(1) a financial emergency, such as a pending insolvency or temporary liquidity problem;

(2) a life-threatening situation occasioned by a natural disaster or arson; or

(3) another unusual occurrence or exigent circumstance.

(c) REPAYMENT.—

(1) INCOME.—If the University withdraws or expends more than the endowment fund income authorized by this section, the University shall repay the Secretary an amount equal to one-third of the amount improperly expended (representing the Federal share thereof).

(2) CORPUS.—Except as provided in section 402(e)—

(A) the University shall not withdraw or expend any endowment fund corpus; and

(B) if the University withdraws or expends any endowment fund corpus, the University shall repay the Secretary an amount equal to one-third of the amount withdrawn or expended (representing the Federal share thereof) plus any endowment fund income earned thereon.

SEC. 405. ENFORCEMENT.

(a) IN GENERAL.—After notice and an opportunity for a hearing, the Secretary is authorized to terminate a grant and recover any grant funds awarded under this section if the University—

(1) withdraws or expends any endowment fund corpus, or any endowment fund income in excess of the amount authorized by section 404, except as provided in section 402(e);

(2) fails to invest the endowment fund corpus or endowment fund income in accordance with the investment requirements described in section 403; or

(3) fails to account properly to the Secretary, or the General Accounting Office if properly designated by the Secretary to conduct an audit of funds made available under

this title, pursuant to such rules and regulations as may be prescribed by the Comptroller General of the United States, concerning investments and expenditures of the endowment fund corpus or endowment fund income.

(b) TERMINATION.—If the Secretary terminates a grant under subsection (a), the University shall return to the Treasury of the United States an amount equal to the sum of the original grant or grants under this title, plus any endowment fund income earned thereon. The Secretary may direct the University to take such other appropriate measures to remedy any violation of this title and to protect the financial interest of the United States.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $6,000,000 for fiscal year 2000, and each subsequent fiscal year thereafter. Funds appropriated under this section shall remain available until expended.

REQUIRING MINTING OF COINS IN COMMEMORATION OF BICENTENNIAL OF LEWIS AND CLARK.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 1560 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1560) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3831

(Purpose: To award congressional gold medals to the ''Little Rock Nine'' and Gerald R. and Betty Ford, to provide for a 6-month extension for certain coin sales, and for other purposes)

Mr. CRAIG. Mr. President, Senator D'AMATO has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. D'AMATO, proposes an amendment numbered 3831.

The amendment is as follows:

At the end of the bill, add the following new sections:

SEC. 11. CONGRESSIONAL GOLD MEDALS FOR THE "LITTLE ROCK NINE".

(a) FINDINGS.—The Congress finds that—

(1) Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, hereafter in this section referred to as the ''Little Rock Nine'', voluntarily subjected themselves to the bitter stinging pains of racial bigotry;

(2) the Little Rock Nine are civil rights pioneers whose selfless acts considerably advanced the civil rights debate in this country;

(3) the Little Rock Nine risked their lives to integrate Central High School in Little Rock, Arkansas, and subsequently the Nation;

(4) the Little Rock Nine sacrificed their innocence to protect the American principle that we are all ''one nation, under God, indivisible'';

(5) the Little Rock Nine have indelibly left their mark on the history of this Nation; and

(6) the Little Rock Nine have continued to work toward equality for all Americans.

(b) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of Congress, to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to the ''Little Rock Nine'', gold medals of appropriate design, in recognition of the selfless heroism that such individuals exhibited and the pain they suffered in the cause of civil rights by integrating Central High School in Little Rock, Arkansas.

(c) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (b) the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary for each recipient.

(d) AUTHORIZATION OF APPROPRIATION.—Effective October 1, 1998, there are authorized to be appropriated such sums as may be necessary to carry out this section.

(e) DUPLICATE MEDALS.—

(1) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck pursuant to this section under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(2) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out this section shall be reimbursed out of the proceeds of sales under paragraph (1).

SEC. 12. FORD CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Gerald R. and Betty Ford a gold medal of appropriate design—

(1) in recognition of their dedicated public service and outstanding humanitarian contributions to the people of the United States; and

(2) in commemoration of the following occasions in 1998:

(A) The 85th anniversary of the birth of President Ford.

(B) The 80th anniversary of the birth of Mrs. Ford.

(C) The 50th wedding anniversary of President and Mrs. Ford.

(D) The 50th anniversary of the 1st election of Gerald R. Ford to the United States House of Representatives.

(E) The 25th anniversary of the approval of Gerald R. Ford by the Congress to become Vice President of the United States.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated not to exceed $20,000 to carry out this section.

(d) DUPLICATE MEDALS.—

(1) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to this section under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(2) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out this section shall be reimbursed out of the proceeds of sales under paragraph (1).

(e) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 13. 6-MONTH EXTENSION FOR CERTAIN SALES.

Notwithstanding section 101(7)(D) of the United States Commemorative Coin Act of 1996, the Secretary of the Treasury may, at any time before January 1, 1999, make bulk sales at a reasonable discount to the Jackie Robinson Foundation of not less than 20 percent of any denomination of proof and uncirculated coins minted under section 101(7) of such Act which remained unissued as of July 1, 1998, except that the total number of coins of any such denomination which were issued under such section or this section may not exceed the amount of such denomination of coins which were authorized to be minted and issued under section 101(7)(A) of such Act.

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3831) was agreed to.

Mr. CRAIG. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1560), as amended, was considered read the third time and passed.

THIRD-PARTY PROCUREMENT MONITORING

Mr. COCHRAN. Mr. President, it is my understanding that corruption and fraud are major problems in the procurement of goods and services funded by multi-lateral lending programs. Since these programs are paid for by U.S. taxpayers, the Senate Appropriations Committee identified potential mechanisms in its report accompanying the fiscal year 1999 Foreign Operation Appropriations bill to ensure that procurement processes by borrowing or recipient nations are transparent, non-biased and open.

One of the mechanisms identified by the committee is independent third party procurement monitoring. An independent third party procurement monitor provides an independent review and assessment of government procurement projects by auditing and certifying that the procurement process is non-biased, open, transparent and fair. Importantly, independent third party monitoring provides technical assistance and training in country to improve the quality of the procurement process, thereby making the procurement process more effective. The program also verifies that the contractual, technical, economic and financial obligations of the supplier are fully discharged.

I encourage the Administration to support the use of programs such as independent third-party procurement monitoring which have proven their value in reducing costs by deterring corruption and fraud, ensuring the quality of the goods and services provided, stimulating competition and free trade, as well as enabling U.S. business to compete more successfully.

FOREIGN POLICY: AN UNFINISHED AGENDA

Mr. KERREY. Mr. President, I have some good news, and I have some bad news.

First the good news: We won. The Cold War, that is. Now the bad news: We may find the burden of winning that war as heavy as the burden of fighting it. I say that is the ''bad news,'' Mr. President, because it seems like bad news. But I believe it is both our destiny—a mantle that history has placed on our shoulders whether we like it or not—and an opportunity. The opportunity is this: the furnace in which American values are forged throughout the world is fiery hot, and its door is open.

That furnace will not be hot forever, Mr. President. Our triumph in the Cold War dissolved an empire and set free the nations that had been chained up by it. The totalitarian idea was stripped of the thin threads of legitimacy to which its aging adherents continued to cling. The birth of freedom—the opportunity to build new institutions of democracy and world stability—opened.

This furnace was hot, and still is, Mr. President, but the opportunity to build from the rubble of a fallen empire also brings turmoil. As what we hope are the transitional problems of economic instability, ethnic conflict, and proliferation of weapons of mass destruction cool and harden into habits, the door to that furnace of opportunity is closing.

America has learned before that the smoldering embers of victory contain the fires of reignited conflict. Once in this century we got it wrong. After the first world war, we made the fatal mistake of a vengeful peace. The result was a second world war, after which we got much more right, especially our leadership in rebuilding a crumbled world. Now, like then, we are weary of war's toll, but now, like then, we must bear the burden of leadership in victory. And we must do it while the furnace is hot and the opportunity right.

That, Mr. President, is why I am concerned that the 105th Congress is preparing to adjourn with too much foreign policy business left unfinished. The challenges we face around the world are burdens not just for this Congress, but for this country, for every American. The bell of leadership will toll for all of us, and we should not be surprised when it does. I want to outline just a few places where we may hear that call.

First, we face a global economic meltdown. Economies throughout the world are slowing and more uncertainty seems to arise everyday. Over the past year we have seen how instability in the Asian financial markets can quickly spread and undermine the stability of the global economy.

The impact has been devastating. Overnight, people in Asia and Russia have seen their entire life savings disappear. They have seen the chance to give their children an education and a shot at a better life evaporate. They have seen their standards of living plummet to the point where they must struggle to acquire basic necessities. Failure to act quickly to reverse the situation and promote global economic growth could consign an entire generation—who only months ago were on the verge of building a middle class—to a life of continued poverty.

We must know that global prosperity is not possible without a strong U.S. economy. I am pleased with the recent decision by the Federal Reserve to cut U.S. interest rates; although I admit I wish they would have cut it further. As the economic engine that drives the world, we must be prepared to take bold action to ensure world economic growth. Let me be clear, not only do we seek to improve the lives of people around the world through economic growth, we act with an element of self interest. A healthy global economy is the surest way to maintain a robust economy in the United States. As the farmers in my state know, without markets for U.S. products abroad, our own prosperity is threatened. Should this economic crisis deepen, should we start seeing credible signs of global depression, this Congress and the Administration must be prepared to act boldly to stimulate economic growth.

In that regard, I am pleased we are taking a proactive role in trying to prevent the economic crisis from spreading further to places like Latin America. We should continue to work cooperatively with other nations, like Japan, to assist them in implementing the kind of economic and legal reforms that will help them rebuild their economies.

Out of this crisis, we are also learning that economic instability leads to political instability. We see this in Russia, where financial shocks have created a political crisis which threatens Russian democracy. The situation in Russia demands our attention. As a nation with a capability to launch thousands of nuclear weapons, we cannot afford to allow Russia to slip into anarchy. I still believe the Russian transition will be successful, but it will be measured in decades, not years. We must be prepared to help the Russian people over the long run to create a democratic system based on the rule of law.

At the same time, we cannot allow the wealth of challenges we face both at home and abroad to embolden despotic leaders to flaunt international standards. Recent missile tests by North Korea only too clearly demonstrate the need to remain committed to the security of our friends in Asia. It refocuses our attention on this troubled region.

A divided Korea is one of the few lingering vestiges of the Cold War. But a change there is inevitable. I see two potential scenarios on the Korea Peninsula. In the first scenario, North Korea will acquiesce to the tide of history, renounce totalitarianism, embrace democracy, and peacefully reunite with the South. In the other scenario, North Korea implodes into an irrational and dangerous nation threatening the peace and security not only of South Korea, but of the entire region. While we should strive to ensure the former scenario, we should prepare for the latter.

First, we should reaffirm our military ties with South Korea and Japan. The 37,000 American troops stationed in South Korea, and the tens of thousands stationed throughout Asia, should serve as ample warning of our intent to stand by our allies and respond to all threats. Second, we should continue to support South Korea as it rebuilds its economy and implements further democratic reforms. Finally, we must maintain our active containment of North Korea with the cooperation of all of our partners in the region.

As we remain vigilant in Korea, we cannot release the pressure we have built on Saddam Hussein's regime. We are all concerned about Saddam's unwillingness to live up to his agreements, to fully disclose all information on his weapons of mass destruction programs, and to cooperate with United Nations Security Council Resolutions and mandates. Iraq's refusal to cooperate with UNSCOM monitors can not be allowed to go unchallenged.

But ultimately, our success in Iraq will not come from winning a game of hide and seek with Saddam's weapons of mass destruction, but through the establishment of democracy in Iraq. We must change our policy from containment of Iraq to the replacement of Saddam Hussein with a democratic government. I am pleased legislation sponsored by Senator LOTT and myself—designed to set the Iraqi people on the path to self-government—was recently passed by both the House and the Senate. As Americans, we should strive for no less. This policy is both noble, and with our assistance, possible.

In the Balkans, recent election victories by Serbian hardliners in Bosnia once again raise concerns about the prospects for a lasting peace. While enormous progress has been made since the days of open warfare and ethnic cleansing, more must be done to assure that Bosnia will become a peaceful, multi-ethnic state.

Let us be clear, the chance for peace in Bosnia did not come from a sudden willingness of the warring parties to come together. It came from our willingness to use our own military power.

I am extremely proud of the men and women of the United States Armed Forces who have served in Bosnia as a part of IFOR and SFOR. Their ability to bring peace to Bosnia is the best example of the effectiveness of U.S. leadership in the world. We should not forget that before the U.S. military intervention in Bosnia, our nightly news was filled with images of the destruction of Bosnian villages; of men, women, and children being gunned down in the streets of Sarajevo; and of families being separated and never seeing each other again.

But because we acted—because men and women in America's armed forces put their lives on the line—the fighting was stopped, the Dayton Peace Accords were signed, and the people of Bosnia have been given the chance to return to a normal life. Ultimately, the success or failure of our efforts in Bosnia will be determined by the capability to fully implement the civilian components of the Dayton Accords and our ability to help the people of Bosnia establish democracy and the rule of law based on ethnic security.

However, just as we allow ourselves to be hopeful for the people of Bosnia, we see more senseless killing of innocent civilians in the Balkans. The situation in Kosovo—while different and perhaps more complex than Bosnia—presents another challenge. Once again, we are faced with the question: do we have the resolve to confront Serb aggression and to halt the spread of ethnic conflict in the region? In answering this question, we must heed the lesson of Bosnia—at times, the credible use of force precedes diplomacy.

Over the past few months, Serbia has been given ample warning by the international community that its policies of ethnic cleansing, indiscriminate destruction of villages, and brutality toward civilian populations would not go unchallenged. However, Mr. President, President Milosevic did not respond to the demands of the international community until NATO began serious consideration of military action. One of the reasons I voted for NATO enlargement earlier this year was my firm belief that the inclusion of Poland, Hungary, and the Czech Republic—nations that had only recently thrown off the yoke of dictatorial regimes—would make the Alliance more willing to act in defense of freedom. Therefore, I was heartened to see President Vaclav Havel providing leadership and insisting that NATO respond to Serb action in Kosovo.

I am hopeful that the agreement reached earlier this week will improve the prospects of peace in Kosovo and will avert the pending humanitarian crisis. But if we have learned one lesson in dealing with Slobodan Milosevic in the past it is this: believe his actions, not his words.

Mr. President, as I look out onto the world these are only a few of the foreign policy challenges we face. I come before my colleagues today with a simple message: America must lead. But for America to lead, Congress must act.

First, Congress must ensure a strong national defense. I am pleased that we have passed both the Defense Authorization and Appropriations Bills, which in my opinion are two of the most important pieces of legislation we pass on an annual basis. The United States maintains the best equipped and most skillfully trained military the world has ever seen. This is not bravado, but a fact. A fact that should serve as a constant reminder to any nation contemplating a challenge to our interests. A strong American military, one that's ready to deploy and one that's backed up by the will of the American people, is a tremendous deterrent, and is likely to prevent conflict and the need for U.S. intervention.

Next, we must ensure that we maintain our intelligence capabilities. Americans should not suffer the illusion that we currently have the intelligence capacity to know everything that's going on in the world. We simply do not. We are not allocating enough resources to make certain our military is getting the intelligence it needs to identify threats and protect our national interests. But more importantly, we are not allocating enough resources to make certain policymakers are informed so that conflicts that might occur can be avoided. Mr. President, I believe we will not be able to allocate sufficient resources to our intelligence needs until we declassify the current budget and have a public debate about how we spend those dollars.

As I look at the legacy of the 105th Congress, I see many areas in which we have failed to provide the leadership necessary to guide the United States through these troubled times. We have left an unfinished agenda that we must confront in the 106th Congress.

Our first line of national defense is diplomacy. But we in Congress have spent far too little of our time and resources on ensuring we have a strong, well-financed diplomatic corps. In fact, as of today, the Senate has failed to act on over 20 State Department nominees—including over 15 nominations for ambassadorial positions. How can the United States represent its interests abroad without having our diplomatic representatives in place? Like our military, we should strive to make our diplomatic corps the envy of the world. I am convinced a strong diplomatic presence would reduce the chance of having to use our military forces.

In the same manner, Congressional refusal to provide funding to meet our international financial obligations puts a range of U.S. interests at risk. Currently, the United States owes over $1 billion in arrears to the United Nations. At a time in which we are trying to strip Saddam Hussein of his weapons of mass destruction programs through the auspices of UNSCOM and the U.N. Security Council, it would be foolish to believe that our failure to pay our debts does not impact our credibility. While I support efforts to reform U.N. operations, too often the payment of our arrears has been held hostage by those simply opposed to U.S. engagement in the world or by unrelated political debates. Former Secretary of Defense Frank Carlucci said it best: ''One thing is certain—we can't reform the U.N. if we're the biggest deadbeat.'' It's time for the United States to act like the most powerful nation in the world, it's time for Congress to pay our debts to the United Nations.

This Congress has not done enough to promote arms control. Specifically, our failure to debate and ratify the Comprehensive Test Ban Treaty during this Congress has relinquished our historic role as the leader in the effort to end the testing of nuclear weapons. Mr. President, the American people overwhelmingly support the Test Ban Treaty because they understand ratification of the treaty will give us new tools to fight the proliferation of nuclear materials and technology and will help us better monitor compliance of other nations.

The nuclear tests conducted earlier this year by India and Pakistan highlight the danger that can arise when nations engage in nuclear brinkmanship. The potential consequences of increased tensions in the region arising from additional testing by India and Pakistan should cause each of us concern, and should elevate this issue to the top of our priority list. The recent declaration by the Prime Ministers of both India and Pakistan of their intention to join the CTBT offer hope that we can make this treaty work. When the 106th Congress reconvenes, the Senate must bring this treaty to the floor. We cannot insist that potential rogue nuclear states adhere to the precepts of the CTBT if the United States Senate gives it less time for debate than bills changing the names of airports.

I spoke earlier about the challenge presented by the global economic crisis. One of the few tools the international community has for extinguishing the sudden brush fires of global crisis is the International Monetary Fund. In response to the crisis, President Clinton requested $18 billion to replenish the IMF's capital base. On two separate occasions, the Senate has overwhelmingly voted to provide this funding, sending a clear message of our belief that the threat to the prosperity of the American people is too great not to act. I am pleased with reports that the funding will be provided as a part of the FY99 Omnibus Appropriations Bill. While imperfect, the IMF is the only institution that pools the world's resources to address large-scale financial crises.

Finally, I was disappointed by our failure to renew fast track authority for the President to negotiate future

trade agreements. I believe it's unfortunate because without fast track authority it will be more difficult to negotiate reductions in non-tariff barriers throughout the world that would stimulate demand for American products and create jobs for American citizens.

I have outlined a heavy burden, Mr. President, one whose weight may surprise us. Many Americans thought we won, no doubt, and that the burden of leadership—along with the cloud of danger—had passed. We did win, Mr. President, our blood and treasure struck a tremendous blow for freedom. Our pride is not diminished by the fact that our work is not done.

Shortly before the Soviet Union fell, one of the great soldiers of the Cold War, General Colin Powell, met with General Jack Galvin—commander of NATO—to discuss threats to our security. General Galvin wore a worried look on his face as he plodded through threat after threat after threat that remained. General Powell responded: ''Smile, Jack. We won.''

Smile, Mr. President. But we must also steel our will. The burden of war is behind us. The burden of victory remains.

EXPORT-IMPORT BANK AND THE ENVIRONMENT

Mr. D'AMATO. Mr. President, I understand that my good friend and colleague from Alaska, Senator MURKOWSKI, chairman of the Senate Energy and Natural Resources Committee, has recently introduced legislation which would amend the Export-Import Bank Act of 1945 to assure that the United States is consistent with other G–7 countries in evaluating environmental concerns whenever the Bank undertakes project financing. I understand the Senator's concerns. However, I feel that this issue would be much better addressed with a full hearing. Adding this provision onto the Omnibus Appropriations bill without fully discussing it and analyzing its implications with a hearing, may not be prudent.

Mr. MURKOWSKI. Mr. President, my good friend from New York, the chairman of the Senate Committee on Banking, Housing, and Urban Affairs, Senator D'Amato, is correct. I have introduced a bill, S. 2537, to amend the Export-Import Bank's environmental provisions. The bill does two things. First, it directs the Ex-Im Bank to negotiate a multi-lateral agreement with the export financing agencies of all G–7 countries to address environmentally sensitive development overseas. Second, until such agreement is reached, my legislation would ensure that U.S. companies have access to Ex-Im Bank financing of overseas projects where other G–7 countries are providing or have indicated an intent to provide financing to the project in question without conditioning such assistance on environmental policies or procedures. The net effect of this law is to impose unilateral sanctions on U.S. companies in the name of the environment.

I had intended to discuss this legislation as part of Senate action on trade issues, because the issue here is trade and competition. This year, however, trade legislation may only be adopted as part of the omnibus spending bill, or not at all.

Mr. D'AMATO. Clearly, my friend has raised a valid concern. Certainly, no member in the Senate is in favor of needlessly denying the necessary financing to a U.S. company, and allowing them to compete internationally, especially in light of the disproportionate levels of financing, and in some cases subsidization provided by many foreign governments to their domestic businesses. I share the Senator's concerns that the Bank not give any other country an unfair advantage when it comes to competing for jobs abroad. However, I am also concerned that this issue has not been addressed properly by the Senate Banking Committee, the committee of jurisdiction with regard to this issue. When ever the Bank considers financing projects abroad, there certainly should be consideration given to the effects on the environment. And additionally, the U.S. should continue to participate in negotiations with the rest of the international community which seek to establish some set of standards for all countries.

Mr. MURKOWSKI. Mr. President, I understand the concerns of the Senator form New York about this legislation, particularly because he is chairman of the committee with jurisdiction over the Export-Import Bank. And I agree that this matter is so important that it deserves the attention of the full Committee on Banking, Housing and Urban Affairs. Is the Senator saying that when the Senate reconvenes for the 106th session, the Chairman will schedule a hearing on my legislation at the earliest possible convenience?

Mr. D'AMATO. Mr. President, that is precisely what I am suggesting, and I appreciate the cooperation of the Senator from Alaska and his understanding on this matter.

Mr. MURKOWSKI. I thank my good friend from New York. As a result of his commitment on hearings. I will not attempt to include my Ex-Im legislation in the omnibus spending bill. I will look forward to working with the Chairman next year to address this important issue.

SOFTWARE COMPETITION

Mr. KERRY. As many of my colleagues are aware, on October 7, a coalition of prominent consumer groups released a study entitled ''The Consumer Case Against Microsoft.'' The report reviews quantitative evidence, journalistic accounts of the software industry and evidence presented by the Department of Justice and the states Attorneys General in its discussion of four major areas of alleged attempts at monopolization—operating systems, desktop applications, web browsers and electronic commerce. The report concludes that Microsoft has a monopoly in several important segments of the consumer software market and is likely to continue to use its market power to gain monopoly market share in other existing and developing markets. In addition, the report argues that Microsoft's business practices and monopoly status combine to deprive consumers of cost savings, quality and choice. These are important issues, and I hope the next Congress will further explore this matter.

Later this month, after we adjourn, the antitrust case against Microsoft will go to trial, and it may conclude before the next Congress convenes. During the course of this trial, the public will learn much about business practices in the software industry, and issues surrounding competition in the software industry will likely gain a higher degree of visibility. I commend all of my colleagues to monitor this trial and the questions that it may raise.

I also ask my colleagues to review the consumers groups' report along with any rebuttal which Microsoft may put forth. The issues raised in the report and during the trial may force Congress to examine whether existing antitrust law sufficiently addresses market abuses in the new digital age. They may also force Congress to consider new and important consumer protection and market dominance issues absent traditional antitrust examination. In the final analysis, we must strive to ensure that all consumers, large and small, are able to benefit from a vibrant and competitive electronic marketplace marked by innovation, competitive pricing and consumer choice.

MANUFACTURED HOUSING IMPROVEMENT ACT

Mr. SHELBY. Mr. President, due to an inadvertent oversight, Senator SUSAN COLLINS was not listed as a cosponsor of S. 2145, the Manufactured Housing Improvement Act of 1998, when the Senate returned from August recess in September. I hope this statement in the CONGRESSIONAL RECORD will clarify Senator COLLIN's enthusiasm for S. 2145. I thank Senator COLLINS for her support of the bill.

PATENT AND TRADEMARK OFFICE REAUTHORIZATION

Mr. LEAHY. Mr. President, I am pleased that the Senate has passed the United States Patent and Trademark Office Reauthorization Act, Fiscal Year 1999, H.R. 3723. This bill, which passed the House of Representatives on May 12, 1998, is an important measure that would benefit all American inventors and would, for the first time in the history of the U.S. patent system, reduce patent fees.

The United States Patent and Trademark Office (PTO) is totally funded by user fees. Prior to 1990, the PTO was funded through a combination of user fees and taxpayer revenue. However, in a deficit reduction exercise in 1990, taxpayer support for the operations of the PTO was eliminated and user fees were substantially increased by the imposition of a surcharge on patent fees. The temptation to use the surcharge has proven to be increasingly irresistible to Congress and the Administration, to the detriment of sound functioning of our nation's patent system. Through Fiscal Year 1998, a total of $235 million has been diverted from the PTO to other unrelated agencies and programs.

At the urging of the inventor community, Congress allowed the surcharge to sunset at the end of Fiscal Year 1998. This means, however, that Congress must take affirmative action to adjust patent fees or the PTO will suffer a drastic reduction in revenue for the current fiscal year which will leave it unable to hire the patent examiners needed to reduce the time required to get a patent to eighteen months. Prompt processing of patent applications is particularly important for those inventors who need their patents to raise risk capital.

The Administration forwarded a draft bill to the Congress which would have continued patent fees at the current levels. However, in an oversight hearing before the House Judiciary Committee, Commissioner Lehman stated that the PTO would be unable to use all the revenues that would be generated if patent fees were to be continued at their current level in fiscal year 1999. Commissioner Lehman stated that keeping fees at their current level would generate $50 million in excess fee revenue which the Administration planned to divert to other government programs. The response by the House of Representatives was to craft a bill, H.R. 3723, that would adjust patent fees to provide all of the money which the PTO indicated that it could use in fiscal year 1999, but which would not generate an unneeded $50 million simply to support other government programs.

In the absence of any action on H.R. 3723, Congress had to include specific language in the continuing resolution signed by the President on September 25, 1998 addressing the level of patent fees that the PTO could charge. Section 117 of Public Law 105–240 provides that the PTO can continue to charge patent fees at the same level that existed on September 30, 1998 through October 9, 1998. As I previously noted, patent fees at this level are higher than they need to be to fully fund the PTO in fiscal year 1999. In a fiscal year when there are debates over how to use the billions of dollars of budget surplus, it is inappropriate for Congress to require the PTO to charge inventors more than the cost of rendering the services which they receive. By enacting H.R. 3723 we serve American inventors and provide them with the first real patent fee reduction in the history of the nation. This bill is good for American inventors and good for the United States.

THE HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT 1998

Mr. JEFFORDS. Mr. President, I am very pleased to support the passage of S. 1754, the Health Professions Education Partnerships Act of 1998. This legislation reauthorizes the health care training programs contained in titles VII and VIII of the Public Health Service Act and its enactment will improve health workforce quality, diversity, and the distribution of funds—while requiring greater accountability of both the grant recipients of federal funds and the agency that administers them. I am pleased to be an original co-sponsor of the Act.

Senate bill 1754 reauthorizes and consolidates 37 categorical grant and contract authorities of title VII and VIII of the Public Health Service Act into 8 clusters to provide for the support of health professions training programs and related community-based educational partnerships. To preserve the integrity of the programs, 15 funding lines will continue. This legislation provides comprehensive, flexible, and effective authority for the support of health professions training programs and the related community-based educational partnerships.

In my own State of Vermont, the students of the University of Vermont's College of Medicine have benefited from a number of these programs and scholarships, including those relating to family medicine and professional nurse and nurse practitioner training. The newest title VII program in Vermont is the Area Health Education Center (AHEC) which opened its first site in April 1997 in the Northeast Kingdom of Vermont. The AHEC will decentralize health professions education by having portions of the training provided in primary medical personnel shortage areas and by improving the coordination and use of existing health resources. Over the next two years, two additional sites are planned in other underserved areas of the State. These efforts have contributed to making Vermont a better place to obtain health care services and they have improved the quality of life for its residents.

I want to thank Senator FRIST and his excellent staff for their dedication and hard work in drafting the Health Professions Education Partnerships Act of 1998. The enactment of this act will improve the training of our nation's health workforce and, also, provide for greater accountability of the public funds used to support these educational programs.

THE MEDICAL RESEARCH INFRASTRUCTURE GAP

Mr. HARKIN. Mr. President, before this Congress ends, I want to bring to my colleagues' attention an important issue confronting our nation's biomedical research enterprise and its search for medical breakthroughs as we move into the next century.

First, I want to say how pleased I am that we were able to provide the biggest increase ever for medical research this year. We worked hard to make that happen and I want to commend my colleague, Senator ARLEN SPECTER, for his leadership and work with me on this important accomplishment. The Conference Agreement of the Fiscal 1999 Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, provides a $2 billion, or 15 percent, increase for the National Institutes of Health (NIH), the principal source of Federal funding for medical research conducted at our nation's universities and other research institutions. That 15 percent increase puts Congress on course to double funding for the NIH over the next five years, a target I've called for and agreed to by the Senate earlier in this Congress.

However, as Congress embarks on this important investment in improved health, we must strengthen the totality of the biomedical research enterprise. While it is critical to focus on high quality, cutting edge basic and clinical research, we must also consider the quality of the laboratories and buildings where that research is being conducted, as well as the training of future scientists and the salaries of those scientists.

In fact, Mr. President, the infrastructure of research institutions, including the need for new physical facilities, is central to our nation's leadership in medical research. Despite the significant scientific advances produced by Federally-funded research, most of that research is currently being done in medical facilities built in the 1950's and 1960's, a time when the Federal government obligated from $30 million to $100 million a year for facility and equipment modernization. Since then, however, annual appropriations for modernization of our biomedical research infrastructure have been greatly reduced, ranging from zero to $20 million annually over the past decade. As a result, many of our research facilities and laboratories are outdated and inadequate to meet the challenge of the next millennium.

Over the past decade, I've worked hard both as chair and now Ranking Member of the health subcommittee to get the NIH budget increased to $15.5 billion. Yet, over that same period, support for facility and laboratory modernization totaled only $110 million. In the Fiscal 1999 appropriations bill, only 0.2 percent of the NIH budget will be directly devoted to improvement of the extramural laboratories that house NIH-funded scientists and support their research.

As we work to double funding for medical research over the next 5 years, the already serious shortfall in the

modernization of our nation's aging research facilities will grow unless we take specific action. According to the most recent National Science Foundation study of the status of biomedical research facilities (1996), 47 percent of all biomedical research-performing institutions classified the amount of biological science research space as inadequate, and 51 percent indicated that they had an inadequate amount of medical science research space. Only 45 percent of biomedical research space at research-performing institutions was considered ''suitable for scientifically competitive research.''

The 1996 NSF Report further found that 36 percent of all institutions with biomedical research space reported capital projects, involving either construction or renovation, that were needed but had to be deferred because funding was not available. The estimated costs for deferred biomedical research construction and renovation projects totaled $4.1 billion. The problem is more severe for Historically Black Colleges and Universities, where only 36 percent of their biomedical research space was rated as being suitable for use in the most competitive scientific research.

The extramural facilities gap has been recognized by leading research organizations, the members of which have recommended a major construction and renovation funding initiative as part of any proposal to significantly increase funding for the NIH. In a March 1998 report, the Association of American Medical Colleges found that ''recent advances in science have generated demand for new facilities and instruments, much of which could most rationally be provided through federal programs that are merit reviewed. The AAMC report concluded that ''the government should establish and fund an NIH construction authority, consistent with the general recommendations of the Wyngaarden Committee report of 1988, which projected at that time the need for a 10-year spending plan of $5 billion for new facilities and renovation.''

These sentiments are echoed by a June 1998 report of the Federation of American Societies for Experimental Biology (FASEB), one of the leading organizations of basic researchers. The FASEB report concluded that ''laboratories must be built and equipped for the science of the 21st century. Infrastructure investments should include renovation of existing space as well as new construction, where appropriate.''

Mr. President I am committed to addressing this need. I believe future increases in federal funding for the NIH must be matched with increased funding for repair, renovation, and construction of our extramural research facilities. To this end, I plan on introducing legislation next year to significantly expand our investment in research facility modernization to assure that 21st century research is conducted in 21st century labs and facilities. And over the next year I plan to meet with patients, health professionals, and academic leaders from across the country to discuss this initiative which is so vitally important for the future of the entire medical research enterprise.

Mr. President, this is a very exciting time in the field of biomedical research. We are on the verge of major medical breakthroughs which hold the promise of improved health and reduced costs for the people of this nation and the world. The ravage of killers like cancer, heart disease and Parkinson's and the scores of other illnesses and conditions which take the lives and health of millions of Americans can be ended if we devote the resources. I look forward to working with my colleagues in the coming months and years to assure that this promise is realized.

TERRORISM AND THE GROWING THREAT TO HUMANITARIAN WORKERS ABROAD

Mr. BROWNBACK. Mr. President, today I wish to call attention to a target of terrorism that is rarely discussed. Increasingly, acts of violence are directed at some of the noblest members of our community, namely, humanitarian relief workers. I have been requested by internationally-respected aid agencies to call attention to this issue to encourage risk assessment solutions to minimize humanitarian aid worker fatalities. Borrowing from a recent GAO report entitled Combatting Terrorism, finding solutions demands a ''threat and risk assessment approach used by several public and private sector organizations [who] deal with terrorist and other security risks.'' Unfortunately, little security expertise has been directed to their extraordinary circumstances.

How great is this threat? A March study presented at Harvard warned of sharp increases in security threats against the humanitarian community. The United Nations reports that the safety risks for relief workers has altered dramatically in the last 5 years. We know that at least 25 relief workers from America and other countries died in 1997. Between 1995 and 1997, the International Red Cross, alone, recorded 397 separate security incidents of aggression and banditry against its personnel.

In the farthest corners of the earth, aid workers feed the hungry, heal the sick, comfort the persecuted, and shelter the homeless. Non-profit aid organizations do the hardest work for the littlest pay under the greatest risks with the least support. From Kosovo to Cambodia, Angola to Afghanistan, Liberia to Chechnya, selfless people from America and beyond are serving in increasingly dangerous situations with tremendous personal exposure.

Some of these voluntary organizations have become household names like CARE, World Vision, the American Red Cross, and Catholic Relief Services. Some are smaller community-based charities. Some are missionary organizations in the most isolated places. Some are faith-based, others are secular, but all of them have one thing in common: they are at greater risk than ever before of murder, abduction, and assault.

Their extraordinary vulnerability is illustrated by the following stories: In Tajikistan, a health care worker for street children was kidnaped. Ultimately, both the worker and her 5 abductors were killed by a grenade they set off. In Rwanda, a worker transporting emergency food relief died during an attack by unknown assailants at a military checkpoint. The truck was then set on fire, resulting in the loss of 15 tons of humanitarian relief food which would have fed some 1,700 people for the next month. These are only a few of the countless untold stories of worker maiming and death.

At a recent training course in security for humanitarian organizations held by InterAction (a coalition of international aid organizations), an instructor asked if anyone present had ever evacuated a country under hazardous conditions or had been physically assaulted in the course of their work. Nearly all of the assembled field workers raised their hands. Many asked, ''Which time?''

These voluntary organizations play a central role in foreign assistance, and significant American foreign assistance is being funneled through them at an increasing rate. As these groups distribute US foreign relief, they represent America in difficult and dangerous international arenas. And they do it well—they are lean, efficient, and flexible as is demanded by the extremities of working in the most conflicted regions worldwide. Their accomplishments are legendary. Over the years, they have stood between life and death for countless millions during numerous, threatened famines which were averted because of their efforts.

This is the central point of my concern. These courageous and selfless groups are more exposed than ever as terrorism continues to escalate against Americans worldwide. The least we can do during the current, on-going public debate on ''terrorism'' is to direct attention their way to generate risk assessment solutions. They cannot isolate themselves behind compound walls as would an embassy or arm themselves with military equipment. Their job description requires them to live among the people, and by necessity, become vulnerable.

What can be done? First, I do not want to implement more cumbersome legislation. I do, however, hope to energize private sector solutions relating to risk assessment in this new era of violence. I hope that both public and private sector expertise will be directed towards their unique security challenges.

One immediate solution is information sharing. Even though most experienced humanitarian workers can relate

harrowing stories, hard data is difficult to obtain. Experts agree that security incidents among voluntary organizations operating overseas are vastly under-reported. By working cooperatively, aid organizations can share information and resources as incidents occur. Another solution involves training; InterAction, in conjunction with the Office of Foreign Disaster Assistance, recently developed a security training course for aid organizations which was well received. I encourage their continued endeavors and commend all groups seeking ways to improve security training. Training resources could be developed and shared via a consortium.

The gathering of more information quantifying the problems is another step towards solutions. The skills and equipment that once well-served field workers in the past may no longer be adequate. To get a better understanding of the scope and nature of these new problems, I am working with the General Accounting Office to provide a detailed study to assess this problem.

Aid workers are one of America's great natural resources—living in obscurity at great personal sacrifice to ease the suffering of strangers, they express the best of the American character through their extraordinary generosity. They already sacrifice their personal lives, they should not also pay with their blood. We should not lose them to senseless acts of violence if this can be avoided by appropriate risk assessment and resource sharing. I believe there are unique solutions for these unique challenges, where the best security experts will creatively address these special needs. We should not let these heroes be defeated by heartless terrorism—we should not unnecessarily lose our best to this insidious form of violence.

THE INTERNATIONAL RELIGIOUS FREEDOM ACT

Mr. CRAIG. Mr. President, for some months now, pressure has been building for the enactment of legislation that would address the long-neglected but widespread problem of religious persecution in a number of countries, notably persecution of Christians. This legislation, which has been approved by both Houses of Congress and has been sent to the White House, addresses that problem in a manner that will allow the flexibility to protect U.S. interests. Because there was no Committee Report for this legislation, it is important that appropriate guidance be given as to the intent behind the legislation, for the benefit both of the Executive Branch and, in particular, the Commission established by the Act. As an original cosponsor of the legislation, I wish to supplement the Statement of Managers submitted by Mr. NICKLES to draw particular attention to two provisions in the Act that address what is the fundamental duty of any government: to protect the rights of its own citizens.

The primary purpose of this bill is to address the rampant persecution in many foreign countries by the governments of those countries against their own people. But however repugnant we find persecution of citizens of foreign countries—and properly so—it is even worse when we find that the U.S. government has too often turned a blind eye to violations of Americans' religious freedom by persecuting regimes. For example, the State Department has collaborated with the denial of religious freedom by shutting down Christian services on the premises of the U.S. Consulate in Jeddah (Saudi Arabia) and punished a whistle-blowing State Department official who protested. Similarly, the State Department has refused to take any meaningful action to secure the release of an unknown number of minor U.S. citizens who have been kept from leaving Saudi Arabia and who have been forcibly converted to Islam. This is an especially acute problem in the case of girls, who will not be able to leave Saudi Arabia even after reaching the age of majority—in effect, theirs is a life sentence.

This bill addresses both of these issues, and the intent of Congress is clear. First, the bill requires the State Department to report on both practices as they affect the rights of American citizens (section 102(b)(1)(B) (i) and (ii)). This report should be detailed and specific both as to the nature of the violations and the remedial actions that have been applied. Second, because forced religious conversion is among the violations that mandate presidential action under this bill, documentation of the victimization of minor U.S. citizens in this manner by any foreign government should be of particular note in the President's decision to take action. Third, section 107 mandates access for U.S. citizens to diplomatic missions and consular posts for the purpose of religious services on the same basis as the many other non-governmental activities unrelated to the diplomatic mission that frequently are permitted access. Fourth, the Commission should take particular note of Congress' intent in the provisions relating to violations of Americans' rights in making its recommendations and should be strict in reviewing U.S. government policies in this area. And fifth, notice of these violations of U.S. citizens' rights should prompt a thorough review of the Department of State's too-often dismissive attitude toward these concerns in comparison to its desire to cultivate good relations with foreign governments.

ACCESS TO U.S. MISSIONS ABROAD

It is important to note that these concerns were not invented in the abstract but are drawn from real problems of real people. On the question of the State Department's negative attitude toward the desire of American citizens to be afforded the opportunity for worship in countries where this is forbidden, the following is relevant (from The American Spectator, ''Saving Faith: Why won't the State Dept. stand up for Christians?'' By Tom Bethell, April 1997):

> The Saudi dictatorship forbids all non-Muslim religious activity, but services were for years held on embassy and consular grounds in Riyadh and Jeddah. In the 1970's, hundreds of Catholics attended Mass within the U.S. mission each week; Protestant services were equally well attended, and Mormons had their own service. (No American diplomats thought to be Jewish are stationed in Saudi Arabia.) Within the British mission, such religious services continue today. But the U.S. mission has now phased them out. In contrast, the U.S. consulate in Jeddah sets aside special facilities for Islamic worship, five times a day, whether by Americans, Saudis, or embassy employees from other countries.
>
> I met with Tim Hunter at a restaurant near his home in Arlington, Virginia. Before joining the Foreign Service, he told me, he had worked for the U.S. Army in counter-intelligence and as a political appointee to various federal agencies. When he arrived in Saudi Arabia in 1993 he was told by the Consul General that his ''informal duties'' would include monitoring the ''Tuesday lecture,'' a euphemism for the Catholic Mass held on consulate grounds. By then, the number of attendees had dwindled to fifteen. The reason was not hard to find. Hunter's job was to tell any inquiring U.S. citizens that the embassy knew nothing about any such service or ''Tuesday meeting.'' Only if callers were extremely persistent was he to meet with them and gauge their trustworthiness.
>
> Since this was entirely irregular and contrary to U.S. law, Hunter decided to blow the whistle. He even told the FBI what was going on. Within days of telling visiting officials from the Inspector General's office he was ordered to return to the U.S. A State Department review panel observed that Hunter had not ''absorbed the Foreign Service culture''—an understatement. In April 1995, Hunter recalled, ''two uniformed officers of the State Department's Diplomatic Security Service, displaying brightly polished 9mm caliber pistols, appeared at the office of my supervisor [James Byrnes] and advised him that I was being removed from further employment.'' Today Hunter calls the U.S. mission in Saudi Arabia a ''rogue part of the U.S. diplomatic establishment.'' Thomas Friedman provided an oblique corroboration in the New York Times, noting in December 1995 that the U.S. has ''withdrawn diplomats from Riyadh whom the Saudis felt became too knowledgeable and frank about problems in the kingdom.''

Section 107 of this bill will remedy this problem. The State Department may not adopt a cavalier attitude toward the requests of U.S. citizens for access for the purpose of religious worship or suggest that such requests are uniquely unrelated to the conduct of the diplomatic mission in comparison to other permitted activities, for example, the dispensing and social consumption of alcoholic beverages and the serving of pork products, that are also contrary to Saudi law. Many other social and American community activities without any discernable diplomatic purpose will no doubt continue, and in most cases should continue, but religious service access requests under section 107 may receive no less consideration. The fact that several other foreign consulates afford access to worship for their citizens disproves any

suggestion that diplomatic interests preclude similar provisions for Americans by the State Department. The annual report required under the bill must make this clear, and the Commission should give strict scrutiny to enforcement of this provision according to its clear intention. Finally, the victimization of Mr. Hunter for blowing the whistle on this matter is unconscionable, and the Commission should recommend and monitor speedy redress of his status by the State Department.

FORCED CONVERSION OF MINOR U.S. CITIZENS

If the neglect of the worship needs of Americans abroad is deplorable, inaction in the cases of the victimization of minors who have been taken to a foreign land, subjected to forced religious conversion, and prevented from returning to the United States where they would enjoy religious freedom is intolerable. One particular case illustrates the severity of this problem, that of Alia and Aisha Al Gheshiyan. In Chicago, Illinois, on January 25th, 1986, Alia, aged seven, and Aisha, aged three and a half, visited the apartment of their father, Khalid Bin Hamad Al Gheshiyan, a citizen and Saudi Arabia. The girl's mother, Patricia Roush had been awarded custody of the children by a U.S. court but had agreed to permit their father to have the children for an overnight visit. He promised to return them to their mother the next day. However, instead of returning the girls to their mother, Al Gheshiyan abducted the two girls and took them to Saudi Arabia. On January 28th 1986, an Illinois court issued a warrant for Al Gheshiyan's arrest on charges of child abduction.

Having been removed from the United States and placed under the law of Saudi Arabia, where no non-Islamic region may be practiced, the girls (who had been baptized as Christians) were obliged to give up their previous Christian identity. According to their mother, who has secured documentation of her daughters' mandatory conversion to Islam:

> My daughters Alia and Aisha Gheshiyan were raised in a Christian home by a Christian mother and were not familiar with Islam or their father's family, culture or religion. (Which he stated he was disobeying when he was in the United States for twelve years). My daughters are now young women who are nineteen and sixteen years of age with no possible choices of religious freedom. If they do not practice Islam, they could be killed—quite possibly by their own father. This is not uncommon in Saudi Arabia. If a child, especially a daughter, does not submit to her father's commands, he has the right to put her to death.

It is important to remember that in cases like that of Alia and Aisha, their plight amounts to a life sentence, because under Saudi law, even after attaining majority (as Alia already has) they may not travel abroad without their father's permission (in the case of unmarried girls and woman) or their husband's permission (in the case of married women).

As if the total denial of rights to these Americans were not bad enough, even more deplorable has been the response of the Department of State, which has simply dismissed the matter as a ''child custody'' case and has advised Ms. Roush to hire a lawyer for proceedings in a Shari's religious court—a court in which she, as a non-Muslim and a woman, has virtually no standing. There is no evidence that the State Department has ever dealt with this (and other such forced conversions) as not just a private dispute or a routine consular access case but as a state-to-state matter involving not only the solemn obligation of the government of the United States to secure the rights of its citizens but of the indefensible hostility of the Saudi government toward religious freedom. If the United States could make the fate of prominent Soviet Jewish ''refuseniks'' Natan Scharansky and Ida Nudel a matter of national policy in American relations with the Soviet Union—as we should have—the fate of Alia and Aisha must be seen as a litmus test of the willingness of the State Department to give proper weight to the requirements of this statue in its relations with the Riyadh government. The Commission should recommend specific action as the highest level to ensure that the United States no longer gives the impression that such treatment of its citizens is acceptable or is only a routine ''private'' or ''family'' matter.

COSPONSORSHIP OF S. 1529

Mr. KENNEDY. Mr. President, I would like to state for the RECORD that Senator LEAHY agreed to cosponsor S. 1529, the Hate Crimes Prevention Act of 1998 on September 30.

Due to an unfortunate clerical error, his name was not added until today, October 15.

Y2K CHALLENGE

Mr. DEWINE. Mr. President, almost everyone has heard of the impending ''Year 2000'' or ''Y2K'' problem, also commonly known as the ''millennium bug.'' The problem itself is fairly simple. In the early years of computers, programmers set aside only two digits to denote the year in dates. To the ''minds'' behind computers and other technology-driven devices, the year 2000 is indistinguishable from the year 1900. The problem is present in billions of lines of software as well as billions of small computer chips embedded in electronic devices used by Americans every day. Without the necessary checks to ensure that electronic devices can operate by January 1, 2000, the impact of this computer bug could be wide-ranging and even disastrous. Household gadgets like garage door openers or VCRs could break down. Traffic delays could be caused by non-complaint traffic lights. Stock exchanges and nuclear reactors could shut down.

Although the problem is easy to describe, it has proven difficult and time-consuming to solve. To make the necessary corrections, each line of computer code must be hand-checked by a computer programmer, and all computer chips must be tested. In the United States alone, it is estimated that it will cost over $600 billion to correct the millions of lines of computer program code. Not only are these corrections expensive, the process of analyzing, correcting, testing and integrating software and hardware has become a heavy management burden on all levels of government as well as the private sector.

Although the federal government has been working to meet the time constraints of the Y2K deadline, the General Accounting Office has found that problems still remain with computer systems at every federal agency they examined. Overall, it is estimated that the federal government must check at least 7,336 mission critical computer systems. Some larger systems, those used by the Internal Revenue Service, for example, have more than 60 lines of code per system. The Office of Management and Budget has established an interagency committee to facilitate federal efforts to instruct each federal agency on the best possible solutions.

Some federal agencies are closer to achieving Y2K compliance than others. The Treasury Department's Financial Management Service, responsible for paying Social Security disability and retirement benefits, Veterans' benefits, and IRS refunds, installed two new Y2K compliant systems earlier this month. Treasury Department officials are confident they will be ready and checks will arrive on time.

The Federal Aviation Administration is among the agencies furthest behind in this process. This is of particular concern to me. A recent survey by the Air Transport Association of America shows that 35 percent of our nation's airports surveyed do not yet have a Y2K plan and that only 20 of 81 of our country's larger airports are on schedule to fix their Y2K problems. Although FAA officials testified that they will, in fact, be fully compliant by the end of June 1999, this will not give their administrators much time for testing the updated systems. The Transportation Department is prepared to shut down unsafe aviation systems domestically and will be working with the State Department to access the safety of international systems so they will be ready to stop flights to unsafe airports. Unless we can accelerate Y2K compliance at our airports, the rippling Y2K effect on air travel could make air travel inconvenient and costly to the American traveler.

During this session of Congress, we have devoted a great deal of attention to the Y2K challenge. A special Senate Subcommittee on Y2K, headed by our colleague from Utah, Senator ROBERT BENNETT, held several hearings to raise awareness of this problem and to discuss possible solutions. To expedite the federal government's efforts to correct

all agency computer systems, last year Congress provided $86 million to perform Y2K updates at the Federal Aviation Administration, the Treasury Department and the Health Care Financing Administration. This fall, Congress is expected to provide another $3.25 billion in emergency funding to ensure the federal government can fully meet the Y2K challenge.

We also need to encourage companies, large and small, to meet this challenge. During congressional hearings, representatives from the private sector discussed hesitancy to disclose any information about their own Y2K progress. Companies are reluctant to work together based almost entirely on fears of potential litigation and legal liabilities. For example, in my state of Ohio, NCR, a world-wide provider of information technology solutions, has been working on Y2K solutions since 1996. NCR made valuable progress in research on its own preparedness for Y2K and in finding solutions to help other businesses prepare for the millennium. Unfortunately, they were hesitant to deliver these statements for fear that they would be sued. In order to encourage the private sector to share valuable information and experiences, these lines of communication need to be open. Congress recently passed legislation, S. 2392, to encourage companies to freely discuss potential Y2K problems, solutions, test results and readiness amongst themselves. This law will provide businesses the temporary protection from lawsuits regarding statements made about Y2K.

As the chairman of the Antitrust, Business Rights and Competition Subcommittee, I am usually reluctant to support any exemption from our antitrust laws. As a general proposition it is very important that these laws apply broadly to all sectors of the economy to protect consumers and allow businesses to operate in an environment of fair and rigorous competition. However, I do support the narrow, temporary exemption passed by Congress as a part of our overall effort to address the Y2K problem.

This exemption does not cover conduct such as price fixing or group boycotts. Even with these important limitations this antitrust exemption should provide significant protection for those who might otherwise be reluctant to pool resources and share information.

S. 2392 is crucial to opening the lines of communication between companies, particularly those in the utility and telecommunications industries, which were cited by the Senate Y2K Subcommittee as its top priority for review. This legislation will be a giant step in implementing Y2K solutions. Not only will the bill promote discussion, it will also establish a single government website for access to Y2K information.

Mr. President, both the supplemental spending and information sharing bills represent the kind of effort we need to meet the Y2K challenge. Without question, we are in an era of rapid communication and innovation, and the role computer technology plays in our daily lives is a constant reminder of this fact. Now, with this technology at risk of disrupting our lives as we usher in a new century and millennium, our ability to both communicate and to innovate will be put to the test over the next 14 months. It will take a combined effort from the public and private sector to pass this test.

FAILURE TO PASS JUVENILE CRIME LEGISLATION

Mr. LEAHY. Mr. President, last Friday, the Chairman of the Judiciary Committee, my good friend from Utah, spoke on the floor about juvenile justice legislation. He indicated that he will be urging the Majority Leader to make this issue one of the top legislative priorities in the 106th Congress. It is indeed unfortunate that the Senate has failed to consider legislation in this important area.

Improving our Nation's juvenile justice system and preventing juvenile delinquency has strong bipartisan support in Congress and in the White House. That is why I and other Democrats have introduced juvenile crime legislation both at the beginning and the end of this Congress. Within the first weeks of the 105th Congress, I joined Senator DASCHLE in introducing the ''Youth Violence, Crime and Drug Abuse Control Act of 1997,'' S. 15, and last month introduced, with the support of Senators DASCHLE, BIDEN and other Democratic members, the ''Safe Schools, Safe Streets and Secure Borders Act of 1998,'' S. 2484. That is why the Administration transmitted juvenile crime legislation, the ''Anti-Gang and Youth Violence Control Act of 1997,'' S. 362, which I introduced with Senator BIDEN on the Administration's behalf in February 1997.

Given the strong interest in this issue from both sides of the aisle, the failure of the Senate to consider juvenile crime legislation would appear puzzling. Indeed, the House passed juvenile justice legislation three times this year, when it sent to the Senate H.R. 3 on May 8, 1997, H.R. 1818 on July 15, 1997, and both these bills again attached to S. 2073 on September 15, 1998. The Senate juvenile crime bill, S. 10, was voted on by the Judiciary Committee in July 1997, and then left to languish for over a year.

The Republicans have never called up S. 10 for consideration by the full Senate. Instead, in early September they rushed to the floor with no warning and offered terms for bringing up the bill that would have significantly limited debate and amendments on the many controversial items in the bill. For example, although the substitute juvenile crime bill that the Republicans wanted to debate contained over 160 changes from the Committee-reported bill, the majority wished to limit Democratic amendments to five. This offer was unacceptable, as the Republicans well knew before they ever offered it.

We should recognize this offer for what it is: a procedural charade engaged in by the Republicans in a feeble effort to place the blame on the minority for the majority's failure to bring up juvenile justice legislation in the Senate. Nevertheless, I suggested a plan for a full and fair debate on S. 10. On September 25, 1998, I put in the record a proposal that would have limited the amendments offered by Democrats to the most controversial aspects of the bill, such as restoring the core protection for juvenile status offenders to keep them out of jail, keeping juveniles who are in custody separated from adult inmates, and ensuring adequate prevention funding.

I never heard back from the Republicans. They simply ignored my proposal, and failed to turn to this issue again on the floor of the Senate. These facts make clear that assertions about Democrats refusing proposals to limit the number of amendments to S. 10, and refusing to permit a conference on House-passed legislation, could not be farther from the truth. Indeed, no proposal to agree to a conference was ever propounded on the floor of the Senate.

During the past year, I have spoken on the floor of the Senate and at hearings on numerous occasions about my concerns with S. 10, including on November 13, 1997, January 29, 1998, April 1, 1998, June 23, 1998, and September 8, 1998. On each of those occasions, I expressed my willingness to work with the Chairman in a bipartisan manner to improve this bill. Since Committee consideration of the bill, I have continued to raise the areas of concern that went unaddressed in the Committee-reported bill. Specifically, I was concerned that the bill skimped on effective prevention efforts to stop children from getting into trouble in the first place.

Second, I was concerned that the bill would gut the core protections, which have been in place for over 20 years to protect children that come into contact with the criminal justice system and keep them out of harm's way from adult inmates, to keep status and non-offenders out of jail altogether, and to address disproportionate minority confinement.

Third, I was concerned about the federalization of juvenile crime due to S. 10's elimination of the requirement that federal courts may only get involved in prosecutions of juveniles for offenses with which the federal government has concurrent jurisdiction with the State, if the State cannot or declines to prosecute the juvenile.

Finally, I was concerned the new accountability block grant in S. 10 contained onerous eligibility requirements that would end up imposing on the States a one-size-fits-all uniform sewn-up in Washington for dealing with juvenile crime. I know many States viewed

this bill as a straight-jacket, which is why it was opposed by the National Governors' Association, the National Conference of State Legislatures, the National Association of Counties and the Council of State Governments.

Unfortunately, productive negotiations on this bill did not commence in earnest until the final days of this Congress. The fact that negotiations began at all is due in no small part to the efforts and leadership of Representatives BILL MCCOLLUM, CHARLES SCHUMER, FRANK RIGGS, BOBBY SCOTT and JOHN CONYERS. They and their staffs have worked tirelessly on this issue and to address many of the concerns that were raised about the juvenile crime legislation.

Over the past week, I have worked with Senators HATCH, SESSIONS, BIDEN, KENNEDY, KOHL, FEINGOLD and BINGAMAN, and our House counterparts, to craft bipartisan legislation that could be passed in the final days of this Congress. While our last-minute efforts to complete action on this bill were unsuccessful, I appreciate the good faith in which these bipartisan, bicameral negotiations took place and recognize the important compromises that were offered on all sides. Time ran out in this Congress to get our job done on this legislation.

I appreciate the frustration of many of my Republican colleagues about our inability to achieve consensus on juvenile justice legislation because I know that those frustrations are shared by me and my Democratic colleagues. It is unfortunate that the majority did not chose to begin these negotiations, and did not chose to start addressing the significant criticisms of this bill, until the last minutes of this Congress.

When the 106th Congress convenes, and we again turn our attention to juvenile justice legislation, my hope is that the good work we have accomplished over the last week is the starting point. If not, I fear that the 106th Congress will end up at the same place we are today: with no juvenile justice legislation to show as an accomplishment for all of us. I thank all who have been willing to make the effort in the final days, and look forward to completing this work early next year.

CBO PROJECT ANALYSES

Mr. MURKOWSKI. Mr. President, at the time the Committee on Energy and Natural Resources filed its reports on H.R. 4079, to authorize the construction of temperature control devices at Folsom Dam in California, and H.R. 3687, the Canadian River Prepayment Act, the analyses from the Congressional Budget Office were not available. Those analyses have now been received. I ask unanimous consent that they be printed in the RECORD for the advice of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 4079—An act to authorize the construction of temperature control devices at Folsom Dam in California

Summary: H.R. 4079 would authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to construct devices for controlling and monitoring water temperatures at Folsom Dam and certain nonfederal facilities. Temperature control devices allow water to be diverted from a higher point in the water column of a reservoir, thereby preserving cool water for fish. The act would authorize the appropriation of $7 million (in October 1997 dollars) for construction and such sums as necessary for operating, maintaining, and replacing the devices. A portion of these amounts would be repaid by water and power users in the region.

CBO estimates that implementing H.R. 4079 would result in additional outlays of $7 million over the 1999–2003 period, assuming the appropriation of the necessary amounts. H.R. 4079 would affect direct spending; therefore, pay-as-you-go procedures would apply. CBO estimates that enacting H.R. 4079 would decrease direct spending by about $400,000 over the 1999–2003 period. The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4079 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal years, in millions of dollars—				
	1999	2000	2001	2002	2003
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	7	(1)	(1)	(1)	(1)
Estimated Outlays	5	1	1	(1)	(1)

[1] Less than $500,000.

Basis of estimate: For purposes of this estimate, CBO assumes that H.R. 4079 will be enacted by the beginning of fiscal year 1999 and that the estimated amounts necessary to implement the act will be appropriated each year.

Spending subject to appropriation

H.R. 4079 would authorize the appropriation of $5 million for constructing a temperature control device and monitoring apparatus at Folsom Dam and $2 million for constructing similar mechanisms at nearby nonfederal facilities. Those amounts are authorized in October 1997 dollars and may be adjusted to reflect inflation, but such adjustments would not be significant if funds are provided in fiscal year 1999 or 2000. Based on information provided by the bureau, CBO expects that construction at Folsom Dam would be completed in 1999 and that construction at nonfederal facilities would be completed by 2001, if the necessary appropriations are provided. CBO estimates that the annual cost of operating, maintaining, and replacing these devices over the 1999–2003 period would be negligible.

Direct spending

About $4 million of the cost of constructing the temperature control device and monitoring apparatus at Folsom Dam would be repaid by water and power users. (The costs of devices at nonfederal facilities would not be repaid.) CBO estimates that repayments would total $140,000 annually over the 2001–2030 period. (Because water and power rates are set one year in advance, there would be a one-year lag between the year the project is completed, 1999, and the year that repayment begins.)

Pay-as-you-go-considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. CBO estimates that enacting H.R. 4079 would affect direct spending but that there would be no significant impact in any year. Enacting this legislation would not affect governmental receipts.

Estimated intergovernmental and private sector impact: H.R. 4079 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no significant impact on the budgets of state, local, or tribal governments.

Previous CBO estimate: On August 10, 1998, CBO provided an estimate for H.R. 4079, as ordered reported by the House Committee on Resources on July 29, 1998. The two versions of the legislation and their estimated costs are identical.

Estimate prepared by: Gary Brown.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

H.R. 3687—Canadian River Project Prepayment Act

Summary: H.R. 3687 would authorize prepayment by the Canadian River Municipal Water Authority of amounts due for the pipeline and related facilities of the Canadian River Project in Texas. Current law provides for conveying title for these elements to the authority once repayment is complete.

CBO estimates that enacting H.R. 3687 would slightly reduce discretionary spending, and would yield a net decrease in direct spending of $26 million over the 1999–2003 period. That near-term cash savings would be offset on a present-value basis, however, by the loss of currently scheduled payments. Because H.R. 3687 would affect direct spending, pay-as-you-go procedures would apply.

The act contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments might incur some costs as a result of H.R. 3687's enactment, but these costs would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3687 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal years, in millions of dollars—				
	1999	2000	2001	2002	2003
DIRECT SPENDING					
Spending Under Current law: [1]					
Estimated Budget Authority	0	0	−3	−3	−3
Estimated Outlays	0	0	−3	−3	−3
Proposed Changes:					
Estimated Budget Authority	−35	0	3	3	3
Estimated Outlays	−35	0	3	3	3
Spending Under H.R. 3687:					
Estimated Budget Authority	−35	0	0	0	0
Estimated Outlays	−35	0	0	0	0

[1] The next payment from the Canadian River Municipal Water Authority is not due until 2001.

Basis of estimate: CBO assumes that H.R. 3687 is enacted near the beginning of fiscal year 1999 and that prepayment will occur within this fiscal year. (The authority to prepay would expire 360 days after enactment.)

Direct spending

CBO estimates that enacting H.R. 3687 would result in a prepayment to the federal government of about $35 million in 1999. After prepayment, the authority would no longer make the regularly scheduled payment of $3 million a year over the 2001–2022 period.

Spending subject to appropriation

The Canadian River Municipal Water Authority pays 100 percent of the cost of operating and maintaining the Canadian River project dam, reservoir, pipeline, and related facilities. The Bureau of Reclamation reimburses the authority for about 26 percent of the cost of operating and maintaining the project dam and reservoir. The 1998 appropriated amount for this purpose was about $30,000. Enacting H.R. 3687 would eliminate this annual federal cost as early as 1999.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted. Enacting H.R. 3687 would not affect governmental receipts.

	By fiscal years, in millions of dollars—									
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Changes in outlays	−35	0	3	3	3	3	3	3	3	3
Changes in receipts	Not applicable									

Estimated impact on State, local, and tribal governments: H.R. 3687 contains no intergovernmental mandates as defined in UMRA. The conveyance authorized by this legislation would be voluntary on the part of the authority, and any costs incurred as a result would be accepted by them on that basis. As conditions of the conveyance, H.R. 3687 would require the authority to prepay its outstanding obligations to the federal government and to assume all responsibility for the operations and maintenance costs of the project. The act would impose no other costs on state, local, or tribal governments.

Estimated impact on the private sector: This act would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Gary Brown. Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 14, 1998, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. —. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled joint resolution was signed by the President pro tempore (Mr. THURMOND) on October 14, 1998,

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 15, 1998, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 8. An act to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes.

H.R. 53. An act to require the general application of the antitrust laws to major league baseball, and for other purposes.

H.R. 505. An act to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

H.R. 2206. An act to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.

H.R. 2235. An act to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 2:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 559. An act to amend title 38, United States Code, to add bronchiolo-alveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation-exposed veterans.

H.R. 3878. An act to subject certain mineral interests to the operation of the Mineral Leasing Act, and for other purposes.

H.R. 4243. An act to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment system, Federal benefit programs, and for other purposes.

H.R. 4501. An act to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

H.R. 4519. An act to authorize the President to consent to third party transfer of the ex-U.S.S. *Bowman County* to the U.S.S. LST Ship Memorial, Inc.

The message also announced that the House has passed the following bills and joint resolution, without amendment:

S. 1134. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 2500. An act to protect the sanctity of contract and leases entered into by surface patent holders with respect to coalbed methane gas.

S.J. Res. 35. Joint resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

H.R. 2807. An act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.

The message also announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 417) to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4660) to amend the Senate Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

The message also announced that pursuant to the provisions of section 2(b)(2) of Public Law 105–186, the Speaker appoints the following Members of the House to the Presidential Advisory Commission on Holocaust Assets in the United States: Mr. GILMAN and Mr. FOX of Pennsylvania.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 15, 1998, he had presented to the President of the United States, the following enrolled bills:

S. 53. An act to require the general application of the antitrust laws to major league baseball, and for other purposes.

S. 505. An act to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

S. 2206. An act to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.

S. 2235. An act to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resources officers.

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–7509. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Rehabilitation Training: Rehabilitation Long-Term Training'' received on October 13, 1998; to the Committee on Labor and Human Resources.

EC–7510. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding income from sales of inventory involving possessions of the United States (RIN1545–AU79) received on October 13, 1998; to the Committee on Finance.

EC–7511. A communication from the Chairman of the Consumer Products Safety Commission, transmitting, pursuant to law, the Commission's annual report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC–7512. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azoxystrobin; Time-Limited Pesticide Tolerance'' (RIN2070–AB78) received on October 13, 1998; to the Committee on Environment and Public Works.

EC–7513. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Approval and Promulgation of State Implementation Plan for South Dakota; Revisions to the Air Pollution Control Program'' (FRL6175–4) received on October 13, 1998; to the Committee on Environment and Public Works.

EC–7514. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule to Establish an Additional Manatee Sanctuary in Kings Bay, Crystal River, Florida'' (RIN1018–AE47) received on October 13, 1998; to the Committee on Environment and Public Works.

EC–7515. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Interim Guidelines Establishing Year 2000 Standards for Safety and Soundness'' (RIN1550–AB27) received on October 13, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7516. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Grazing Administration; Alaska; Reindeer; General'' (RIN1004–AD06) received on October 13, 1998; to the Committee on Indian Affairs.

EC–7517. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (Olney, Archer, Denison-Sherman and Azle, Texas; and Lawton, Oklahoma)'' (Docket 97–225) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7518. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (Arcadia, Ellingon, and Marble Hill, Missouri, Carbondale and Steeleville, Illinois, and Tiponville, Tennessee)'' (Docket 97–168) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7519. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (Eastland and Baird, Texas)'' (Docket 97–242) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7520. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (Laramie and Rock River, Wyoming)'' (Docket 96–255) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7521. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (Freeport and Cedarville, Illinois)'' (Docket 97–67) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7522. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (Missoula, Montana)'' (Docket 98–106) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7523. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules to Allow Interactive Video and Data Service Licensees to Provide Mobile Services'' (Docket 98–169) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7524. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the Board's fiscal year 2000 budget request; to the Committee on Commerce, Science, and Transportation.

EC–7525. A communication from the Secretary of the Interior, the Secretary of Labor, the Secretary of Commerce and the Attorney General, transmitting jointly, a report recommending the enactment of legislation to extend federal immigration and wage laws to the Commonwealth of the Northern Mariana Islands; to the Committee on Energy and Natural Resources.

EC–7526. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, a report entitled ''Impacts of the Kyoto Protocol on U.S. Energy Markets and Economic Activity''; to the Committee on Energy and Natural Resources.

EC–7527. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding adequacy determinations for Alaska State Municipal Solid Waste Landfill Permit Programs (FRL6177–6) received on October 13, 1998; to the Committee on Environment and Public Works.

EC–7528. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding New Jersey state plans for the control of oxides of nitrogen (FRL6174–5) received on October 13, 1998; to the Committee on Environment and Public Works.

EC–7529. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Request for Delegation of the Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r) (7): State of Florida'' (FRL6166–9) received on October 14, 1998; to the Committee on Environment and Public Works.

EC–7530. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Department's report entitled ''Report on Citizenship of Certain Legalized Aliens''; to the Committee on the Judiciary.

EC–7531. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Deportation and Cancellation of Removal'' (RIN1125–AA25) received on October 14, 1998; to the Committee on the Judiciary.

EC–7532. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fresh Bartlett Pears Grown in Oregon and Washington; Decreased Assessment Rate'' (Docket FV98–931–1 IFR) received on October 14, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7533. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tomatoes Grown in Florida; Partial Exemption From Handling Regulation for Producer Field-Packed Tomatoes'' (Docket FV98–966–2 IFR) received on October 14, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7534. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges and Grapefruit Grown in the Lower Rio Grand Valley in Texas; Decreased Assessment Rate'' (Docket FV98–906–1 IFR) received on October 14, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7535. A communication from the Administrator of National Banks, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Safety and Soundness Standards'' (RIN1550–AB27) received on October 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred to as indicated:

By Mr. LEAHY:

S. 2636. A bill to promote economically sound modernization of electric power generation capacity in the United States, to establish requirements to improve the combustion heat rate efficiency of fossil fuel-fired

electric utility generating units, to reduce emissions of mercury, carbon dioxide, nitrogen oxides, and sulfur dioxide, to require that all fossil fuel-fired electric utility generating units operating in the United States meet new source review requirements, and to promote alternative energy sources such as solar, wind, and biomass; to the Committee on Finance.

By Mr. HATCH.

S. 2637. A bill for the relief of Belinda McGregory; considered and passed.

By Mr. FRIST (for himself, Mr. DEWINE, Mr. KENNEDY, Mr. SMITH of Oregon, Mr. THOMPSON, and Mr. WYDEN):

By Mr. MURKOWSKI:

S. 2639. A bill to require the Secretary of the Interior to submit a report on the feasibility and desirability of recovering the costs of high altitude lifesaving missions on Mount McKinley in Denali National Park and Preserve, Alaska; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 300. A resolution electing James W. Ziglar, of Mississippi, as the Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

S. Res. 301. A resolution relative to Rule XXXIX; considered and agreed to.

S. Res. 302. A resolution relative to Rule XXXIII; considered and agreed to.

S. Res. 303. A resolution authorizing the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders to make certain appointments during the recess or adjournment of the present session; considered and agreed to.

S. Res. 304. A resolution tendering the thanks of the Senate to the Vice President for courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

S. Res. 305. A resolution tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

S. Res. 306. A resolution to commend the exemplary leadership of the Democratic Leader; submitted and read.

By Mr. DASCHLE:

S. Res. 307. A resolution to commend the exemplary leadership of the Majority leader; submitted and read.

By Mr. DODD (for himself, Mr. INOUYE, and Mr. LEVIN):

S. Res. 308. A resolution commending the crew members of the United States Navy destroyers of DesRon 61 for their heroism, intrepidity, and skill in action in the only naval surface engagement occurring inside Tokyo Bay during World War II; considered and agreed to.

By Mr. HELMS (for himself and Mr. MCCONNELL):

S. Res. 309. A resolution expressing the sense of the Senate regarding the culpability of Hun Sen for violations of international humanitarian law after 1978 in Cambodia (the former People's Republic of Kampuchea and the State of Cambodia); to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 2636. A bill to promote economically sound modernization of electric power generation capacity in the United States, to establish requirements to improve the combustion heat rate efficiency of fossil fuel-fired electric utility generating units, to reduce emissions of mercury, carbon dioxide, nitrogen oxides, and sulfur dioxide, to require that all fossil fuel-fired electric utility generating units operating in the United States meet new source review requirements, and to promote alternative energy sources such as solar, wind, and biomass; to the Committee on Finance.

CLEAN POWER PLANT AND MODERNIZATION ACT OF 1998

Mr. LEAHY. Mr. President, as we approach the close of the 105th Congress, it is time to take stock of our accomplishments, and reflect on the work that remains. When the environmental record of this Congress is tallied up, there won't be much to show. At best, we have avoided a great roll-back of environmental protections. We can't claim to have broken much new ground.

To her credit, Carol Browner and her staff at the Environmental Protection Agency have tried to push ahead in a very difficult political climate. Administrator Browner recently announced that EPA was ordering 22 Eastern states to make sharp cuts in emissions of the pollutants that result in summertime ozone pollution. A significant portion of these pollutants come from coal-fired power plants. The predictable howl from the utility companies and their lobbyists is being heard on Capitol Hill. I applaud Administrator Browner and her staff for their persistence on this important issue.

Even though this is a good step, it doesn't go far enough. Stronger, more comprehensive action is needed to finally address the whole gamut of air pollution problems that spew from power plant smoke stacks.

Taken collectively, fossil fuel-fired power plants constitute the largest source of air pollution in the United States. It is clear by now that the current Clean Air Act and its regulations are not up to the job of addressing the local, regional and global public health and environmental burdens imposed by the emissions from these plants. Congress took a big step to control air pollution with the Clean Air Act of 1970, and it did major rewrites of the Act in 1977 and 1990. Even with all this legislation on the books, most fossil fuel-fired power plants produce as much pollution as they did prior to 1970. The average fossil fuel-fired generating unit in the United States came into operation in 1964—six years before the 1970 Act. Seventy-seven percent of the fossil fuel generating units in operation in the United States began operation before the 1970 Clean Air Act was implemented, and are thus not subject to the full force of its regulations.

At the very heart of the environmental problems posed by this industry are the antiquated and inefficient combustion technologies that are used. Nothing in the Clean Air Act, or in other energy related statues, tackles this inefficiency. The average plant uses technology devised in the 1950's or before, and has a combustion efficiency of 33%. Put another way, 67% of the energy available in the fuel is wasted. When you get so little energy out of the fuel, you have to burn a lot more fuel to produce a given quantity of electricity. The more fuel you burn, the more pollution you get. Increasing efficiency is the only way to reduce carbon dioxide emissions, and burning less fuel will result in smaller amounts of all pollutants.

Burning all this fuel may be good for the bottom line of the companies that produce the coal, oil, and natural gas, but it imposes great environmental and health consequences on the rest of us. Many of my colleagues came to the Senate after successful business careers. I imagine that most would agree with me that any other business that was this wasteful would not survive for long.

To produce the power that our economy needs, some level of emissions is inevitable. But this inefficiency, coupled with the free ride on emissions that the pre-1970 plants get, exacts an enormous environmental cost. Consider the following power plant facts:

Every year, fossil fuel-fired power plants in the United States produced a staggering 2 billion tons of carbon dioxide, the primary ''greenhouse gas,'' the equivalent weight of 24,655 Washington Monuments.

Over 600 of these generating units produce over one million tons of carbon dioxide per year—two produce more than 9 million tons per year.

On average, coal plants emit over 2,100 pounds of carbon dioxide for every megawatt hour of electricity that is generated.

Coal-fired power plants emit at least 52 tons of mercury per year and are the leading source of mercury pollution in the United States.

Power plants emit particulate and urban ozone pollution that impair respiratory function in people with asthma, emphysema, and other respiratory ailments.

Power plant emissions result in acid deposition, which damages lakes, streams and rivers, and the plants and animals that depend on them for survival.

Technology exists that can raise power plant efficiencies to 35% to 50% above current levels. The question is how to get utilities to retire their inefficient processes and bring new, clean, and efficient ones on line. We can see a better future, but we don't have a clear path to get there.

Today, I am introducing the ''Clean Power Plant and Modernization Act of 1998'' to help us get to the other side. My goals with this legislation are to

chart a sensible and balanced course for the future that: protects public health and the environment; protects consumers, workers, and the economy; and provides electrical power producers with a clear set of achievable performance expectations and financial incentives for installing new, clean, and efficient electrical power generating capacity that will meet our needs into the 21st Century.

This industry plays a central role in the U.S. economy and in our daily lives. We expect that electrical service will be reliable, predictable and affordable. We flip on the switch without giving a second thought that the light will go on. My bill will not change that.

Major changes cannot be made over night. We know about inertia From Sir Isaac Newton's First Law of Motion that ''any object in a state of rest or uniform linear motion will remain in such a state unless acted upon by an external force.'' The inertia in the utility industry to continue business as usual is overwhelming. The old, inefficient, pollution-prone power plants will continue to operate in perpetuity because they are paid for, they burn the cheapest fuel, and they are subject to less stringent environmental requirements.

My bill provides an ''external force'' in the form of financial and regulatory incentives to prompt modernization that is beneficial for the environment and the economy. It provides industry decision-makers with a comprehensive and predictable set of requirements and incentives to guide their long-term business planning.

For investor-owned utilities, the bill provides accelerated depreciation tax incentives for plants that meet the efficiency goals. Under current tax law, new generating capacity is depreciated over a 20 year period. Under my bill, new capacity that meets a 45% efficiency level would be depreciated over a 15 year period, and new capacity that meets a 50% efficiency level would be depreciated over a 10 year period. Publicly owned utilities would be eligible for grants that have the equivalent monetary value of the depreciation benefit received by a similarly-situated investor-owned utility. This approach will spur innovation, and will reward utilities that aggressively move to increase their efficiency and reduce their emissions.

To pay for these incentives and to achieve this within the balanced budget constraints, my bill establishes a fee that would be levied on carbon dioxide emissions. The emission fees would also provide funds: for worker retraining for individuals adversely affected by reduced consumption of coal; community redevelopment funds; research and development for renewable technologies such as wind, solar, and biomass; development of a carbon sequestration strategy; and implementing carbon sequestration projects including soil restoration, tree planting, preservation of wetlands, and other ways of biologically sequestering carbon dioxide.

I want to work cooperatively with the power companies on this legislation, and I want to work with my colleagues from coal-producing states to minimize the impact of reduced coal consumption on mine workers and mining communities. I also want to work with my colleagues on the Committees that are taking up utility restructuring legislation to ensure that this industry, whether in its current form or in a restructured form, finally comes to terms with the environmental costs of its operations.

While the 105th Congress may not have much of an environmental record to brag about, pressure is mounting to dramatically reduce the environmental impact from fossil fuel fired power plants. The people of Vermont are willing, I look forward to working hard in the first session of the 106th Congress to enact this much needed and long-overdue piece of legislation.

Mr. President, I ask unanimous consent that the full text of the bill and the section-by-section overview be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2636

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Clean Power Plant and Modernization Act of 1998''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Combustion heat rate efficiency standards for fossil fuel-fired generating units.
Sec. 5. Air emission standards for fossil fuel-fired generating units.
Sec. 6. Accelerated depreciation for investor-owned generating units.
Sec. 7. Grants for publicly owned generating units.
Sec. 8. Clean Air Trust Fund.
Sec. 9. Carbon dioxide emission fees.
Sec. 10. Extension of renewable energy production credit.
Sec. 11. Recognition of permanent emission reductions in future climate change implementation programs.
Sec. 12. Renewable power generation technologies.
Sec. 13. Evaluation of implementation of this Act and other statutes.
Sec. 14. Assistance for workers adversely affected by reduced consumption of coal.
Sec. 15. Community economic development incentives for communities adversely affected by reduced consumption of coal.
Sec. 16. Carbon sequestration.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States is relying increasingly on old, needlessly inefficient, and highly polluting powerplants to provide electricity;

(2) the pollution from those powerplants causes a wide range of health and environmental damage, including—

(A) fine particulate matter that is associated with the deaths of approximately 50,000 Americans annually;

(B) urban ozone, commonly known as ''smog'', that impairs normal respiratory functions and is of special concern to individuals afflicted with asthma, emphysema, and other respiratory ailments;

(C) rural ozone that obscures visibility and damages forests and wildlife;

(D) acid deposition that damages estuaries, lakes, rivers, and streams (and the plants and animals that depend on them for survival) and leaches heavy metals from the soil;

(E) mercury and heavy metal contamination that renders fish unsafe to eat, with especially serious consequences for pregnant women and their fetuses;

(F) eutrophication of estuaries, lakes, rivers, and streams; and

(G) global climate change that may fundamentally and irreversibly alter human, animal, and plant life;

(3) tax laws and environmental laws—

(A) provide a very strong incentive for electric utilities to keep old, dirty, and inefficient generating units in operation; and

(B) provide a strong disincentive to investing in new, clean, and efficient generating technologies;

(4) fossil fuel-fired power plants, consisting of plants fueled by coal, fuel oil, and natural gas, produce nearly two-thirds of the electricity generated in the United States;

(5) since, according to the Department of Energy, the average combustion heat rate efficiency of fossil fuel-fired power plants in the United States is 33 percent, 67 percent of the heat generated by burning the fuel is wasted;

(6) technology exists to increase the combustion heat rate efficiency of coal combustion from 35 percent to 50 percent above current levels, and technological advances are possible that would boost the net combustion heat rate efficiency even more;

(7) coal-fired power plants are the leading source of mercury emissions in the United States, releasing an estimated 52 tons of this potent neurotoxin each year;

(8) in 1996, fossil fuel-fired power plants in the United States produced over 2,000,000,000 tons of carbon dioxide, the primary greenhouse gas;

(9) on average—

(A) fossil fuel-fired power plants emit 1,999 pounds of carbon dioxide for every megawatt hour of electricity produced;

(B) coal-fired power plants emit 2,110 pounds of carbon dioxide for every megawatt hour of electricity produced; and

(C) coal-fired power plants emit 205 pounds of carbon dioxide for every million British thermal units of fuel consumed;

(10) the average fossil fuel-fired generating unit in the United States commenced operation in 1964, 6 years before the Clean Air Act (42 U.S.C. 7401 et seq.) was amended to establish requirements for stationary sources;

(11)(A) according to the Department of Energy, only 23 percent of the 1,000 largest emitting units are subject to stringent new source performance standards under section 111 of the Clean Air Act (42 U.S.C. 7411); and

(B) the remaining 77 percent, commonly referred to as ''grandfathered'' power plants, are subject to much less stringent requirements;

(12) on the basis of scientific and medical evidence, exposure to mercury and mercury

compounds is of concern to human health and the environment;

(13) pregnant women and their developing fetuses, women of childbearing age, and children are most at risk for mercury-related health impacts such as neurotoxicity;

(14) although exposure to mercury and mercury compounds occurs most frequently through consumption of mercury-contaminated fish, such exposure can also occur through—

(A) ingestion of breast milk;

(B) ingestion of drinking water, and foods other than fish, that are contaminated with methyl mercury; and

(C) dermal uptake through contact with soil and water;

(15) the report entitled ''Mercury Study Report to Congress'' and submitted by the Environmental Protection Agency under section 112(n)(1)(B) of the Clean Air Act (42 U.S.C. 7412(n)(1)(B)), in conjunction with other scientific knowledge, supports a plausible link between mercury emissions from combustion of coal and other fossil fuels and mercury concentrations in air, soil, water, and sediments;

(16)(A) the Environmental Protection Agency report described in paragraph (15) supports a plausible link between mercury emissions from combustion of coal and other fossil fuels and methyl mercury concentrations in freshwater fish;

(B) in 1997, 39 States issued health advisories that warned the public about consuming mercury-tainted fish, as compared to 27 States that issued such advisories in 1993; and

(C) the number of mercury advisories nationwide increased from 899 in 1993 to 1,675 in 1996, an increase of 86 percent;

(17) pollution from powerplants can be reduced and possibly eliminated through adoption of modern technologies and practices, including—

(A) methods of combusting coal that are intrinsically more efficient and less polluting, such as pressurized fluidized bed combustion and an integrated gasification combined cycle system;

(B) methods of combusting cleaner fuels, such as gases from fossil and biological resources and combined cycle turbines;

(C) treating flue gases through application of pollution controls;

(D) methods of extracting energy from natural, renewable resources of energy, such as solar and wind sources;

(E) methods of producing electricity and thermal energy from fuels without conventional combustion, such as fuel cells; and

(F) methods of extracting and using heat that would otherwise be wasted, for the purpose of heating or cooling office buildings, providing steam to processing facilities, or otherwise increasing total efficiency; and

(18) adopting the technologies and practices described in paragraph (17) would increase competitiveness and productivity, secure employment, save lives, and preserve the future.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect and preserve the environment while safeguarding health by ensuring that each fossil fuel-fired generating unit minimizes air pollution to levels that are technologically feasible through modernization and application of pollution controls;

(2) to greatly reduce the quantities of mercury, carbon dioxide, sulfur dioxide, and nitrogen oxides entering the environment from combustion of fossil fuels;

(3) to permanently reduce emissions of those pollutants by increasing the combustion heat rate efficiency of fossil fuel-fired generating units to levels achievable through use of commercially available combustion technology, installation of pollution controls, and expanded use of renewable energy sources such as biomass, geothermal, solar, and wind sources;

(4)(A) to create financial and regulatory incentives to retire thermally inefficient generating units and replace them with new units that employ high-thermal-efficiency combustion technology; and

(B) to increase use of renewable energy sources such as biomass, geothermal, solar, and wind sources;

(5) to establish the Clean Air Trust Fund for the purpose of encouraging and facilitating the modernization of fossil fuel-fired generating units in the United States;

(6) to eliminate the ''grandfather'' loophole in the Clean Air Act relating to sources in operation before the promulgation of standards under section 111 of that Act (42 U.S.C. 7411);

(7) to express the sense of Congress that permanent reductions in emissions of greenhouse gases that are accomplished through the retirement of old units and replacement by new units that meet the combustion heat rate efficiency and emission standards specified in this Act should be credited to the utility sector in any climate change implementation program;

(8) to promote permanent and safe disposal of mercury recovered through coal cleaning, flue gas control systems, and other methods of mercury pollution control;

(9) to increase public knowledge of the sources of mercury exposure and the threat to public health from mercury, particularly the threat to the health of pregnant women and their fetuses, women of childbearing age, and children;

(10) to decrease significantly the threat to human health and the environment posed by mercury;

(11) to promote energy efficiency in homes, including major appliances;

(12) to provide worker retraining for workers adversely affected by reduced consumption of coal; and

(13) to provide economic development incentives for communities adversely affected by reduced consumption of coal.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) GENERATING UNIT.—The term ''generating unit'' means an electric utility generating unit.

SEC. 4. COMBUSTION HEAT RATE EFFICIENCY STANDARDS FOR FOSSIL FUEL-FIRED GENERATING UNITS.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than the day that is 10 years after the date of enactment of this Act, each fossil fuel-fired generating unit that commences operation on or before that day shall achieve and maintain, at all operating levels, a combustion heat rate efficiency of not less than 45 percent (based on the higher heating value of the fuel).

(2) FUTURE GENERATING UNITS.—Each fossil fuel-fired generating unit that commences operation more than 10 years after the date of enactment of this Act shall achieve and maintain, at all operating levels, a combustion heat rate efficiency of not less than 50 percent (based on the higher heating value of the fuel), unless granted a waiver under subsection (d).

(b) TEST METHODS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, shall promulgate methods for determining initial and continuing compliance with this section.

(c) PERMIT REQUIREMENT.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with this section.

(d) WAIVER OF COMBUSTION HEAT RATE EFFICIENCY STANDARD.—

(1) APPLICATION.—The owner or operator of a generating unit that commences operation more than 10 years after the date of enactment of this Act may apply to the Administrator for a waiver of the combustion heat rate efficiency standard specified in subsection (a)(2) that is applicable to that type of generating unit.

(2) ISSUANCE.—The Administrator may grant the waiver only if—

(A)(i) the owner or operator of the generating unit demonstrates that the technology to meet the combustion heat rate efficiency standard is not commercially available; or

(ii) the owner or operator of the generating unit demonstrates that, despite best technical efforts and willingness to make the necessary level of financial commitment, the combustion heat rate efficiency standard is not achievable at the generating unit; and

(B) the owner or operator of the generating unit enters into an agreement with the Administrator to offset by a factor of 1.5 to 1, using a method approved by the Administrator, the emission reductions that the generating unit does not achieve because of the failure to achieve the combustion heat rate efficiency standard specified in subsection (a)(2).

(3) EFFECT OF WAIVER.—If the Administrator grants a waiver under paragraph (1), the generating unit shall be required to achieve and maintain, at all operating levels, the combustion heat rate efficiency standard specified in subsection (a)(1).

SEC. 5. AIR EMISSION STANDARDS FOR FOSSIL FUEL-FIRED GENERATING UNITS.

(a) ALL FOSSIL FUEL-FIRED GENERATING UNITS.—Not later than 10 years after the date of enactment of this Act, each fossil fuel-fired generating unit, regardless of its date of construction or commencement of operation, shall be subject to, and operating in physical and operational compliance with, the new source review requirements under section 111 of the Clean Air Act (42 U.S.C. 7411).

(b) EMISSION RATES FOR SOURCES REQUIRED TO MAINTAIN 45 PERCENT EFFICIENCY.—Not later than 10 years after the date of enactment of this Act, each fossil fuel-fired generating unit subject to section 4(a)(1) shall be in compliance with the following emission limitations:

(1) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 95 percent of the mercury contained in the fuel, calculated in accordance with subsection (e).

(2) CARBON DIOXIDE.—

(A) NATURAL GAS-FIRED GENERATING UNITS.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.9 pounds of carbon dioxide per kilowatt hour of net electric power output.

(B) FUEL OIL-FIRED GENERATING UNITS.—Each fuel oil-fired generating unit shall be required to achieve an emission rate of not more than 1.3 pounds of carbon dioxide per kilowatt hour of net electric power output.

(C) COAL-FIRED GENERATING UNITS.—Each coal-fired generating unit shall be required to achieve an emission rate of not more than 1.55 pounds of carbon dioxide per kilowatt hour of net electric power output.

(3) SULFUR DIOXIDE.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 95 percent of the sulfur dioxide that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.3 pounds of sulfur dioxide per million British thermal units of fuel consumed.

(4) NITROGEN OXIDES.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 90 percent of nitrogen oxides that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(c) EMISSION RATES FOR SOURCES REQUIRED TO MAINTAIN 50 PERCENT EFFICIENCY.—Each fossil fuel-fired generating unit subject to section 4(a)(2) shall be in compliance with the following emission limitations:

(1) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 95 percent of the mercury contained in the fuel, calculated in accordance with subsection (e).

(2) CARBON DIOXIDE.—

(A) NATURAL GAS-FIRED GENERATING UNITS.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.8 pounds of carbon dioxide per kilowatt hour of net electric power output.

(B) FUEL OIL-FIRED GENERATING UNITS.—Each fuel oil-fired generating unit shall be required to achieve an emission rate of not more than 1.2 pounds of carbon dioxide per kilowatt hour of net electric power output.

(C) COAL-FIRED GENERATING UNITS.—Each coal-fired generating unit shall be required to achieve an emission rate of not more than 1.4 pounds of carbon dioxide per kilowatt hour of net electric power output.

(3) SULFUR DIOXIDE.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 95 percent of the sulfur dioxide that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.3 pounds of sulfur dioxide per million British thermal units of fuel consumed.

(4) NITROGEN OXIDES.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 90 percent of nitrogen oxides that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(d) PERMIT REQUIREMENT.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with this section.

(e) COMPLIANCE DETERMINATION AND MONITORING.—

(1) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, shall promulgate methods for determining initial and continuing compliance with this section.

(2) CALCULATION OF MERCURY EMISSION REDUCTIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate fuel sampling techniques and emission monitoring techniques for use by generating units in calculating mercury emission reductions for the purposes of this section.

(3) REPORTING.—

(A) IN GENERAL.—Not less than often than quarterly, the owner or operator of a generating unit shall submit a pollutant-specific emission report for each pollutant covered by this section.

(B) SIGNATURE.—Each report required under subparagraph (A) shall be signed by a responsible official of the generating unit, who shall certify the accuracy of the report.

(C) PUBLIC REPORTING.—The Administrator shall annually make available to the public, through 1 or more published reports and 1 or more forms of electronic media, facility-specific emission data for each generating unit and pollutant covered by this section.

(f) DISPOSAL OF MERCURY CAPTURED OR RECOVERED THROUGH EMISSION CONTROLS.—

(1) CAPTURED OR RECOVERED MERCURY.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to ensure that mercury that is captured or recovered through the use of an emission control, coal cleaning, or another method is disposed of in a manner that ensures that—

(A) the hazards from mercury are not transferred from 1 environmental medium to another; and

(B) there is no release of mercury into the environment.

(2) MERCURY-CONTAINING SLUDGES AND WASTES.—The regulations promulgated by the Administrator under paragraph (1) shall ensure that mercury-containing sludges and wastes are handled and disposed of in accordance with all applicable Federal and State laws (including regulations).

(g) PUBLIC REPORTING OF FACILITY-SPECIFIC EMISSION DATA.—

(1) IN GENERAL.—The Administrator shall annually make available to the public, through 1 or more published reports and the Internet, facility-specific emission data for each generating unit and for each pollutant covered by this section.

(2) SOURCE OF DATA.—The emission data shall be taken from the emission reports submitted under subsection (e)(3).

SEC. 6. ACCELERATED DEPRECIATION FOR INVESTOR-OWNED GENERATING UNITS.

(a) IN GENERAL.—Section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of certain property) is amended—

(1) in subparagraph (D) (relating to 10-year property), by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding at the end the following:

''(iii) any 50-percent efficient fossil fuel-fired generating unit.''; and

(2) in subparagraph (E) (relating to 15-year property), by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following:

''(iv) any 45-percent efficient fossil fuel-fired generating unit.''.

(b) DEFINITIONS.—Section 168(i) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following:

''(15) FOSSIL FUEL-FIRED GENERATING UNITS.—

''(A) 50-PERCENT EFFICIENT FOSSIL FUEL-FIRED GENERATING UNIT.—The term '50-percent efficient fossil fuel-fired generating unit' means any property used in an investor-owned fossil fuel-fired generating unit pursuant to a plan approved by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to place into service such a unit that is in compliance with sections 4(a)(2) and 5(c) of the Clean Power Plant and Modernization Act of 1998, as in effect on the date of enactment of this paragraph.

''(B) 45-PERCENT EFFICIENT FOSSIL FUEL-FIRED GENERATING UNIT.—The term '45-percent efficient fossil fuel-fired generating unit' means any property used in an investor-owned fossil fuel-fired generating unit pursuant to a plan so approved to place into service such a unit that is in compliance with sections 4(a)(1) and 5(b) of such Act, as so in effect.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property used after the date of enactment of this Act.

SEC. 7. GRANTS FOR PUBLICLY OWNED GENERATING UNITS.

Any capital expenditure made after the date of enactment of this Act to purchase, install, and bring into commercial operation any new publicly owned generating unit that—

(1) is in compliance with sections 4(a)(1) and 5(b) shall, for a 15-year period, be eligible for partial reimbursement through annual grants made by the Secretary of the Treasury, in consultation with the Administrator, in an amount equal to the monetary value of the depreciation deduction that would be realized by reason of section 168(c)(3)(E) of the Internal Revenue Code of 1986 by a similarly-situated investor-owned generating unit over that period; and

(2) is in compliance with sections 4(a)(2) and 5(c) shall, over a 10-year period, be eligible for partial reimbursement through annual grants made by the Secretary of the Treasury, in consultation with the Administrator, in an amount equal to the monetary value of the depreciation deduction that would be realized by reason of section 168(c)(3)(D) of such Code by a similarly-situated investor-owned generating unit over that period.

SEC. 8. CLEAN AIR TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following:

''SEC. 9511. CLEAN AIR TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Clean Air Trust Fund' (hereafter referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—

''(1) IN GENERAL.—There are hereby appropriated to the Trust Fund amounts equivalent to the taxes received in the Treasury under section 4691.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Trust Fund such additional sums as are necessary to carry out the activities described in subsection (c).

''(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, upon request by the head of the appropriate Federal agency in such amounts as the agency head determines are necessary—

''(1) to offset reductions of revenues to the Treasury resulting from the amendments made by section 6 of the Clean Power Plant and Modernization Act of 1998;

''(2) to provide grants under section 7 of such Act, as in effect on the date of enactment of this section;

''(3) to provide assistance under section 14 of such Act, as so in effect;

''(4) to provide community economic development incentives under section 15, as so in effect; and

''(5) to provide funding under section 16 of such Act, as so in effect.''.

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end the following:

''Sec. 9511. Clean Air Trust Fund.''.

SEC. 9. CARBON DIOXIDE EMISSION FEES.

(a) IN GENERAL.—Chapter 38 of subtitle D of the Internal Revenue Code of 1986 (relating to miscellaneous excise taxes) is amended by inserting after subchapter D the following:

''Subchapter E—Carbon Dioxide Emission Fees

''Sec. 4691. Imposition of fees.

"SEC. 4691. IMPOSITION OF FEES.

''(a) TAX IMPOSED.—There is hereby imposed on each fossil fuel-fired generating unit with a generating capacity of 5 or more megawatts a tax equal to $50 per ton of carbon dioxide emitted by such generating unit.

''(b) PHASED-IN RATE.—In the case of—

''(1) calendar years 2003 through 2006, subsection (a) shall be applied by substituting '$25' for '$50'; and

''(2) calendar years 2007 through 2009, subsection (a) shall be applied by substituting '$37.50' for '$50'.

''(c) ADJUSTMENT OF RATES.—Not less often than once every 2 years beginning after 2002, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall evaluate the rate of the tax imposed by subsection (a) and increase the rate if necessary for the calendar year—

''(1) to ensure that emissions of carbon dioxide are reduced to levels that are adequate to protect sensitive populations, with an adequate margin of safety, against adverse health effects;

''(2) to ensure that emissions of carbon dioxide are reduced to levels (including, if necessary, a level of zero emissions) that preclude any reasonable possibility that the environment, including sensitive species or ecosystems, will be seriously or permanently altered on a global, continental, or subcontinental scale;

''(3) to provide adequate incentives for generating units to minimize emissions of carbon dioxide to levels that are technologically feasible, including a level of zero emissions; and

''(4) to eliminate any economic benefit that a generating unit may derive from the emission of carbon dioxide.

''(d) PAYMENT OF TAX.—The tax imposed by this section—

''(1) shall be paid quarterly by the owner or operator of each fossil fuel-fired generating unit; and

''(2) shall be based on the measured emissions of the generating unit.

''(e) FOSSIL FUEL-FIRED GENERATING UNIT.—The term 'fossil fuel-fired generating unit' means a generating unit (as defined in section 3(2) of the Clean Power Plant and Modernization Act of 1998) powered by fossil fuels.''.

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 38 of such Code is amended by inserting after the item relating to subchapter D the following:

''SUBCHAPTER E. Carbon dioxide emission fees.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to emissions in calendar years beginning after December 31, 2002.

SEC. 10. EXTENSION OF RENEWABLE ENERGY PRODUCTION CREDIT.

Section 45(c) of the Internal Revenue Code of 1986 (relating to definitions) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''and''; (B) in subparagraph (B), by striking the period and inserting '', and''; and

(C) by adding at the end the following:

''(C) solar power.'';

(2) in paragraph (3)—

(A) by inserting '', and December 31, 1998, in the case of a facility using solar power to produce electricity'' after ''electricity''; and

(B) by striking ''1999'' and inserting ''2010''; and

(3) by adding at the end the following:

''(4) SOLAR POWER.—The term 'solar power' means solar power harnessed through—

''(A) photovoltaic systems,

''(B) solar boilers that provide process heat, and

''(C) any other means.''.

SEC. 11. RECOGNITION OF PERMANENT EMISSION REDUCTIONS IN FUTURE CLIMATE CHANGE IMPLEMENTATION PROGRAMS.

It is the sense of Congress that permanent reductions in emissions of carbon dioxide and nitrogen oxides that are accomplished through the retirement of old generating units and replacement by new generating units that meet the combustion heat rate efficiency and emission standards specified in this Act, or through replacement of old generating units with nonpolluting renewable power generation technologies, should be credited to the utility sector, and to the owner or operator that retires or replaces the old generating unit, in any climate change implementation program enacted by Congress.

SEC. 12. RENEWABLE POWER GENERATION TECHNOLOGIES.

(a) IN GENERAL.—Under the Renewable Energy and Energy Efficiency Technology Act of 1989 (42 U.S.C. 12001 et seq.), the Secretary of Energy shall fund research and development programs and commercial demonstration projects and partnerships to demonstrate the commercial viability and environmental benefits of electric power generation from biomass, geothermal, solar, and wind technologies.

(b) TYPES OF PROJECTS.—Demonstration projects may include solar power tower plants, solar dishes and engines, co-firing of biomass with coal, biomass modular systems, next-generation wind turbines and wind turbine verification projects, and geothermal energy conversion.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under any other law, there is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2003 through 2015.

SEC. 13. EVALUATION OF IMPLEMENTATION OF THIS ACT AND OTHER STATUTES.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Energy, in consultation with the Chairman of the Federal Energy Regulatory Commission and the Administrator, shall submit to Congress a report on the implementation of this Act.

(b) IDENTIFICATION OF CONFLICTING LAW.—The report shall identify any provision of the Energy Policy Act of 1992 (Public Law 102–486), the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 et seq.), the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), or the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.), or the amendments made by those Acts, that conflicts with the intent or efficient implementation of this Act.

(c) RECOMMENDATIONS.—The report shall include recommendations from the Secretary of Energy, the Chairman of the Federal Energy Regulatory Commission, and the Administrator for legislative or administrative measures to harmonize and streamline the statutes specified in subsection (b) and the regulations implementing those statutes.

SEC. 14. ASSISTANCE FOR WORKERS ADVERSELY AFFECTED BY REDUCED CONSUMPTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2003 through 2010, and $50,000,000 for each of fiscal years 2011 through 2015, to provide assistance, under the economic dislocation and worker adjustment assistance program of the Department of Labor authorized by title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.), to coal industry workers who are terminated from employment as a result of reduced consumption of coal by the electric power generation industry.

SEC. 15. COMMUNITY ECONOMIC DEVELOPMENT INCENTIVES FOR COMMUNITIES ADVERSELY AFFECTED BY REDUCED CONSUMPTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2003 through 2010, and $50,000,000 for each of fiscal years 2011 through 2015, to provide assistance, under the economic adjustment program of the Department of Commerce authorized by the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), to assist communities adversely affected by reduced consumption of coal by the electric power generation industry.

SEC. 16. CARBON SEQUESTRATION.

(a) CARBON SEQUESTRATION STRATEGY.—In addition to amounts made available under any other law, there is authorized to be appropriated to the Environmental Protection Agency and the Department of Energy for each of fiscal years 2003 through 2005 a total of $15,000,000 to conduct research and development activities in basic and applied science in support of development by January 1, 2005, of a carbon sequestration strategy that is designed to offset all growth in carbon dioxide emissions in the United States after 2010.

(b) METHODS FOR BIOLOGICALLY SEQUESTERING CARBON DIOXIDE.—In addition to amounts made available under any other law, there is authorized to be appropriated to the Environmental Protection Agency and the Department of Agriculture for each of fiscal years 2003 through 2015 a total of $15,000,000 to carry out soil restoration, tree planting, wetland protection, and other methods of biologically sequestering carbon dioxide.

SECTION-BY-SECTION OVERVIEW OF THE ''CLEAN POWER PLANT AND MODERNIZATION ACT OF 1998''

What will the ''Clean Power Plant and Modernization Act of 1998'' do?

The ''Clean Power Plant and Modernization Act of 1998'' lays out an ambitious, achievable, and balanced set of financial incentives and regulatory requirements designed to increase power plant efficiency, reduce emissions, and encourage use of renewable power generation methods. The bill encourages innovation, entrepreneurship, and risk-taking.

The bill encourages ''retirement and replacement'' of old, dirty, inefficient generating capacity. It does not utilize a ''cap and trade'' approach. Many believe that the ''retirement and replacement'' approach does a superior job at the local and regional levels of protecting public health and the environment from mercury pollution, ozone pollution, and acid deposition. On a global level, the ''retirement and replacement'' also does a much superior job of permanently reducing the volume of carbon dioxide emitted.

Section 4. Combustion Heat Rate Efficiency Standards for Fossil Fuel-Fired Generating Units.

Fossil fuel-fired power plants in the United States operate at an average combustion efficiency of 33%. Put another way, on average, 67% of the heat generated by burning the fuel is wasted. Increasing combustion efficiency is really the only way to reduce carbon dioxide emissions. Section 4 lays out a phased two-stage process for increasing efficiency. In the first stage, by 10 years after enactment, all units in operation must achieve a combustion heat rate efficiency of not less than 45%. In the second stage, with expected advances in combustion technology, units commencing operation more than 10 years after enactment must achieve

a combustion heat rate efficiency of not less than 50%. Carbon dioxide emission reductions of at least 650 million tons per year are expected, and the potential exists for even larger reductions.

If, for some unforeseen reason, technological advances do not achieve the 50% efficiency level, Section 4 contains a waiver provision that allows owners of new units to offset any shortfall in carbon dioxide emissions through implementation of carbon sequestration projects.

Section 5. Air Emission Standards for Fossil Fuel-Fired Generating Units.

Subsection (a) eliminates the ''grand father'' loophole in the Clean Air Act and requires all units, regardless of when they were constructed or began operation, to comply with existing new source review requirements under Section 111 of the Clean Air Act.

Subsection (b) sets mercury, carbon dioxide, sulfur dioxide, and nitrogen oxide emission standards for units that are subject to the 45% thermal efficiency standards set forth in Section 4. For mercury, 95% removal of mercury contained in the fuel is required. For carbon dioxide, the emission limits are set by fuel type (i.e., natural gas = 0.9 pounds per kilowatt hour of output; fuel oil = 1.3 pounds per kilowatt hour of output; coal = 1.55 pounds per kilowatt hour of output). Ninety-five percent of sulfur dioxide emissions (and not more than 0.3 pounds per million Btu's of fuel consumed), and 90 percent of nitrogen oxides (and not more than 0.15 pounds per million Btu's of fuel consumed) are to be removed.

Subsection (c) contains the same emission standards for mercury, sulfur dioxide, and nitrogen oxides as those in Subsection (b). Greater combustion efficiency results in lower emissions of carbon dioxide, and the fuel specific emission limits at the 50% efficiency level are lowered accordingly (i.e., natural gas = 0.8 pounds per kilowatt hour of output; fuel oil = 1.2 pounds per kilowatt hour of output; coal = 1.4 pounds per kilowatt hour of output). Section 6. Accelerated Depreciation for Investor-Owned Generating Units.

Under the Internal Revenue Code of 1986, utilities can depreciate their generating equipment over a 20 year period. Section 6 amends Section 168 of the Internal Revenue Code of 1986 to allow for depreciation over a 15 year period for units meeting the 45% efficiency level and the emission standards in Section 5(b). Section 168 is further amended to allow for deprecation over a 10 year period for units meeting the 50% efficiency level and the emission standards in Section 5(c).

Section 7. Grants for Publicly-Owned Generating Units. No federal taxes are paid on publicly-owned generating units. To provide publicly-owned utilities with comparable incentives to modernize, Section 7 provides for annual grants in an amount equal to the monetary value of the depreciation deduction that would be realized by a similarly-situated investor owned generating unit under Section 6. Units meeting the 45% efficiency level and the emission standards in Section 5(b) would receive annual grants over a 15 year period, and units meeting the 50% efficiency level and the emission standards in Section 5(c) would receive annual grants over 10 year period.

Section 8. Clean Air Trust Fund, and Section 9. Carbon Dioxide Emission Fees.

To offset the impact to the Treasury of the incentives in Sections 6 and 7, the bill establishes the Clean Air Trust Fund. The Trust Fund is similar to the Highway Trust Fund or the Superfund. The revenue for the trust fund will be provided through phased implementation of a ''per ton fee'' on emissions of carbon dioxide. Implementation of the fee would begin 3 years after enactment at the rate of $25.00 per ton. The rate would increase to $37.50 per ton seven years after enactment, and would be fully implemented 10 years after enactment at a rate of $50.00 per ton.

The Trust Fund will also be used to pay for assistance to workers and communities adversely affected by reduced consumption of coal, research and development for renewable power generation technologies (e.g., wind, solar, and biomass), and carbon sequestration projects.

Section 10. Extension of Renewable Energy Production Credit.

Section 45(c) of the Internal Revenue Code of 1986 is amended to include solar power, and to extend renewable energy production credit to 2010 (it is currently set to expire in 1999). This section expands on S. 1459 (Senator LEAHY is a co-sponsor) which would extend the credit to 2004. S. 1459 has been referred to the Finance Committee.

Section 11. Recognition of Permanent Emission Reductions in Future Climate Change Implementation Programs.

This section expresses the sense of Congress that permanent reductions in emissions of carbon dioxide and nitrogen oxides that are accomplished through the retirement of old generating units and replacement by new generating units that meet the efficiency and emissions standards in the bill, or through replacement with non-polluting renewable power generation technologies, should be credited to the utility sector and to the owner/operator in any climate change implementation program enacted by Congress.

Section 12. Renewable Power Generation Technologies.

Beginning 3 years after enactment, this section provides $75 million per year (for a total of $975 million over 13 years) to fund research and development programs and commercial demonstration projects and partnerships to demonstrate the commercial viability and environmental benefits of electric power generation from biomass, geothermal, solar, and wind technologies. Types of projects may include solar power tower plants, solar dishes and engines, co-firing biomass with coal, biomass modular systems, next-generation wind turbines and wind verification projects, and geothermal energy conversion.

Section 13. Evaluation of Implementation of this Act and other Statutes.

Not later than 2 years after enactment, DOE, in consultation with EPA and FERC, shall report to Congress on the implementation of the Clean Power Plant and Modernization Act of 1998. The report shall identify any provision of the Energy Policy Act of 1992, the Energy Supply and Environmental Coordination Act of 1974, the Public Utilities Regulatory Policies Act of 1978, or the Powerplant and Industrial Fuel Use Act of 1978 that conflicts with the efficient implementation of the Clean Power Plant and Modernization Act of 1998. The report shall include recommendations for legislative or administrative measures to harmonize and streamline these other statutes.

Section 14. Assistance for Workers Adversely Affected by Reduced Consumption of Coal.

Beginning 3 years after enactment, this section provides a total of $850 million over 13 years ($75 million per year for the first 8 years and $50 million per year for the following 5 years) to provide assistance to coal industry workers who are adversely affected as a result of reduced consumption of coal by the electric power generation industry. The funds will be administered under the economic dislocation and worker adjustment assistance program of the Department of Labor authorized by Title III of the Job Training Partnership Act.

Section 15. Community Economic Development Incentives for Communities Adversely Affected by Reduced Consumption of Coal.

Beginning 3 years after enactment, this section provides a total of $850 million over 13 years ($75 million per year for the first 8 years and $50 million per year for the following 5 years) to provide assistance to communities adversely affected as a result of reduced consumption of coal by the electric power generation industry. The funds will be administered under the economic adjustment program of the Department of Commerce authorized by the Public Works and Economic Development Act of 1965.

Section 16. Carbon Sequestration.

This section authorizes expenditure of $45 million over 3 years for development of a long-term carbon sequestration strategy for the United States. This section also authorizes EPA and USDA to fund up to $195 million over 13 years ($15 million per year) for carbon sequestration projects including soil restoration, tree planting, wetlands protection, and other ways of biologically sequestering carbon dioxide.

By Mr. MURKOWSKI:

S. 2639. A bill to require the Secretary of the Interior to submit a report on the feasibility and desirability of recovering the costs of high altitude lifesaving missions on Mount McKinley in Denali National Park and Preserve, Alaska; to the Committee on Energy and Natural Resources.

MOUNT MCKINLEY IN DENALI NATIONAL PARK AND PRESERVE LEGISLATION

• Mr. MURKOSWKI. Mr. President, today I am introducing legislation that would require the Secretary of the Interior to report to Congress on the feasibility and desirability of recovering the cost to taxpayers of rescuing high altitude climbers on Mt. McKinley in Denali National Park and Preserve in the State of Alaska.

Mr. President, Denali National Park and Preserve attracts approximately 355,000 visitors per year who come to see the wildlife, the grandeur of our State, and to gaze at America's highest peak. Most are unaware that while they are taking in the breathtaking vista that is Mt. McKinley, there are approximately another 1,100 persons per year that are attempting to attain the 20,320 submit.

Climbimg Mt. McKinley is certainly no easy walk in the Park. A typical year sees a dozen major rescue incidents and one or two fatal accidents. Extreme and unpredictable weather on Mt. McKinley make high altitude rescues very dangerous and very expensive.

Over the last few years the National Park Service has actively and successfully worked to reduce the loss of life and injury to climbers who have made attempts to climb this mountain. The NPS spends more than $750,000 per year for education; pre-positioning supplies and materials at various altitudes on the mountain; the positioning of a special high altitude helicopter in the Park; and actual rescue attempts.

Just last summer the military and the Park Service spent four days and $221,818 rescuing 6 sick and injured

British climbers who disregarded warnings and advice from park ranger stationed on the mountain. This rescue included what is probably the world's highest short haul helicopter rescue at 19,000 feet and entailed a very high level of risk for the rescue team. This is just one example of many rescues the Park Service conducts each year on Mt. McKinley.

Mr. President, I personally do not feel that the American taxpayer should be left with the bill for rescues on this mountain. The Federal Government does not force these climbers to climb; they engage in this activity voluntarily and with full knowledge of the risks. While I admire the courage and tenacity of mountain climbers, I do not think it is fair to divert scarce park funds from services that benefit the majority of park visitors for the purpose of providing extraordinarily expensive services to a small number of users who put themselves in harm's way with their eyes wide open. Mountain climbers are a special breed who are proud of their self-sufficiency and independence—and rightly so. For that reason I think they should recognize the simple equity of paying their fair share of the public costs of their sport.

As a result of a recent field hearing on this issue, I found that while I have received many letters of support, there are a few stalwart individuals who do not agree with my point of view and have raised some legitimate questions. That is why I want the Secretary of the Interior to look at the feasibility and desirability of some sort of a cost recovery system that puts a minimal burden on climbers, whether it be an insurance requirement or any other scheme. The pros and cons of these cost recovery mechanisms need to be carefully explored before we act.

Last but not least, Mr. President, I want the Secretary to evaluate requiring climbers to show proof of medical insurance so that hospitals in Alaska and elsewhere are not left holding the bag as they sometimes are under present circumstances. It is a good neighbor policy that should be put into effect at the earliest opportunity.●

ADDITIONAL COSPONSORS

S. 261

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 261, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 1089

At the request of Mr. SPECTER, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1089, a bill to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration, and for other purposes.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 2418

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 2418, a bill to establish rural opportunity communities, and for other purposes.

SENATE JOINT RESOLUTION 55

At the request of Mr. ROTH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of Senate Joint Resolution 55, a joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served in positions of command during World War II, and for other purposes.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. ABRAHAM, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Concurrent Resolution 94, a concurrent resolution supporting the religious tolerance toward Muslims.

SENATE RESOLUTION 298

At the request of Mr. ABRAHAM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of Senate Resolution 298, a resolution condemning the terror, vengeance, and human rights abuses against the civilian population of Sierra Leone.

SENATE RESOLUTION 300—ELECTING JAMES W. ZIGLAR, OF MISSISSIPPI, AS THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 300

Resolved, That James W. Ziglar, of Mississippi, be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate effective November 9, 1998.

SENATE RESOLUTION 301—RELATIVE TO RULE XXXIX

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 301

Resolved, That if a Member who is precluded from foreign travel by the provisions of Rule 39 is appointed as a delegate to an official conference to be attended by Members of the Senate, then the appointment of that individual shall constitute an authorization by the Senate and the individual will not be deemed in violation of Rule 39.

SEC. 2. This resolution shall be applicable only until November 21, 1998.

SENATE RESOLUTION 302—RELATIVE TO RULE XXXIII

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 302

Resolved, That, notwithstanding the provisions of Rule XXXIII, the Senate authorize the videotaping of the address by the Senator from West Virginia (Mr. Byrd) to the incoming Senators scheduled to be given in the Senate Chamber in December 1998.

SENATE RESOLUTION 303—AUTHORIZING CERTAIN APPOINTMENTS DURING THE RECESS OR ADJOURNMENT OF THE PRESENT SESSION

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 303

Resolved, That during the recess or adjournment of the present session of the Senate, the President of the Senate, the President of the Senate pro tempore, the Majority Leader of the Senate, and the Minority Leader of the Senate be, and they are hereby, authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

SENATE RESOLUTION 304—TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 304

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fifth Congress.

SENATE RESOLUTION 305—TENDERING THE THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 305

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fifth Congress.

SENATE RESOLUTION 306—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER

Mr. LOTT submitted the following resolution:

S. RES. 306

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 105th Congress.

SENATE RESOLUTION 307—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. DASCHLE submitted the following resolution:

S. RES. 307

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 105th Congress.

SENATE RESOLUTION 308—COMMENDING THE CREW MEMBERS OF THE UNITED STATES NAVY DESTROYERS OF DESRON 61 FOR THEIR HEROISM DURING WORLD WAR II

Mr. DODD (for himself, Mr. INOUYE, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 308

Whereas, DesRon 61, a group of nine United States destroyers composed of the U.S.S. DeHaven (DD 727), U.S.S. Mansfield (DD 728), U.S.S. Swenson (DD 729), U.S.S. Collett (DD 730), U.S.S. Maddox (DD 731), U.S.S. Blue (DD 744), U.S.S. Brush (DD 745), U.S.S. Taussig (DD 746), and U.S.S. Moore (DD 747), and commanded by Captain T.H. Hederman, penetrated Tokyo Bay, Japan, on rough seas and at night;

Whereas, although surrounded in darkness, the vigilant and intrepid members of the crews of the United States destroyers were able to detect a Japanese convoy attempting to sneak out of Tokyo Bay along the coastline, engage and defeat the heavily-armed warships of the Imperial Japanese Navy escorting the convoy, and subdue the convoy; and

Whereas the victory was gained without the loss of a single sailor or ship: Now, therefore, be it

Resolved, That the Senate, on behalf of the people of the United States commends the members of the crews of the United States Navy destroyers of DesRon 61 who participated in the July 22, 1945, surface naval engagement in Tokyo Bay for their heroism, intrepidity, and skill in battle that contributed to the defeat of Japanese forces in World War II.

SENATE RESOLUTION 309—EXPRESSING THE SENSE OF THE SENATE REGARDING THE CULPABILITY OF HUN SEN FOR VIOLATIONS OF INTERNATIONAL LAW IN CAMBODIA

Mr. HELMS (for himself and Mr. MCCONNELL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 309

Whereas under the Vietnamese communist occupation of Cambodia (the former People's Republic of Kampuchea and the State of Cambodia) between 1979 and 1989, Hun Sen was among a large number of former Khmer Rouge members who were designated by the Vietnamese communists as surrogate leaders of the People's Republic of Kampuchea, where international human rights organizations documented widespread human rights violations;

Whereas during the period leading to internationally supervised elections in 1993, as Prime Minister of the State of Cambodia and a Politburo member of the communist Cambodian People's Party (CPP), Hun Sen was responsible for the disappearances, murder, and assassination attempts against democratic opponents of the Cambodian People's Party;

Whereas after the Cambodian People's Party lost the 1993 national election, Hun Sen organized a military force that threatened a military coup, resulting in his being given a share of the Prime Minister position with Prince Norodom Ranariddh, the election winner, and his Cambodian People's Party maintaining control of the military, the internal security forces, and provincial government administration;

Whereas in July 1997, Hun Sen ordered a coup d'etat against First Prime Minister Prince Ranariddh which resulted in the deaths of a large number of civilians caught in the crossfire and the torture and summary execution of at least 100 government officials and the forced displacement of at least 50,000 people as assaults continued on people or communities loyal to Prince Ranariddh;

Whereas during the period leading to the July 1998 national election there were widespread threats, assaults, and the suspected assassination of scores of members of parties opposed to Hun Sen;

Whereas in September 1998, Hun Sen ordered a violent crackdown on thousands of unarmed demonstrators, including Buddhist monks, who supported credible investigations of irregularities in the electoral process and the change in the format for allocating seats in the National Assembly which permitted Hun Sen to maintain a small edge over Prince Ranariddh's FUNCINPEC Party and entitled Hun Sen to maintain the post of Prime Minister, which resulted in the brutality toward tens of thousands of pro-democracy advocates and the deaths and disappearances of an unknown number of people, and led to widespread civil unrest which threatens to further destroy Cambodian society; and

Whereas Hun Sen has held, and continues to hold, high government office in a repressive and violent regime, and has the power to decide for peace and democracy and has instead decided for killing and repression, who has the power to minimize illegal actions by subordinates and allies and hold responsible those who committed such actions, but did not, and who once again is directing a campaign of murder and repression against unarmed civilians, while treating with contempt international efforts to achieve a genuinely democratic government in Cambodia: Now, therefore, be it

Resolved, That it is a sense of the Senate that—

(1) the United States should establish a collection of information that can be supplied to an appropriate international judicial tribunal for use as evidence to support a possible indictment and trial of Hun Sen for violations of international humanitarian law after 1978;

(2) any such information concerning Hun Sen and individuals under his authority already collected by the United States, including information regarding the March 1997 grenade attack against Sam Rainsy, should be provided to the tribunal at the earliest possible time;

(3) the United States should work with members of interested countries and nongovernmental organizations relating to information any country or organization may hold concerning allegations of violations of international humanitarian law after 1978 posed against Hun Sen and any individual under his authority in Cambodia and give all such information to the tribunal;

(4) the United States should work with other interested countries relating to measures to be taken to bring to justice Hun Sen and individuals under Hun Sen's authority indicted for such violations of international humanitarian law after 1978; and

(5) the United States should support such a tribunal for the purpose of investigating Hun Sen's possible criminal culpability for conceiving, directing, and sustaining a variety of actions in violation of international humanitarian law after 1978 in any judicial proceeding that may result.

AMENDMENTS SUBMITTED

MONEY LAUNDERING AND FINANCIAL CRIMES STRATEGY ACT OF 1998

GRASSLEY (AND D'AMATO) AMENDMENT NO. 3828

Mr. CRAIG (for Mr. GRASSLEY for himself and Mr. D'AMATO) proposed an amendment to the bill (H.R. 1756) to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes; as follows:

On page 2, strike line 21, and all that follows through page 3, line 3 and insert the following:

''(2) MONEY LAUNDERING AND RELATED FINANCIAL CRIME.—The term 'money laundering and related financial crime'—

''(A) means the movement of illicit cash or cash equivalent proceeds into, out of, or through the United States, or into, out of, or through United States financial institutions, as defined in section 5312 of title 31, United States Code; or

''(B) has the meaning given that term (or the term used for an equivalent offense) under State and local criminal statutes pertaining to the movement of illicit cash or cash equivalent proceeds.''.

GOVERNMENT PAPERWORK ELIMINATION ACT

ABRAHAM AMENDMENT NO. 3829

Mr. GRAIG (for Mr. ABRAHAM) proposed an amendment to the bill (S. 2107) to enhance electronic commerce by promoting the reliability and integrity of commercial transactions through establishing authentication

standards for electronic communications, and for other purposes; as follows:

On page 10, strike out line 7 and all that follows through page 18, line 10, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Government Paperwork Elimination Act''.

SEC. 2. AUTHORITY OF OMB TO PROVIDE FOR ACQUISITION AND USE OF ALTERNATIVE INFORMATION TECHNOLOGIES BY EXECUTIVE AGENCIES.

Section 3504(a)(1)(B)(vi) of title 44, United States Code, is amended to read as follows:

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

SEC. 3. PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES BY EXECUTIVE AGENCIES.

(a) IN GENERAL.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in consultation with the National Telecommunications and Information Administration and not later than 18 months after the date of enactment of this Act, develop procedures for the use and acceptance of electronic signatures by Executive agencies.

(b) REQUIREMENTS FOR PROCEDURES.—(1) The procedures developed under subsection (a)—

(A) shall be compatible with standards and technology for electronic signatures that are generally used in commerce and industry and by State governments;

(B) may not inappropriately favor one industry or technology;

(C) shall ensure that electronic signatures are as reliable as is appropriate for the purpose in question and keep intact the information submitted;

(D) shall provide for the electronic acknowledgment of electronic forms that are successfully submitted; and

(E) shall, to the extent feasible and appropriate, require an Executive agency that anticipates receipt by electronic means of 50,000 or more submittals of a particular form to take all steps necessary to ensure that multiple methods of electronic signatures are available for the submittal of such form.

(2) The Director shall ensure the compatibility of the procedures under paragraph (1)(A) in consultation with appropriate private bodies and State government entities that set standards for the use and acceptance of electronic signatures.

SEC. 4. DEADLINE FOR IMPLEMENTATION BY EXECUTIVE AGENCIES OF PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall ensure that, commencing not later than five years after the date of enactment of this Act, Executive agencies provide—

(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and

(2) for the use and acceptance of electronic signatures, when practicable.

SEC. 5. ELECTRONIC STORAGE AND FILING OF EMPLOYMENT FORMS.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, not later than 18 months after the date of enactment of this Act, develop procedures to permit private employers to store and file electronically with Executive agencies forms containing information pertaining to the employees of such employers.

SEC. 6. STUDY ON USE OF ELECTRONIC SIGNATURES.

(a) ONGOING STUDY REQUIRED.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in cooperation with the National Telecommunications and Information Administration, conduct an ongoing study of the use of electronic signatures under this title on—

(1) paperwork reduction and electronic commerce;

(2) individual privacy; and

(3) the security and authenticity of transactions.

(b) REPORTS.—The Director shall submit to Congress on a periodic basis a report describing the results of the study carried out under subsection (a).

SEC. 7. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with procedures developed under this Act, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

SEC. 8. DISCLOSURE OF INFORMATION.

Except as provided by law, information collected in the provision of electronic signature services for communications with an executive agency, as provided by this Act, shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or government practice, for the purpose of facilitating such communications, or with the prior affirmative consent of the person about whom the information pertains.

SEC. 9. APPLICATION WITH INTERNAL REVENUE LAWS.

No provision of this Act shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) ELECTRONIC SIGNATURE.—The term ''electronic signature'' means a method of signing an electronic message that—

(A) identifies and authenticates a particular person as the source of the electronic message; and

(B) indicates such person's approval of the information contained in the electronic message.

(2) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

PLANT PATENT AMENDMENTS ACT OF 1998

LEAHY (AND OTHERS) AMENDMENT NO. 3830

Mr. GRAIG (for Mr. LEAHY for himself, Mr. SMITH of Oregon, and Mr. HATCH) proposed an amendment to the bill (H.R. 1197) to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes; as follows:

At the end of the bill add the following:

SEC. 4. ACCESS TO ELECTRONIC PATENT INFORMATION.

(a) IN GENERAL.—The United States Patent and Trademark Office shall develop and implement statewide computer networks with remote library sites in requesting rural States such that citizens in those States will have enhanced access to information in their State's patent and trademark depository library.

(b) DEFINITION.—In this section, the term ''rural States'' means the States that qualified on January 1, 1997, as rural States under section 1501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379bb(b)).

LEWIS AND CLARK EXPEDITION BICENTENNIAL COMMEMORATIVE COIN ACT

D'AMATO AMENDMENT NO. 3831

Mr. GRAIG (for Mr. D'AMATO) proposed an amendment to the bill (H.R. 1560) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes; as follows:

At the end of the bill, add the following new sections:

SEC. 11. CONGRESSIONAL GOLD MEDALS FOR THE "LITTLE ROCK NINE".

(a) FINDINGS.—The Congress finds that—

(1) Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, hereafter in this section referred to as the ''Little Rock Nine'', voluntarily subjected themselves to the bitter stinging pains of racial bigotry;

(2) the Little Rock Nine are civil rights pioneers whose selfless acts considerably advanced the civil rights debate in this country;

(3) the Little Rock Nine risked their lives to integrate Central High School in Little Rock, Arkansas, and subsequently the Nation;

(4) the Little Rock Nine sacrificed their innocence to protect the American principle that we are all ''one nation, under God, indivisible'';

(5) the Little Rock Nine have indelibly left their mark on the history of this Nation; and

(6) the Little Rock Nine have continued to work toward equality for all Americans.

(b) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of

Congress, to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to the ''Little Rock Nine'', gold medals of appropriate design, in recognition of the selfless heroism that such individuals exhibited and the pain they suffered in the cause of civil rights by integrating Central High School in Little Rock, Arkansas.

(c) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (b) the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary for each recipient.

(d) AUTHORIZATION OF APPROPRIATION.—Effective October 1, 1998, there are authorized to be appropriated such sums as may be necessary to carry out this section.

(e) DUPLICATE MEDALS.—

(1) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck pursuant to this section under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(2) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out this section shall be reimbursed out of the proceeds of sales under paragraph (1).

SEC. 12. FORD CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Gerald R. and Betty Ford a gold medal of appropriate design—

(1) in recognition of their dedicated public service and outstanding humanitarian contributions to the people of the United States; and

(2) in commemoration of the following occasions in 1998:

(A) The 85th anniversary of the birth of President Ford.

(B) The 80th anniversary of the birth of Mrs. Ford.

(C) The 50th wedding anniversary of President and Mrs. Ford.

(D) The 50th anniversary of the 1st election of Gerald R. Ford to the United States House of Representatives.

(E) The 25th anniversary of the approval of Gerald R. Ford by the Congress to become Vice President of the United States.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated not to exceed $20,000 to carry out this section.

(d) DUPLICATE MEDALS.—

(1) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to this section under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(2) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out this section shall be reimbursed out of the proceeds of sales under paragraph (1).

(e) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 13. 6-MONTH EXTENSION FOR CERTAIN SALES.

Notwithstanding section 101(7)(D) of the United States Commemorative Coin Act of 1996, the Secretary of the Treasury may, at any time before January 1, 1999, make bulk sales at a reasonable discount to the Jackie Robinson Foundation of not less than 20 percent of any denomination of proof and uncirculated coins minted under section 101(7) of such Act which remained unissued as of July 1, 1998, except that the total number of coins of any such denomination which were issued under such section or this section may not exceed the amount of such denomination of coins which were authorized to be minted and issued under section 101(7)(A) of such Act.

ADDITIONAL STATEMENTS

WORLD POPULATION AWARENESS WEEK

● Mrs. MURRAY. Mr. President, I rise on behalf of myself and Senator JEFFORDS to acknowledge and celebrate World Population Awareness Week.

World population stands today at more than 5.9 billion and increases by more than 80 million per year, with virtually all of this growth in the least developed countries.

A total of 1.3 billion people—more than the combined population of Europe and North Africa—live in absolute poverty on the equivalent of one United States dollar or less a day; 1.5 billion people—nearly one-quarter of the world's population—lack an adequate supply of clean drinking water or sanitation; more than 840 million people—one-fifth of the entire population of the developing world—are hungry or malnourished.

Demographic studies and surveys indicate that in the developing world there are at least 120 million women who want more control over their fertility but lack access to family planning. This unmet need for family planning is projected to result in 1.2 billion unintended births.

The 1994 International Conference on Population and Development in Cairo determined that a combination of political commitment and appropriate programs designed to provide universal access to voluntary family planning information, education and services can ensure world population stabilization at 8 billion or less rather than 12 billion or more.

We are pleased to support the week of October 24–31, 1998 as World Population Awareness Week.●

ISLAMIC HOUSE OF WISDOM

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge an important event in the state of Michigan. The Islamic House of Wisdom will be holding its Semi-annual fundraising dinner Sunday, October 18, 1998.

The Islamic House of Wisdom, has served an invaluable role in educating both Muslims and non-Muslims on important moral and social issues. They have worked diligently to promote a positive image of Islam in the Detroit metropolitan area, and their interfaith symposiums have helped to bridge the gap between the diverse peoples and faiths that make up our Metro Detroit community.

Again, I offer my congratulations to Imam Mohammad Ali Elahi and all the members of the Islamic House of Wisdom for hosting this successful event and wish them continued success in their journey of faith and teaching.●

TRIBUTE TO MOLLY ALLEN

Mr. BROWNBACK. Mr. President, it gives me great pleasure to recognize an outstanding young fifth grade student from Kansas, Molly Allen. Molly is a student at Sunset Ridge Elementary School in Shawnee Mission, and was diagnosed with juvenile diabetes in July. Since that time, Molly brought awareness about this disease to her fellow classmates by sharing her personal experience.

In addition, Molly organized her school's effort to raise money for the Juvenile Diabetes Foundation's walk, which was Saturday, September 19, 1998. This courageous young lady exemplifies leadership and courage. I am proud to recognize one of Kansas' outstanding young leaders. I wish Molly continued success in her future endeavors, and I ask that the Kansas City Star article featuring Molly follow my remarks in the CONGRESSIONAL RECORD.

The article follows:

[From the Kansas City Star, Sept. 19, 1998]

STUDENT WALKING TO FIGHT DIABETES

(By Anne Christiansen)

When 10-year-old Molly Allen participates in the Walk to Cure Diabetes today, she'll have 4 miles ahead of her and 459 feet behind her.

That's how many paper sneakers cover the windows of her elementary school—the newly opened Sunset Ridge. They're put there as a visual indicator of how much money students have raised so far—$459—only halfway through a six—day fund drive that ends Wednesday.

Molly was diagnosed with juvenile diabetes in July. Since that time, she's talked to classes at the school from her own fifth grade right down to kindergarten.

''They asked me why I have to wear this bracelet,'' she said, twirling the medical alert chain around her wrist. ''They ask me if the (insulin) shots hurt. They were really pretty mature about it.''

She's brought in the device that measures the glucose in her blood. She's taught her friends to look for signs of low blood sugar.

She's also spearheaded the school's effort to raise money for the Juvenile Diabetes Foundation's walk, which begins at 10 a.m. today in Shawnee Mission Park.

Principal Jane Fletcher said she has been impressed with Molly's dedication.

''She got on the intercom, and she said, 'Thank you for helping me.' that took a lot of courage,'' Fletcher said.

When school first started, some of the students were afraid they would ''catch'' diabetes from Molly.

''I had to explain to them that it wasn't that kind of disease,'' she said.

She also had to explain to her class why she was allowed a mid-morning snack in class while the rest of the students salivated jealously.

''They said, 'What are you doing?' because only a few of the girls knew before school started that I had diabetes,'' she explained.

Molly's mother, Norma Allen, said it wasn't easy for Molly at first.

''No child wants to be singled out as being different,'' she said. ''But once everyone at school understood the disease, they've been so supportive.''

Judy Marino, school nurse at Sunset Ridge, said she's been thrilled with the response the students and staff have given Molly.

''Of course, she's done most of it by herself,'' she said. ''She's a great girl.''

With a snack in her pocket, Molly has been able to stay active in her long list of athletic interests: basketball, cheerleading, softball, soccer, swimming and tennis.

She said she's looking forward to the walk today.

''I feel like a lot of people care about me,'' she said. ''With this much help, we will find a cure for diabetes.''●

THE VERY BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, October 14, 1998, the federal debt stood at $5,536,803,329,458.17 (Five trillion, five hundred thirty-six billion, eight hundred three million, three hundred twenty-nine thousand, four hundred fifty-eight dollars and seventeen cents).

One year ago, October 14, 1997, the federal debt stood at $5,412,699,000,000 (Five trillion, four hundred twelve billion, six hundred ninety-nine million).

Five years ago, October 14, 1993, the federal debt stood at $4,407,560,000,000 (Four trillion, four hundred seven billion, five hundred sixty million).

Ten years ago, October 14, 1988, the federal debt stood at $2,616,812,000,000 (Two trillion, six hundred sixteen billion, eight hundred twelve million).

Fifteen years ago, October 14, 1983, the federal debt stood at $1,383,483,000,000 (One trillion, three hundred eighty-three billion, four hundred eighty-three million) which reflects a debt increase of more than $4 trillion—$4,153,320,329,458.17 (Four trillion, one hundred fifty-three billion, three hundred twenty million, three hundred twenty-nine thousand, four hundred fifty-eight dollars and seventeen cents) during the past 15 years.●

CORNFIELD FAMILY

● Mr. ABRAHAM. Mr. President, I rise today to welcome five new citizens to the United States of America. Mackenzie, Mikayla, Alyxandra, Allyssa and Arianna, beautiful sisters from Romania, are now happy additions to the Cornfield family. I hope they now enjoy the rewards of citizenship and assume the responsibilities that accompany this privilege.

As citizens of the United States these sisters will share in the ideals of a nation founded on the belief that all people are created equal; a nation where the power of the government comes from the consent of the people; and a nation which has respect for individual rights.

The United States is truly the land of diversity and opportunity. The Cornfield sisters are now citizens of a country that openly welcomes the views and opinions of all its citizens. Their unique thoughts and ideas, formed by their native culture, are now a part of the rich tapestry known as the American culture.

My congratulations also go out to Doctor and Mrs. Cornfield and their son, Nicholas for demonstrating the compassion, love and understanding in bringing together five sisters to live in this great country.

Once again, I welcome Mackenzie, Mikayla, Alyxandra, Allyssa and Arianna to their new nation, the United States of America.●

ORDERS FOR FRIDAY, OCTOBER 16, 1998

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. on Friday, October 16. I further ask that the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I further ask consent that there then be a period for the transaction of morning business until 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. Mr. President, for the information of all Senators, on Friday there will be a period of morning business until 11 a.m. Following morning business, the Senate may consider any legislative items that can be cleared by unanimous consent. The Senate is expected to begin debate in relation to the omnibus appropriations bill at some point during Friday's session, while awaiting receipt of the actual papers from the House. It is still the hope that it can be disposed of by unanimous consent. However, if a rollcall vote is required, it will not occur prior to 5 p.m. on Friday evening.

If the President will remember, our majority leader had agreed that he would offer our colleagues a 24-hour notice. Certainly, without additional information coming from our colleagues on the other side of the aisle to make that determination, the 5 o'clock time specified here could well advance into the evening to assure the commitment of our majority leader that our colleagues have that 24 hours. So Members will be given appropriate notification as to the exact time of that vote in relation to when we can offer that announcement today, or late into the evening today.

RECESS UNTIL 10 A.M. TOMORROW

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:13 p.m., recessed until Friday, October 16, 1998, at 10 a.m.

EXTENSIONS OF REMARKS

AMENDMENT OF THE SAVINGS PROVISIONS OF THE CLINGER-COHEN ACT OF 1996

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. BARTLETT of Maryland. Mr. Speaker, it is not too often that a single, simple change in the law can save the Government tens of millions of dollars, but this is true of a technical amendment that the House has enacted. I became aware of this opportunity as a member of the House subcommittee overseeing DoD's commissaries, which are supermarkets operated at military facilities around the world.

In October 1995, the commissaries awarded an important contract for category management services to Marketing and Management Information, Inc. (MMI), a small company in my State. Under this contract, MMI was required to provide the commissaries with almost $100 million in cash and free services, in exchange for sales data that the commissaries collect automatically. MMI first conceived this arrangement more than a decade earlier, and already had paid millions of dollars to the commissaries under earlier contracts. The 1995 contract was awarded after full and open competition, in which MMI prevailed against three competitors literally 50 times larger than MMI. In other words, this David beat three different Goliaths.

At this point, the losers turned to high-priced Washington lawyers, who conceived the strategy of arguing that the competition ran afoul of the Brooks Act, one of the great achievements of our well-remembered former colleague from Texas. Now, this was simply sour grapes on their part, because they never raised this argument during the competition, when each of them was hoping to receive the contact. In fact, the commissaries said months before the award that the Brooks Act didn't apply, and none of them made a peep at that point. Nevertheless, they all got together right after the award and sued the Government to stop the contract.

Now, the Brooks Act gave the GSA authority over computer purchases by the other agencies. The contract awarded to MMI was for the sale of commissary scanner data, which has as much in common with computer purchases as a hat does to a rat. Nevertheless, the GSA saw an opportunity to expand its little empire, and it tried to do so. The GSA told the commissaries that they needed written permission (a ''delegation'') to proceed with the contract.

Interestingly enough, the same thing had happened five years earlier. Then, the commissaries pushed the paperwork through, and everyone was happy. This time, however, acting on poor legal advice from William Sherman (the Government attorney responsible for losing the protest), the commissaries unwisely dug in their heels, and did nothing to clear the paperwork. MMI's contract remained at a standstill.

The great irony is that a few months earlier, the Congress repealed the Brooks Act, eliminating this paperwork requirement for all of the agencies. Thus the contract was being held up by paperwork that wasn't even required any more. This repeal was accomplished in the Clinger-Cohen Act, authored by our dear former colleague William Cohen, who now oversees the military commissaries and the rest of DoD.

With the commissaries doing nothing to solve this problem, MMI appealed the GSA's decision. Rather than helping MMI, the commissaries imprudently claimed that they could do without MMI's money and free services, and would provide the same services with their own staff at Government expense. I asked the commissaries to provide me with a single example of any MMI report that they were able to generate themselves. They were unable to do so. In other words, the commissaries were wasting public money in an unsuccessful effort to duplicate services successfully performed by private enterprise for the past 15 years, at no cost to the Government.

In the appeal, MMI succeeded in getting the GSA's decision vacated, meaning that nothing prevented the commissaries from proceeding with the contract. Since the commissaries claimed that they would do without the money and free services, the court left it to the commissaries and MMI to work things out.

At this point the commissaries, again acting on poor advice from Mr. Sherman, still maintained that they would needlessly deprive themselves of MMI's money and free services, and try to make up for these losses in other ways. MMI then filed a $45 million claim against the commissaries. Thus, through the commissaries stubborn insistence on infringing on private enterprise, we reached a point where the Government could end up losing $45 million, rather than receiving almost $100 million in cash and free services.

I am happy to report that a simple technical amendment adopted by the House solves this problem. The technical amendment makes it clear that the Clinger-Cohen repeal of the Brooks Act means that there never was any requirement for the commissaries to obtain a ''delegation'' here, nor is there any valid basis of any kind for protesting the award to MMI. As a result, the amendment orders the commissaries to proceed with the MMI contract beginning 15 days after enactment, and to continue that contract for its full five-year term from that date, through the year 2003. Under the contract, MMI alone will receive the commissary sales data during this period, and it will provide the commissaries with the valuable cash and free services stipulated in the contract.

Here in Congress, we rely on the other Branches of Government to carry out our intentions. With the repeal of the Brooks Act, there is no doubt that we wanted to eliminate GSA oversight of other federal agencies, once and for all. In the case of MMI's contract, however, the other Branches just weren't listening. The result has been to take the commissaries to within an inch of disaster. I am very happy that just a few words from us about our intentions, in the form of this technical amendment, will have the extraordinary effects of providing the Government with almost $100 million in cash and free services, avoiding the sheer waste of duplicating these services at the taxpayers' expense, and also avoiding the crushing blow of a $45 million judgment against the commissaries. I want to thank my respected colleague Congresswoman MORELLA, and others who have supported this effort. On a day like today, I am very proud to be a member of the subcommittee overseeing the commissaries, and a Member of this august body.

50TH ANNIVERSARY OF PASCACK VALLEY HOSPITAL AUXILIARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Pascack Valley Hospital Women's Auxiliary on 50 years of dedicated service to their community in northeastern Bergen County, New Jersey. The Pascack Valley Auxiliary is an excellent example of my longstanding philosophy that all issues are ''women's issues.'' The Women's Auxiliary was formed in 1948—not only to support the professional staff and patients but with an additional goal as well—the establishment of a hospital. The Pascack Valley Hospital Women's Auxiliary was actually formed before the hospital itself—because these pioneering women knew that community health care was a ''women's issue.''

Pascack Valley Hospital had its beginnings in May 1941 when Westwood resident Louise Bohlin was shocked that a Hillsdale friend died because they had to wait three weeks for admission to the nearest existing Bergen County hospital because of a shortage of beds. Mrs. Bohlin vowed that the Pascack Valley would have a hospital of its own and organized local physicians, mayors and concerned citizens into the Pascack Valley Hospital Association. The association held its first meeting November 27, 1941. Unfortunately, that meeting came only 10 days before the bombing of Pearl Harbor, and plans for a hospital were put on hold for the duration of World War II.

The end of World War II brought an influx of returning veterans and expanding families, and renewed interest in a community hospital. The Pascack Valley Hospital Association was reorganized in 1946 and a Women's Auxiliary was named to supplement efforts of the Board of Trustees. Mary G. Walker of Westwood was named as the first president. The Auxiliary held its first meeting in 1947 and worked for the next decade establishing branches in the various municipalities that would be served by the hospital.

On June 1, 1959—18 years after the idea was born—the single-story, 86-bed hospital

opened its door and welcomed its first patients. The hospital has, of course, grown tremendously since then. Today, it is a full-service, 291-bed hospital providing a wide range of the most advanced, technically sophisticated health care services available. Pascack Valley Hospital serves 16,000 inpatients and 70,000 outpatients a year, yet still maintains an excellent reputation for individualized attention to the needs of each and every patient. The hospital is part of the Well Care Group Inc., which includes the hospital; Pascack Community Services, which provides outreach and educational services; Pascack Valley Hospital Foundation, the fund-raising arm; and Life Key Ventures Inc., which includes the Center for Human Reproduction, the Pascack Valley Psychiatric Institute, Pascack Valley Imaging Associates, the Bergen Nursing Team and the Pascack Healthcare Institute.

The Auxiliary has remained an active force during the hospital's nearly 40 years of growth. Members have helped establish and run programs including baby hats, baby photos, the bookmobile, central transport, clerical services, the gift cart, gift shop, information desk, menu service and messenger service. The Auxiliary has raised more than $2.7 million over the past half-century, making an important financial contribution in addition to the incalculable value of its volunteer services. The current President, Barbara Musso of Park Ridge, and her officers and members, carry on in the tradition of public service set by Louise Bohlin and Mary G. Walker.

A local hospital is one of the most basic amenities a community can be expected to offer, as vital as a police and fire department or infrastructure such as water, sewer and good roads. It was the women of the Pascack Valley who realized this necessity half a century ago, perhaps because it is women—even today—who are most often in charge of health care issues for their families. The hard work and dedication of the Pascack Valley Hospital Women's Auxiliary made a local, community hospital a reality and helped make the Pascack Valley the successful region it is today.

I ask my colleagues in the U.S. House of Representatives to join me in thanking the Auxiliary, its leaders and its members for their vision, perseverance and dedication over the years.

TRIBUTE TO JESSE E. NASH, JR.

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. QUINN. Mr. Speaker, I rise today to honor Jesse E. Nash, Professor Emeritus at Canisius College, as he enters retirement.

A lifelong resident of the City of Buffalo, Jesse Nash is truly a leader in our community. He began his career with the Department of Sociology/Anthropology of Canisius College in 1965, and remained there until the close of classes last Spring.

In addition, to his outstanding performance as an Educator, Professor Nash has been extremely active in our Western New York community. In 1981, he was appointed to the New York State Commission on Minorities in the Health-Related Professions in Higher Education. He has served as a member of the Robert T. Coles project team, which has implemented ''Citizen Participation'' components for the Buffalo War Memorial Stadium Renovation Project, the Buffalo Light-Rail Rapid Transit Station Area Land Use Study, the Erie County Community College City Campus Physical Education Feasibility Study, and the Buffalo Waterfront Alternatives Study.

Since 1978, Professor Nash has served as President of the Seventy-Eight Restoration Corporation, a community-based economic development company. This company won national acclaim for its development and restoration of the Emerson Row Houses, which provided affordable housing in a truly historic setting.

In recognition of his tremendous commitment to Education, Professor Nash has been honored with the Canisius College President's Medal, the President's Award at the State University of New York at Buffalo, a Doctorate of Humane Letters at Canisius, an induction into the National Jesuits' Honor Society Alpha Sigma Nu, and in 1998, was distinguished as Professor Emeritus of Canisius College.

For his dedicated service and leadership in our community, Professor Nash has been honored with the Lifetime Community Service Award from Sheehan Memorial Hospital, the ''Red Jacket'' Community Service Award from the Buffalo and Erie County Historical Society, the Marcus Garvey Award from the Jamaican and American Association, and the Martin Luther King, Jr. Award from Canisius College.

In addition, Professor Nash has received the Buffalo Urban League's Evans-Young Award and the Brotherhood Award from NCCJ. In 1993, Governor Mario Cuomo recognized his lifetime commitment with the prestigious Governor's Award for Distinguished Blacks in New York State. In 1990, along with his wife, Hortense, Professor Nash received the prestigious Medgar Evers Award from the Buffalo Chapter of the NAACP.

Mr. Speaker, today I would like to join with Professor Nash's wife, Hortense; his children, Jesse III, George, and Deborah; the faculty, staff, students and alumni of Canisius College; and our entire Western New York community in tribute to Professor Jesse E. Nash, Jr.

With retirement comes many new opportunities. May Jesse Nash meet each new opportunity with the same enthusiasm and vigor in which he demonstrated throughout his brilliant career, and may those opportunities be as fruitful as those in his past.

Thank you, Professor, for your tireless effort and personal commitment to our community and to the many young men and women fortunate enough to have had you as a teacher throughout the past thirty-three years.

TRIBUTE TO THE OWNERS AND EMPLOYEES OF THE ION EDGE CORPORATION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to the owners and employees of the Ion Edge Corporation in Ft. Collins, Colorado. Their hard work and dedication earned the Small Business Association's National Tibbetts Award and national recognition for pollution prevention. This company's innovative process virtually eliminates pollution from the process of metal plating.

Traditional methods of plating require dipping in large vats of chromium, cadmium and other metals. Ion Edge, however, developed a zero-waste dry plating process whereby metals are vaporized and sprayed onto aircraft and other parts. Today, the company sells 50,000 plated fasteners for aerospace manufacturing. The Environmental Protection Agency has also granted the company funds for research into a similar process for chrome plating.

By eliminating waste, Ion Edge has developed a process that is both good for business and the environment. I commend Mandar Sunthankar, the company president, and all of the people whom have contributed their time to this sound effort.

TRIBUTE TO THE REPUBLIC OF CHINA ON TAIWAN'S NATIONAL DAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. LIPINSKI. Mr. Speaker, October 10, 1998 was the occasion of the Republic of China's National Day. Eighty seven years ago, Sun Yat Sen and his fellow revolutionaries declared independence from the authoritarian Manchu government and founded the Republic of China.

Echoing the famous words of one of America's greatest leaders, Abraham Lincoln, at his Gettysburg address, article I of the constitution of the Republic of China states that Taiwan ''shall be a democratic republic of the people, to be governed by the people and for the people.'' The Republic of China is living proof that democracy works. Founded as a democracy, Taiwan has grown, matured and evolved from a single party system into a multiparty democracy with a stable economy. Free and fair elections are a reality here, not a false promise, and open and lively debate is a trademark of Taiwanese politics.

Ronald Reagan, who singlehandedly brought down the Iron curtain and communism, once referred to America as the ''Shining city on the hill.'' Well, that is an apt metaphor for Taiwan too. Thanks to the leadership and vision of Generalissimo Chiang Kai Shek, former President Chiang Ching Kuo and President Lee Teng Hui, Taiwan is also a shining example of freedom and democracy and a strong bulwark against communism.

Mr. Speaker, on the occasion of the eighty-seventh birthday of the Republic of China, I wish to offer my most heartfelt congratulations for a nation that has done so much in such a short period of time. I am confident that we can all look forward to continuing our long and prosperous partnership with one of our strongest allies in East Asia.

Finally, I would like to commend Stephen Chen, Taiwan's representative to the U.S. His hard work and patriotism is an asset to his nation.

TRIBUTE TO 1998 SOUTH CAROLINA DISTRICT CONFERENCE OF ALPHA PHI ALPHA FRATERNITY, INC.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the Alpha Phi Alpha Fraternity, Inc. On the occasion of its 1998 South Carolina District Conference which will be held in Orangeburg, S.C. beginning October 22nd.

Alpha Phi Alpha Fraternity was founded at Cornell University in Ithaca, New York. It is a service fraternity which employs its members to discount evil, destroy all prejudices, and preserve the sanctity of the home, the personification of virtue, and the chastity of women.

This year's conference, being held in my district, is designed to promote the empowerment of youth through education, appreciative concepts of self, a strong sense of duty, discipline, and love for all mankind.

Mr. Willie Jefferson serves as the District Director and Mr. J. Anthony Moorer and Mr. Henry L. Robinson are the co-chairmen of the 1998 conference.

Mr. Speaker, I would like to congratulate the South Carolina chapters of Alpha Phi Alpha Fraternity, Inc. for their accomplishments. And I ask that my colleagues join me in wishing them great success with next week's 1998 South Carolina District Conference.

TRIBUTE TO THE HMONG AND LAO PEOPLE

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. RADANOVICH. Mr. Speaker, in recent years, for the first time in their long and proud history, the Hmong and Lao people were honored by Members of Congress and U.S. officials at national recognition ceremonies in Washington, DC. Many people from the Central Valley and around the nation worked to organize and participate in these historic ceremonies.

The Lao Veterans of America National Recognition Day ceremonies were held for the first time, in both 1997 and 1998, at the Vietnam War Memorial and Arlington National Cemetery. They were organized by the nation's largest non-profit Hmong and Lao veterans organization, the Lao Veterans of America, Inc., of Fresno, California, which is headquartered in my Congressional district. I was honored to participate and lend support to these important ceremonies in which many people from the Central Valley participated. Indeed, it has given me great pride to join with U.S. officials and American veterans to honor the courageous Hmong and Lao soldiers and their families for their crucial role in the U.S. ''Secret Army'' assisting American clandestine and military operations during the Vietnam War. In attendance were many Members of Congress as well as current and former State Department, Defense Department and CIA officials associated with the Hmong and Lao people.

Mr. Speaker, I would like to thank and recognize a number of important people from the Central Valley and across the United States who contributed to the enormous success of these national events including Major General Vang Pao, Major General Ron Markarian, Major General Paul Carroll, Colonel James Arthur, Colonel Wangyee Vang, Major Thai Vang, Captain Grant McClure, Captain Song Pao Yang, Colonel Thai Vang, Yer Vang, Cherzong Vang, Chong Bee Vang, Ying Vang, Dr. Jane Hamilton-Merritt and Philip Smith. The patriotic contributions of these individuals and many others, as well as the leadership efforts of the Lao Veterans of America and the Lao Family Community organization, helped to raise awareness among U.S. policymakers and the American people about the important wartime sacrifices of the Hmong and Lao combat veterans. I would, therefore, like to include in the RECORD the following article from the Washington Times.

[From the Washington Times, May 14, 1997]

HMONG VETERANS TO RECEIVE MEDALS

(By Ben Barber)

Thousands of ethnic Hmong veterans who fought with the United States in Laos during the Vietnam War will receive congressional medals when they assemble at the Vietnam Veterans Memorial for the first time today.

About 4,000 veterans—part of the 100,000 Hmong who came as refugees to the United States after the Communists took power in 1975 in Laos—are expected to participate at the ceremony. The Vietnam Veterans National Medal will be awarded to 2,500 people.

Several congressmen and former CIA and Pentagon officials who fought with them will present the medals, said Philip Smith, Washington director of the Lao Veterans of America.

The Hmong will then march across the Potomac River to Arlington National Cemetery to symbolize their exodus across the Mekong River to Thailand after the Communist victory in 1975.

Tomorrow the Hmong will return to Arlington National Cemetery to unveil the first war memorial to the Hmong and Lao veterans and their American advisers.

''I think it is important because I think we are going to show that we have done some critical work for the United States, and this is the first and only time we get together and show it,'' said Xeng Ly, 41, who served as a field medic in the war.

He said that after the defeat of the American-allied anti-Communist forces in Laos, Vietnam and Cambodia, he crossed the Mekong River and spent 15 months in a refugee camp at Nong Khai, Thailand, before coming to the United States. Five years later his family followed. They now live in Sterling, where three children are in school.

Part of the reason that the Hmong are coming to Washington is the fear that many benefits are going to be cut under a stringent new immigration law limiting benefits to noncitizens, said Mr. Xeng.

''Some of the Hmong are elderly and can't speak English. They can't pass the citizenship exam and will be cut off from help,'' Mr. Smith said.

Some of the Hmong will meet with congressmen and congressional staffers this evening.

The Hmong also want the United States to withhold most-favored-nation trading status for Laos unless it permits international human rights observers to enter the country. The Hmong who remain in Laos—an estimated 300,000—reportedly still face persecution.

The Hmong-Americans also want the new U.S.-funded Radio Free Asia to add Hmong language programs to its broadcasts, Mr. Smith said.

The Hmong served under a joint mission operated by the State Department, Central Intelligence Agency, Department of Defense and Agency for International Development. They served as spotters for bombings for Communist forces and in other combat roles.

With the declassification of documents about the war era, from 1961 to 1973, more facts are coming out about the Hmong role.

Mr. Smith estimates the secret army could have totaled 100,000 people. By the end of the war, because of many deaths, there were many young boys in uniform fighting for the secret army.

President Reagan signed the bill authorizing the medals for the Hmong in 1986 to honor Vietnam veterans and those who served with them in Southeast Asia. But it took 11 years for the medals to be awarded because the Hmong remained, in some sense, still forgotten, said Mr. Smith.

''I think the Hmong are still suffering from the covert nature of the war,'' he said.

The memorial to be unveiled tomorrow in Arlington will bear the following inscription:

''Dedicated to the U.S. Secret Army; Laos, 1961–73; In memory of the Hmong and Lao combat veterans and their American advisors who served freedom's cause in Southeast Asia.''

The memorial also says in Lao and Hmong language, ''You will never be forgotten.''

TRIBUTE TO AUSTIN CUNNINGHAM

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. SPENCE. Mr. Speaker, I rise today to recognize an outstanding South Carolinian, Austin Cunningham. This retired business executive has dedicated himself to the community of Orangeburg and to the State of South Carolina.

As a young man, Austin Cunningham, went to work to help support his family when his father died. He worked during the day and went to both high school and college at night, earning a law degree from the University of Virginia in 1940. During his business career, Mr. Cunningham has been the president of five companies and he has owned two manufacturing plants in South Carolina. President Reagan recognized Mr. Cunningham for his work with the Jobs Tax Credit Program and he has been involved with the administrations of former Governor Carroll Campbell and Governor David Beasley in improving race relations in our State. He has also contributed his time and efforts in the Orangeburg area on behalf of: Crime Watch, Crime Stoppers, the People's Assault on Drugs (PAD), as well as the collaboration between South Carolina State University and the South Carolina Philharmonic, which has resulted in an annual three concert satellite series.

Due to his impressive civic contributions, Mr. Cunningham has been named as an 'Outstanding Older South Carolinian,'' by the Lower Savannah Region Aging Advisory Committee, representing a six-country region. He is now a nominee for the State title, which will be determined in November. Also, Mr. Cunningham was recently recognized as the Orangeburg, South Carolina ''Citizen of the Year'' for 1998.

I have known Austin Cunningham for many years. In addition to his civic involvement, I

have been impressed by his insight into issues affecting our Country. He regularly submits articles that reflect his opinions on timely topics to local newspapers in South Carolina. Following is an article that Mr. Cunningham authored concerning the issue of Church and State, that I would like to include with this tribute to Austin Cunningham. It is with pleasure that I commend Austin Cunningham on his achievements and wish him much continued success.

[From the Times and Democrat, Orangeburg, SC, Nov. 23, 1998]

CHURCH AND/OR STATE—IN THE NAME OF FREEDOM, COURT TAKES AWAY RELIGION

(By Austin Cunningham)

There's a private day school in New York where the tuition is $14,000 a year. A parent who felt that he and his wife weren't doing a good enough job wanted the school to step into the moral vacuum and teach his teenager values. The answer he got was that the school had its hands full preparing students for Ivy League colleges. ''So much of ethics and morality are tied up with religions that we don't dare touch it.''

In recent decades the U.S. Supreme Court has carved out a whole new body of law. Religion may no longer be preferred to irreligion, prayer is not permitted in publicly funded ceremonies and schools, not Bible readings, nor officially sanctioned silent moments. Localities are trying to get around these strictures but at some risk. You can advocate communism or genocide but religious observations cannot be tolerated. No religious symbols on public property, no crosses, no menorahs, no Ten Commandments. In areas as diverse as criminal justice, federalism, pornography, educational policy we've been caught up in a downward spinning moral whirlpool.

This year we celebrate the 210th anniversary of the American Constitution and the 206th of the Bill of Rights.

When the U.S. Congress passed the first 10 amendments to the Constitution (the Bill of Rights) early in George Washington's first term, the members were crystal clear in their minds about what they meant and wanted. This is quintessentially true of the First Amendment, a single sentence, the first two clauses of which (the Establishment Clause and the Free Exercise Clause) are my subjects. They fascinate me. I hope you'll feel the same.

''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.'' That amendment has played a crucial role in protecting our right to govern ourselves. But it has been amended drastically by a new breed of federal judge who jumps through hoops and piles on sophistry to prove the amendment says what it plainly doesn't say.

The writers of the Constitution (Thomas Jefferson, who wasn't there, called them demigods) descended from immigrants who came here to escape religious persecution or suppression and were looking for opportunities in a new world. They were overwhelmingly Christian, Protestant and devout. ''Establishment religions'' had been left behind but six of the 13 colonies set up established religions of their own, religions financially or legally government-supported. In New England the Congregationalists were favored; from Maryland south the Episcopal Church got the nod with a strongly Catholic population in southern Maryland. Presbyterians and Baptists were active but weren't part of an ''establishment.'' Even so, all religions thrived which certainly included those of the Catholic and Jewish persuasions.

The crystal clarity I've referred to in the First Amendment involved the intention of Congress to protect all religion from the central government and give the states free rein.

In 1770 in South Carolina the law read ''The Christian Protestant religion shall be the *established* religion in the state.'' (My emphasis.) The law forbade a religious society calling itself a church unless it agreed ''there is one eternal God . . . and the Holy Scriptures of the Old and New Testament were of divine inspiration.'' To remark that our country started as a Christian nation should be as commonplace as saying we are an English-speaking one.

Years later (1868) the 14th Amendment effectively abolished the right of states to have established religions (none was left, anyway).

I'm writing about a volatile subject here, one that raises hackles. Let me set the record straight historically by quoting our first four presidents (Washington, Adams, Jefferson, Madison) directly:

George Washington: In one place he referred to the ''divine author of our beloved Religion (meaning Christ).'' A few months after taking office: ''It is the duty of all nations to acknowledge the providence of Almighty God, to obey his will, to be grateful for his benefits and humbly to implore his protection.'' Later: ''There never was a people who had more reason to acknowledge a divine interposition in their affairs than those of the United States.''

John Adams: ''The greatest glory of the American Revolution was this, it connected in one indissoluble bond the principles of civil government and Christianity.'' And: ''Our Constitution was designed for a moral and religious people only.''

Thomas Jefferson: In 1802: ''That free exercise of religion is placed by the Constitution, independent of the powers of the general government. . . . I consider the federal government interdicted from intermeddling with religious institutions, their doctrines, discipline or exercises.'' Thomas Jefferson believed ''moral philosophy was necessary in public education, it must be made available through legislative appropriations.'' At his on beloved University of Virginia, a public school, he required that each student take a course in religion.

James Madison: ''We have staked the whole future of American civilization not on the power of government . . . on capacity of everyone to govern themselves according to the Ten Commandments.'' (In 1980 our courts held that it was unconstitutional to put the Ten Commandments on school walls thus protecting our young people from aphorisms like Honor thy father and thy mother . . . Thou shalt not kill . . . Thou shalt not commit adultery . . . Thou shalt not steal.'') As the Father of the Constitution, Madison's whole idea was to prevent Congress from establishing a national religion that would threaten the religious diversity of the states.

Permit me to add Tocqueville (in the 1830s): ''Americans combine the notions of religion and liberty so intimately in their minds it is impossible to make them conceive of one without the other.''

In 1781 Congress appropriated funds for a special printing and distribution of the Bible. ''The Congress approves and recommends to the people the Holy Bible for use in schools.''

From the outset we've had ''In God We Trust'' on our money. In our national anthem, ''. . . and this is our motto, in God is our Trust.'' Here's Abraham Lincoln: ''With firmness in the right as God gives us to see the right.'' Each day the Supreme Court is introduced with the words, ''God save the United States and this honorable court.'' On the Sunday in October before the annual session starts, the full court attends a religious service.

In 1892 the U.S. Supreme Court stated, ''Our institutions are emphatically Christian.'' In 1911 the same court said, ''We are a Christian people.'' In 1954, Chief Justice Warren: ''The Good Book and the spirit of our Savior from the beginning have been our guiding geniuses. Our Constitution was the work of people who believed in God, and who expressed their faith as a matter of course in public prayer.'' Our first public schools were founded by clergymen. Our first colleges were divinity schools.

Before we approach the subject of church and state, we have to know the historical absolutes so that we can judge how ridiculous modern interpretation has been and how our national consciousness has been warped as a result.

The fact that kids can't pray before a game that no one gets hurt is grotesque. The very English Common Law which became our legal code is infused with Christianity. To quote Stanton Evans: ''The court's position in these religious cases is an intellectual shambles, result oriented jurisprudence at its most flagrant.'' Even though our first four presidents had their own inner-directed beliefs, the quotations above demonstrate clearly that their executive actions fly in the face of modern judicial reading of the First Amendment.

Starting around 1952 the Supreme Court has sometimes relied on ''pop psychology'' as a source. The predilections of individual judges have wreaked havoc. Father Richard Neuhaus tells us, ''The courts have presumed to declare that the separation of church and state means the separation of religion and religiously grounded morality from public life which means the separation of the deepest convictions of the people from politics which means the end of democracy and, in fact, the end of politics.''

My personal villain is the late ''loveable'' Justice William Brennan, whose persuasive power and ramshackle thought processes carried the majority of the Supreme Court through a long series of decisions which form the body of today's law and swerve away from the moral and religious precepts that undergirded us for 167 years. Justice Brennan, a ''jurisprudential dervish,'' once attributed his thought processes to a ''range of emotional and intuitive responses in contrast to lumbering syllogisms of reason.'' Someone has said, ''Today it's more his Constitution than Madison's.''

There is simply nothing in our Constitution that justifies abolishing anyone's right to pray or mediate anywhere, anytime. In light of what I've quoted, such a nullification is bizarre. I'm emphasizing prayer only because of its symbolism as a cornerstone of the whole distorted jurisprudential attack. A lot of good people don't pray. Nobody wants to force them. Their private thoughts are precious under our law.

Many young people have paid a terrible price for these court-ordained deviations from religious roots, Christian, Jewish, the others. Thrown out the window alongside prayer has been the rigor of daily memorization and recitation (Biblical or otherwise) from which follows the dire loss of exposure to lofty, sublime, spiritual language and thought. It's hard to suppress anger as one writes.

Permit me to quote in full the sinister prayer that set off this portentous severance from our roots, the whole First Amendment controversy: ''Almighty God, we acknowledge our dependence on thee, and we beg thy blessings upon us, our parents, our teachers and our country.'' That's it!

The very day after the Congress passed the First Amendment (Sept. 24, 1791) that same body passed a resolution calling for a day of national prayer and thanksgiving plus another setting up a system of chaplains for

itself. In light of current distortions, do you suppose the passage of 24 hours made them forget what they'd done? When pressed on this matter the ACLU once said, ''They were confused.'' Confused? Not those guys.

As Andrew Cord writes, ''If we accept the present view of the court, then both Congress and George Washington violated the Constitution from its inception.''

Since the Supreme Court has succeeded in erecting a WALL between church and state, crime rates, although recently abated, have skyrocketed; hard drug use is higher; emotional disorders are up; divorce rates have soared; we've got abortion ''on demand''; more suicides; more children clinically depressed and inclined to engage in crime; and venereal disease, including AIDS, has proliferated. The ACLU would have you believe these trends are coincidental.

Well, where did all this urban decay, racial polarization, deterioration in public schools and loss of community spirit come from? It took just 30 years! There's nothing comparable in our history. Why?

No individual judge or court can be solely blamed for such an appalling divergence from core beliefs but our cumulative supine acceptance of evil has created in certain influential classes of academics and among leaders in print journalism and show business an inclination to create great mischief. The sudden decay of moral and ethical standards in current highest political circles has built up an active antipathy to all rigorous standards whether in religion, education or moral ethics. Relativism is taking a fearsome toll. ''Everybody does it. It's all relative, anyway.''

John DiLulio sums it up, ''Accumulating evidence confirms the efficacy of faith-based approaches to social problems.'' We're a society that's slipped its old moorings. We must get them back.

We're accepting decadence passively, rambling through a moral nine field. We're assaulted daily through eyes and ears with outrages that once would have been unimaginable. We've had entering the workplace a generation of people whose moral development has been arrested.

Up to now my comments have been Christianity-centered. The spiritual insights of our Founders made that our heritage. But, due to those same insights, we've honored, respected and protected the religiosity and nonreligiosity of all citizens.

America from day one has been a haven for Jews. When we set out on our ''great experiment'' in 1789 there were about 2,500 Jews in the 13 colonies (1,000, or 40 percent, in South Carolina). They'd come in sailing ships and brought with them an understandable apprehension that this new country might evolve into a hell similar to the ones they'd left behind.

As was frequently the case, President George Washington set the standard. Writing to the Jewish congregation in Newport, he said, ''The government of the United States gives bigotry no sanction, to persecution no assistance. Everyone shall sit in safety under his own vine and fig trees.'' (1 Kings 4:25). In other correspondence he always referred to America's Jewish population with respect and good will. Jewish financiers helped underwrite the eight-year American Revolution and no one knew that better than he. He referred to them in his ornate way as ''the sons of Abraham.''

None of us can forget that in the 20th century a great and Christian nation followed evil leadership, turned on its Jews; bankrupted them; ran them off and killed the rest. The Jewish people have earned the right to stay alert, but I do feel that in America they sometimes overdo it. What we call Western Civilization is really Judeo-Christian civilization.

As to the Catholics of all descriptions, their roots go just as deep. There were times and places in our early history when neither Catholics nor Jews could be elected to state level office. In my lifetime, intermarriage between Catholic and Protestant young people could cause a crisis, in both families. This was even truer of Christians and Jews. Today, intermarriage is almost commonplace.

My subject is the First Amendment and religion, not race. Everything I've said about recent court decisions applies equally to our 30 million black citizens. In some ways these trends have hurt some of them most. When we concentrate on all the bad news we overlook the galvanic progress of our black fellow citizens. But the shift in judicial emphasis away from values and religion has hurt those on their bottom rung the most.

In its 2,000-year history Christianity has had its dark sides—times of torture, trials, inquisitions. I find it unacceptable when some Christians preach that unbaptized babies or most of the world's non-Christian multitudes are doomed to eternal punishment. Hard-edged Christianity is a contradiction in terms. Some of our mainline churches are roiled in their own controversies.

America is the most spiritual of nations. Over 90 percent of us believe in God. We have never been in danger of becoming a theocracy, a government dominated by a God belief as prescribed by one church. Not ever tempted.

Any prayer offends militant athesists, some of whom sit in our pews every Sabbath. At one time in life many of us have been atheists or agnostics. People who remain seated during national anthems, or don't pray, or pray differently, should feel free but not enough to trample on the majority or intimidate educators as they sometimes do. A very small tail has been wagging a very large, friendly dog.

Our most effective dispenser of deeprooted goodness is firmly religious and Christian-based, The Salvation Army. Nobody has yet diverted it from its mission although there've been efforts. Here's part of their credo, ''We have been called and ordained by God to serve in the trenches of human warfare, to be a compassionate arm of the militant church, to bring light to those in darkness and hope to the hopeless.'' Christianity's 2,000-year-old uniqueness is its gospel outreach, its energy.

I've been discussing the heated argument going on in this country between the religious and groups with different viewpoints. Transcendental movements are vulnerable and make mistakes. But the glorious truth cannot be gainsaid and that's the overwhelming good that our organized religionists do. Governments pale in comparison. Members of religious organizations give twice as much to charity as non-members. Scientific double-blind tests prove that sick people recover sooner and more often when fervently prayed for. The immense opening up of outer space continues to make believers of our most sophisticated scientists.

Every single day an immense flood of food, money, books, medical healing and pure goodness pours out of American churches, temples and synagogues due to the boundless, borderless love religions generate. There's even evidence that our Brennan-less Supreme Court is having second thoughts about the havoc it's wreaked. Surely through all this we've learned that any prayer to a multi-religious assemblage should not be hurtful or mean-spirited. But, to paraphrase a recent president, ''Tear down this wall!'' The wall exists due to a gross misreading of history and law followed by execrable legal conclusions.

The American Revoluion was the final flowering of the ''Enlightenment.'' Those Founders of ours, brilliant and prescient as they were, could hardly have grasped the fact that they were creating a whole new world.

This tiny 18th century nation hanging on for dear life on the outer edge of a raw continent was unstoppable. It took a mere hundred years for it to become ''the light of the world.''

We're got to stop the rot that has poisoned and weakened our society. Ultra-liberals with their soggy convictions have way overreached. Authentic faith is an act of freedom.

HONORING THE ST. VINCENT COLLEGE DRUG PREVENTION PROJECTS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. MURTHA. Mr. Speaker, five years ago I came before the House to call attention to an innovative drug abuse prevention program in Pennsylvania that was celebrating fifteen years of success. While we as a Nation have by no means solved the problem of drug abuse among our young people, the young people of Southwestern Pennsylvania are far better off today than they would have been without that program at St. Vincent College in Latrobe, Pennsylvania. So, today, I stand before you again to recognize and pay tribute to this wonderful program as it now celebrates its twentieth anniversary.

In 1978, St. Vincent College joined with the Westmoreland County Drug and Alcohol Commission, the Latrobe Area Chamber of Commerce, and area school districts to develop a primary prevention education program. St. Vincent continued the sponsorship of the program as a community service project which provides education and other prevention services in all 17 public school districts in Westmoreland County as well as school districts in surrounding counties.

We will continue to fight to stop the flow of drugs into our country. But we can't focus only on stopping supply; we have to focus on stopping the demand, within our own country, among our young people who are vulnerable to the daunting pressures of social and economic factors and the predatory tactics of the suppliers. Prevention of a young person from ever trying drugs is the best way to reduce the demand. That is done through education, and that is what the program at St. Vincent College does very well. It set out to make a difference and it has made a difference.

I am proud to salute the many people who have worked at this for twenty years and who continue to reach out to these young people and help to understand the importance of avoiding drugs. I hope they see their triumph reflected in the face of every happy healthy young person and look forward to celebrating with them many more anniversaries of success in the fight against drugs.

AMERICAN HERITAGE RIVERS INITIATIVE

HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mrs. CHENOWETH. Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD a paper published by the Heritage Foundation earlier this year entitled Good Politics, Bad Policy: Clinton's American Heritage Rivers Initiative. Authored by Alex Annett, this paper outlines how AHRI implements a new Federal program by fiat, violates the Constitution, the National Environmental Policy Act and the Federal Land Management and Policy Act. Furthermore, it discusses AHRI's threat to property rights and States' rights. I encourage my colleagues to learn more about this illegal Federal program which is one more example of President Clinton's abuse of executive power.

[From the Heritage Foundation, February 2, 1998]

GOOD POLITICS, BAD POLICY: CLINTON'S AMERICAN HERITAGE RIVERS INITIATIVE

(By Alex Annett)

''The AHRI creates, by executive fiat, the most all encompassing regulatory regime ever to be imposed on private landowners. Most other land use programs have been designed to protect Federal Land. And in the case of the Clean Water Act and the Endangered Species Act, Congress passed these regulations. Never has an executive dared to assert so much control over private property through his own declaration.'' Nancie Marzulla, president and chief counsel, Defenders of Property Rights.

During the 1997 State of the Union address, President Bill Clinton announced a new federal program entitled the American Heritage Rivers Initiative (AHRI), which he intended to support communities in their efforts to restore and protect rivers across the United States. To many, this lofty goal sounds good. But, on closer inspection, the pristine image it paints becomes murky, revealing a program that violates many constitutional and statutory provisions, involves the federal government further in local and state environmental issues, is inefficient and wastes tax dollars, and threatens personal property rights.

Nevertheless, President Clinton appears ready to begin implementing his initiative, although he has neither the constitutional authority to do so nor the intention of asking Congress for such authority. He also appears unconcerned that promoting this initiative could suggest to many that, for his Administration, the ''era of big government'' is not over. Congress should consider taking immediate action to block Clinton's river initiative before it floods America's communities with layers of federal bureaucracy and further muddies the balance of power in Washington, D.C.

IMPLEMENTING A NEW FEDERAL PROGRAM BY DECREE*

*Footnotes at end of article.

President Clinton unveiled new details about how he plans to implement his new American Heritage Rivers Initiative when he issued Executive Order 13061 on September 11, 1997.[1] Through executive order, Clinton has established an American Heritage Rivers Interagency Committee to oversee implementation of the initiative. Members of the committee will include the secretaries of the Departments of Agriculture, Commerce, Defense, Energy, Housing and Urban Development, Interior, and Transportation; the attorney general; the administrator of the Environmental Protection Agency; the chairpersons of the Advisory Council on Historic Preservation, the National Endowment for the Arts, and the National Endowment for the Arts, and the National Endowment for the Humanities; or designees at the assistant secretary level or their equivalent.

To nominate a river for designation as an American Heritage River, a local community must submit a river nomination packet to the President's Council on Environmental Quality. The packet must include: a description of the river or river area[2] to be considered, its notable resource qualities,[3] a clearly defined vision for protecting the area and a specific plan of action to achieve it, evidence that a range of citizens and organizations in the community support the nomination and plan of action, and evidence that individuals in the community have had an opportunity to discuss and comment on the nomination and plan of action.

The Council on Environmental Quality will select a panel of experts to review the nominations and make recommendations to the President. From these recommendations, the President would select ten rivers or river area to designate as American Heritage Rivers. These American Heritage Rivers would receive preferential treatment for federal dollars and the support of other federal programs.

On the surface, President Clinton's program looks appealing. Rivers have played a vital role in the country's history, culture, recreation, health, environment, and economy. Finding ways to encourage states and local communities across the country to become involved in improving the water quality of their rivers and revitalizing their waterfronts is commendable. The AHRI, however, will amount to little more than a surface ripple in accomplishing these goals.

Impediments to achieving the AHRI's lofty goals have more to do with the design of the program than with the intentions of communities. The notable problems with President Clinton's initiative are that:

1. It violates a number of constitutional and statutory provisions;
2. It is wasteful and inefficient;
3. It reduces the role and authority of the states;
4. It threatens property rights; and
5. It ''serve[s] political purposes.''

Upon close examination, it becomes clear that the AHRI is bad policy and unconstitutional and, like many of President Clinton's other initiatives, will become another political pork-barrel program designed to send federal dollars to politically important jurisdictions across the United States.

HOW THE AMERICAN HERITAGE RIVERS INITIATIVE VIOLATES THE U.S CONSTITUTION

Above almost all else, Americans love the beauty and resources of their country. They clearly understand that the U.S. Constitution establishes a system of government to protect their individual rights, and that the federal government should be expressly limited in its ability to usurp those rights. They may disagree, at times, about how much power its given each branch of the federal government to settle disputes and to limit personal freedoms, but there is no dispute that the Founding Fathers intentionally and explicitly designed a balance of power to prevent legislative, judicial, or executive arrogance and abuse of power. Americans expect their elected leaders to abide by the separation of powers delineated in the Constitution, and they want the federal judiciary on guard to make sure they do.

Rather than honor these expectations, President Clinton's American Heritage Rivers Initiative violates both the intent and the letter of the U.S. Constitution. It gives the President as well as his executive agencies authorities that clearly and constitutionally belong to the legislative branch of government, and it confiscates the land use and zoning powers of the states.

ALTERING THE CONSTITUTIONAL SEPARATION OF POWER

''The Constitution protects us from our own best intentions: It divides power among sovereigns and among branches of government precisely so that we may resist the temptation to concentrate power in one location as an expedient solution to the crisis of the day.'' *New York vs. United States,* 112 S.Ct. 2408 (1992)

Under the U.S. system of checks and balances, the legislative branch has the power to create laws and appropriate funding, the executive branch is authorized to implement and enforce the laws, and the judiciary is given power to interpret those laws in disputes.[4] To explain to hesitant colonists why this separation of powers was important, James Madison wrote in Federalist No. 47 that 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.''[5]

The Supreme Court historically has recognized the importance of the separation of powers among the President, Congress, and the judiciary. In the case of *Youngstown Sheet & Tube Co.* v. *Sawyer,*[6] the Supreme Court was asked to decide whether President Harry S Truman (during the Korean War) was acting within his constitutional power when he issued an executive order directing the Secretary of Commerce to take possession of and operate most of the country's steel mills. The government's position was that the president's action was necessary to avert a national disaster than inevitably would result from the stoppage of steel production, and that in meeting this grave emergency, the President was acting within the aggregate of his constitutional powers. The Supreme Court found in *Youngstown* that, even with the threat of a national catastrophe, the President's order could not be sustained as an exercise of his authority. In this case, the Supreme Court found no statute that expressly authorized the President to take property as President Truman's executive order intended, or any act of Congress from which authority could be inferred. The Supreme Court concluded that the power to adopt such public policies as those proclaimed by the executive order is beyond question by Congress, and that the Constitution does not subject this lawmaking power of Congress to the President.[7]

Supreme Court precedent suggests that President Clinton's Executive Order No. 13061 runs contrary to the separation of power provisions of the Constitution. To implement the AHRI, President Clinton is claiming for himself and future Presidents powers that belong to Congress: specifically, authority over interstate commerce, water rights, property rights, and the appropriation of money. Through executive order, Congress would be relegated to a role of trying to stop presidential programs from being implemented, rather than creating and approving them based on the will of the people and funding them as authorized in the Constitution.

WALKING AROUND THE PROPERTY CLAUSE

The Property Clause in Article IV of the Constitution states that ''Congress shall have power to dispose of and make all needful Rules and Regulations respecting the territory or other property belonging to the

United States.''[8] Executive Order No. 13061, however, gives the executive branch control and authority over the country's rivers and their associated resources located on federal lands, a power specifically assigned to Congress. In order for the executive branch to have authority to govern and control these rivers and associated resources, this power must be delegated to it by an act of Congress. Congress has not given the executive branch such authority.

TRAMPLING THE TENTH AMENDMENT

The Tenth Amendment to the Constitution stipulates that the ''powers not delegated to the United States [federal government] by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.''[9] Under the Tenth Amendment, then, state and local governments retain the authority to engage in land use planning and local zoning for public health, safety, and welfare. President Clinton's program, however, sets a new precedent by giving federal regulators a greater role in land use planning, local zoning, and other aspects of a river's surroundings, including ''characteristics of the natural, economic, agricultural, scenic, historic, cultural, or recreational resources of a river that render it distinctive or unique.''[10] The President has no authority under the Constitution to engage in land use planning and local zoning; thus, Executive Order No. 13061 violates the Tenth Amendment.

HOW THE AHRI VIOLATES NUMEROUS STATUTES

In addition to altering the constitutional separation of powers, the AHRI implementation process outlined in Executive Order No. 13061 also conflicts directly with two significant environmental laws: the National Environmental Policy Act (NEPA) and the Federal Land Management and Policy Act (FLMPA).

THE NATIONAL ENVIRONMENTAL POLICY ACT

The Clinton Administration has cited the National Environmental Policy Act of 1969 as the legal basis for establishing the AHRI. The NEPA is primarily a policy statute mandating that federal government agencies consider the environmental effects of major federal actions. The idea behind the NEPA is that, by requiring federal agencies to consider and gather information about the environmental consequences of proposed actions, the agencies will make wiser environmental decisions.[11] President Clinton states that the NEPA provides a grant of authority to establish the AHRI under authority of Section 101(b) of the NEPA. This section only sets out the broad goal to be achieved by the NEPA, however; it provides no authority for action. The only authorities mandated to the executive branch under the NEPA are to prepare reports; interpret and administer federal policies, regulations, and public laws in accordance with the NEPA; provide information, alternatives, and recommendations; and provide international and national coordination efforts.[12] President Clinton apparently has interpreted these duties to mean that the NEPA also gives the executive branch broad authority to develop programs. Such authority, however, was given specifically to Congress, not the President, and Congress has not delegated such powers explicitly to the President. Consequently, citing the NEPA as the legal basis for implementation of the AHRI is questionable.

The Federal Land Management and Policy Act

Even if it can be argued successfully that President Clinton's action is consistent with the purpose of the NEPA, the NEPA, as written, does not trump the requirements of other statutes. And, in the case of the Federal Land Management and Policy Act, the President is expressly restricted in his ability to designate or manage Federal lands. Congress enacted the FLMPA in 1976 in order to reestablish its authority over the designation or dedication of Federal lands for specified purposes, and to circumscribe the authority of the President and executive branch to manage Federal lands.[13]

In the FLMPA, Congress declared that ''it is the policy of the United States that Congress exercise its constitutional authority to withdraw or otherwise designate or dedicate Federal lands for specified purposes'' and delineate the extent to which the executive branch may withdraw lands without legislative action.[14] Congress thus asserted its authority to create, modify, and terminate designations for national parks, national forests, wilderness, Indian reservations, certain defense withdrawals, national wild and scenic rivers, national trails, and other national recreational areas and national seashores.[15]

In fact, Congress has not withdrawn, designated, or dedicated any Federal lands for President Clinton's American Heritage Rivers Initiative, nor has it authorized the development of the program by the executive branch. The legislative process for obtaining a favored status designation for Fderal land and resources is clearly established. Consider, for example, the Wild and Scenic Rivers Act adopted by Congress on October 2, 1968.[16] The act provides for the selection, by Congress, of American rivers that, along with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. The rivers selected are protected for the benefit and enjoyment of present and future generations.[17] Since 1968, Congress has designated 154 Wild and Scenic Rivers under this act, amounting to 10,814 miles of river.[18] In fact, Congress acted as recently as November 12, 1996, when it designated 11.5 miles of the Lamprey River in New Hampshire and 6.4 miles of the Elkhorn Creek in Oregon,[19] following the designation of 51.4 miles of the Clarion River in Pennsylvania on October 19, 1996, as part of the Wild and Scenic Rivers program.[20] Congress is currently considering legislation to designate three more rivers. Representative Norman Dicks (D–WA) introduced H.R. 1477 to designate 51 miles of the Columbia River in Washington State; Senator Patty Murray (D–WA) introduced a companion bill (S. 200) in the Senate. Representative Martin Meehan (D–MA) introduced H.R. 1100 to designate the Sadbury Assibet and Concord Rivers in Massachusetts for the Wild and Scenic Rivers program, and Senator John Kerry (D–MA) introduced the companion bill (S. 469) in the Senate. Clearly, when Members of Congress believe there is reason to act, they will act.

If President Clinton wants to see his initiative implemented properly then he first should proposed legislation to Congress and allow Congress to approve or reject the initiative based on the merits of the proposal and the will of the people. Because Congress has not designated or dedicated any Federal lands for the AHRI, or authorized the development of the AHRI, the actions of the President in creating and implementing the AHRI through Executive Order No. 13061 violate the FLMPA.

HOW THE AHRI THREATENS PROPERTY RIGHTS

The protection of personal property in the Constitution is under increasing assault by all levels of government. The right to own and use property free from unreasonable or arbitrary government interference is fundamental to American freedom and the U.S. Constitution. In fact, the Framers of the Constitution considered the protection of property rights so important that they included it in the Third, Fourth, Fifth, and Sixth Amendments. Today, in an era of almost daily documented cases of unreasonable and arbitrary interference by government agencies, it is not surprising that the Clinton Administration does not seem to recognize or agree with the Founders on the importance of individual property rights.

This lack of appreciation for personal property rights is an undercurrent in President Clinton's AHRI. The right of individuals who own property along designated rivers to use their property free from unreasonable and arbitrary government interference is threatened by the AHRI. The Administration has resisted adding a mandatory opt-in provision to allow the property of landowners along designated American Heritage Rivers to be included in a nomination only in cases in which owners have given their written permission. Such a provision would have shown that President Clinton indeed was concerned about the property rights of those Americans whose land is located along designated rivers. The lack of such a provision means property owners have no guarantee that their property rights are protected.

The regulation of wetlands under the Clean Water Act affects hundreds of thousands of acres of property across the United States. Implementing the AHRI will add hundreds of thousands of acres of dry land to the federal government's control in perpetuity. Rather than increase the access of people to federal resources and protect their rights, the AHRI will increase the access of federal bureaucrats to private property across the United States.

HOW THE AHRI TREADS ON STATES' RIGHTS

The Founders believed that government closest to the people works best. The Tenth Amendment addresses the empowerment of state and local communities to govern. It recognizes that the federal government—as an entity—should have only limited powers, and that its powers should be specifically enumerated. Water rights and land-use planning are not stipulated powers of the federal government; historically they are subject to regulation and control at the levels of state and local elected government. As Chief Justice William Rehnquist has argued, taking the control of water from the legislatures of the various states and territories at the present time would be nothing less than suicidal. If the appropriation and use were not under the provisions of state law, the utmost confusion would prevail.[21]

President Clinton, through his executive order, is attempting to establish and exert federal control over something that clearly is under state jurisdiction. By allowing the intervention of the federal government through federal bureaucrats, known as ''river navigators,'' who are appointed by the President, Executive Order No. 13061 will interject the federal government heavily into the local decision-making process.

The Clinton administration claims that river navigators will not interfere in the local planning and zoning process, yet it resists incorporating a provision to prohibit them and all other federal employees involved with the initiative from intervening in local zoning and other decisions affecting private property and water rights. Such a provision would ensure that the states and local communities continue to control areas that are rightfully under their jurisdiction. The AHRI appears to be the program of a President who believes Washington, D.C., knows best and can govern best every aspect of life in every American Community.

HOW THE AHRI IS WASTEFUL, DUPLICATIVE, AND INEFFICIENT

The Clinton Administration claims that the AHRI will help ''reinvent government.''

But President Clinton's understanding of reinventing government seems to mean creating additional layers of bureaucracy. The American Heritage Rivers Initiative, in fact, is similar to an existing program, the National Rural Development Partnership (NRDP) established by President George Bush in 1991 by executive order. The NRDP is a flawed program: President Bush had no congressional authority over water rights, property rights, or the appropriation of funding when he initiated it; therefore, it also violates a number of constitutional provisions.

Like the AHRI, the NRDP planned to create a collaborative relationship among federal, state, local, and tribal governments, and private, nonprofit, and community-based organizations within each state and some territorial areas, in order to establish a comprehensive and strategic approach to rural development efforts in each state. A comparison of the descriptions of these programs from their respective World Wide Web sites reveals further similarities.

According to the Web site of the National Rural Development Partnership,[22] the NRDP's objectives are to: Encourage and support innovative approaches to rural development and more effective resolution of rural development issues; Develop innovative approaches; Build partnerships among, federal, state, local, and tribal governments and the private sector; Encourage local empowerment; Involve the Departments of Agriculture, Commerce, Defense, Energy, Housing and Urban Development, Interior, Justice, and Transportation, the Environmental Protection Agency, and the Army Corps of Engineers; and Use existing federal personnel and funds to work with the states to bring public and private resources together for solutions to local problems.

According to the Web site of the American Heritage Rivers Initiative,[23] the AHRI is supposed to: Encourage community revitalization by providing federal programs and services more efficiently and effectively; Develop strategies that lead to action; Build a partnership between federal, state, tribal, and local officials, as well as private for-profit, non-profit, and community-based organizations; Encourage community-led efforts; Involve the secretaries of the Departments of Agriculture, Commerce, defense, energy, Housing and Urban Development, Interior, and Transportation; the attorney general; the administrator of the Environmental Protection Agency; and the chairs of the national Endowment for the Arts, the National Endowment for the Humanities, and the Advisory Council on Historic Preservation; and Use existing federal staff, resources, and programs to assist communities.

Reinventing government usually does not imply duplicating a federal program already operating in 38 states that has the same objective: promoting community involvement and development. Beside sharing the NRDP's objective, the AHRI will create three new costly layers of bureaucracy. The AHRI:

1. Creates an American Heritage Rivers Interagency Committee that will be responsible for implementing the AHRI;

2. Establishes a panel to review the river nomination packets and recommend rivers to the President for designation. The panel will include representatives from natural, cultural, and historic resources concerns; scenic, environmental, and recreation interests; tourism, transportation, and economic development interests; and industries such as agriculture, hydropower, manufacturing, mining, and forest management.[24]

3. Gives the Interagency Committee the authority to transfer funds from other legitimate and congressionally authorized federal programs to fund ten new river navigators appointed by the President. The new bureaucrats would be paid approximately $100,000 each year to assist officials in the ten communities selected by the President to locate existing federal programs and money that would be used to improve their waterfronts and rivers. Funds also would be transferred to compensate engineers, biologists, and foresters who would provide studies and expertise in implementing the initiative. The salaries of the river navigators would cost $1 million per year (which would be compounded annually because ten new river areas would be designated per year), and the cost of the engineers, biologists, and foresters would be added to the already estimated $4 million annual cost of the program. It is unclear whether such authority on the part of the Interagency Committee is a violation of the Spending Clause in Article I of the Constitution because the Spending Clause gives Congress—and only Congress—the power and authority to ''draw [monies] from the Treasury.''[25]

President Clinton is planning to implement the AHRI at a time when the country is clamoring for Congress to downsize the federal government and give more control back to the states. The true definition of reinventing government is to make government smaller and more efficient. It is difficult to comprehend how creating another federal program—and one that is similar to an existing program—and adding new layers of federal bureaucracy will facilitate an efficient method of cleaning up America's great rivers. Secretary of the Interior Bruce Babbitt, in a recent speech entitled ''United by Waters—How and Why the Clean Water Act Became the Urban Renewal Act That Actually Works,'' stated:

Finally in 1972 Congress enacted a new law. . . . [t]he Clean Water Act proclaimed a simple if awkwardly stated goal; make the nation's rivers, lakes, and shores ''swimmable and fishable.'' As American cities used the Act to clean up and restore their waters, those waters, in turn have begun to heal and restore our American cities.

Even as the Clinton Administration touts the effectiveness of the Clean Water Act in restoring and protecting American rivers, it boldly declares that the country also needs the AHRI. If Secretary Babbitt believes the goals of the Clean Water Act already are being achieved, then one must ask: What is the real reason behind the Clinton Administration's new initiative?

AHRI'S POLITICAL AGENDA FROM A WHITE HOUSE MEMO

One of the best ways to build or strengthen political support in a community is by selecting it to receive a massive infusion of federal funds. Representative Christopher Cannon (R–UT) stated on July 15, 1997, at a House Resources Committee hearing on the AHRI that three to five congressional districts could be covered by each of the ten rivers designated by President Clinton. Using these figures, by the next presidential election in 2000, the President would have targeted federal funds to go to between 90 and 150 political districts. The American Heritage Rivers Initiative is classic pork-barrel politics.

At the same House Resources Committee hearing, a memo from the Council on Environmental Quality surfaced that read: ''Selection committee will recommend more AHR's [American Heritage Rivers] than are actually designated, giving someone else (the President?) a further choice. This could ensure that designated AHR's: Serve Political Purposes; are located where agencies can staff them; and are diverse (river, landscape, community, geography, etc.)[26]

The Administration memo indicates that politics could well play a role in the designation of 10 rivers in early 1998, as well as the designation of an additional 20 rivers before the 2000 presidential election. The AHRI allows the White House to target federal dollars to communities in a way that could be politically advantageous.

CONCLUSION

At a time when the country wants to downsize government and revitalize the importance of the Tenth Amendment, and Congress is recognizing the necessity of empowering local communities and states even more, the American Heritage Rivers Initiative chooses the wrong approach for preserving some of America's great resources, its many rivers. Although there often has been a lack of political will in Congress to tackle these kinds of issues—even with flagrant violations of law and terrible policy—several Members of Congress recognize the problems with President Clinton's initiative and have begun to focus their attention on it.

For example, on June 10, 1997, Representative Helen Chenoweth (R–ID) and 46 cosponsors introduced H.R. 1842 to terminate funding by any federal agency for the AHRI. The bill passed the House Resources Committee by voice vote on November 5, 1997. In addition, on December 10, 1997, Representatives Chenoweth, Richard Pombo (R–CA), and Bob Schaffer (R–CO), and House Resources Committee chairman Don Young (R–AK) filed a lawsuit in U.S. District Court for the District of Columbia to challenge the constitutional authority of the President to implement this initiative.

Because President Clinton plans to designate the first rivers in early February, the time has come for every Member of Congress to take a long, hard, and honest look at the AHRI program. It is an indefensible waste of taxpayer dollars. Through its Wild and Scenic Rivers Program and numerous other water quality initiatives, Congress already has devoted considerable resources to cleaning, restoring, and enhancing America's rivers with great success. But even more disturbing than the waste, the AHRI program seriously undermines congressional authority and upsets the delicate balance of power so carefully crafted in the U.S. Constitution.

Congress must exercise its proper statutory and constitutional authority to bring this program to an end before it is launched.

FOOTNOTES

[1] *Federal Register*, Vol. 62, September 15, 1997, p. 48445.

[2] The nominated ''river'' may vary from a short stretch of a river to its entire length. The designated area can include land immediately adjacent to the river, such as the waterfront and streamside areas, or span the entire watershed. It may also cross jurisdictional boundaries.

[3] ''Resource quality'' refers to how the natural, economic, agricultural, scenic, historic, cultural, or recreational resources connected with the river are distinctive or unique.

[4] U.S. Constitution, Articles I, II, and III.

[5] Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers* No. 47 (Madison).

[6] *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952).

[7] *Ibid*.

[8] U.S. Constitution, Article IV, Section 3, Clause 2.

[9] U.S. Constitution, Amendment 10.

[10] Executive Order 13061, September 11, 1997, Section 2(b)(1).

[11] 42 U.S.C. § 4321.

[12] *Ibid*.

[13] 43 U.S.C. § 1701(a).

[14] 43 U.S.C. § 1701(a)(4).

[15] Legislative History, *The Federal Land Policy and Management Act of 1976* (Public law 94–579), Vol. 1 at 439 (1978).

[16] 16 U.S.C. §§ 1271 *et seq*.

[17] *Ibid*.

[18] *Wild and Scenic Rivers Reference Guide*, Interagency Wild and Scenic Rivers Coordination Council, 1997.

[19] Public Law 104–333.

[20] Public Law 104–314.

[21] *California* v. *U.S.*, 438 U.S. 645 (1978).

[22] ''National Mission and Goals Statement,'' National Rural Development Partnership, at *www.rurdev.usda.gov/nrdp/goals.html*.

[23] Council on Environmental Quality, ''American Heritage Rivers Initiative,'' at *www.epa.gov/rivers/fedreg2.html*.

[24] *Ibid*.

[25] U.S. Constitution, Article I, Section 9, Clause 7.

[26] Council on Environmental Quality, Draft Memo, ''The American Heritage Rivers Initiative,'' provided to the House Resources Committee and the basis for questioning at a hearing on the Initiative. See *Oversight hearing on the Clinton Administration's American Heritage Rivers Initiative*, House Report 105–36, 105th Congress, 1st Session, July 15, 1997, pp. 81–82.

LETTER FROM VINCENT PISCITELLO ON LIVING WAGES FOR SCHOOL CONSTRUCTION WORKERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. KUCINICH. Mr. Speaker, the issue of prevailing wages for workers on government construction projects has been a major topic of debate during the 105th Congress. In his letter to members of the Cleveland City Council, Mr. Vincent Piscitello, President of VIP Restoration Inc., presents an articulate and compelling argument for the importance of paying employees a living wage when they renovate schools in the Cleveland area. I commend Mr. Piscitello for his clear thinking and commitment to working families, and offer his letter to be included in the CONGRESSIONAL RECORD.

VIP RESTORATION, INC.,
Cleveland, OH, October 6, 1998.

Re the elimination of prevailing wage requirements for work performed at the Cleveland City Schools.

City of Cleveland Council Members,
Council Chambers,
Cleveland, OH.

DEAR COUNCILPERSON: You may or may not be aware that the Cleveland City Schools has dropped the prevailing wage requirement for construction projects on city schools and facilities. The prevailing wage guidelines require contractors to pay their employees a decent living wage. The elimination of this requirement is result of the passage of State Senate Bill 102.

Ostensibly, using underpaid workers reduces construction costs and therefore the tax burden on the citizens. While many good arguments can be made regarding the fallacy of the proposition that low paid, unskilled workers could complete projects on time, with high quality, and within budget, I believe that the more immediate and important issue is the elimination of good paying jobs with benefits.

Over the years unions (supported by prevailing wage requirements) have provided good paying jobs. They have enabled many to climb the ladder into middle class and prosper. Unions provide training, a living wage, and benefits. Union members have gone on to own their own business, send their kids to college, and generally benefit society by being able to provide for their families.

A non-union job paying $9 dollars an hour without benefits is fine for a single young person with no dependents. But how do you expect a person (or two) who has worked a full day and takes home $64 after taxes to support their family? Medical emergency? Just don't have them. Saving for retirement? Not possible. By increasing dependency upon governmental entitlement programs this legislation actually increases overall costs and the burden on the taxpayer.

Currently, many unions are looking for young energetic men and women to become apprentices. Is there an opportunity for underemployed inner city youths to learn a trade, have a decent paying job, and build a solid fiscal foundation for themselves and their families? I think so. But eliminate the prevailing wage requirements and you eliminate opportunity.

Are the lawmakers who passed this legislation and administrators who choose to implement it in on a conspiracy to hold down the working person? I don't really think they are but I do believe they are short sighted and may have a bad case of ''I got mine''.

State Senate Bill 102 does not require a school district to hire contractors who employ non-union personnel or pay low wages, a school system can choose to require prevailing wage. Other school districts have agreed to continue to use prevailing wage guidelines. The Construction Employers Association is working with many local school districts to inform them of their rights, the benefits of keeping prevailing wages, and the opportunities available to high school graduates looking to enter the trades.

It is important that your constituents have decent paying jobs allowing them the opportunity to provide for their families. We need your help to inform the powers that be that prevailing wage requirements need to be maintained when performing work at the Cleveland City Schools.

Please contact John Porada of the CEA at (216) 398–9860 or me at my offices with any questions.

Sincerely,

VINCENT PISCITELLO,
President.

HOW LONG UNTIL THE Y2K COMPUTER PROBLEM?

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. LINDER. Mr. Speaker, there is approximately 1 Year, 2 Months, 16 Days, 10 Hours, 56 Minutes, and 43 Seconds until the Year 2000 computer problem affects computers and computer chips worldwide on the morning of January 1, 2000.

As we know, many computers will be unable to process dates beyond December 31, 1999, making the year 2000 indistinguishable from the year 1900. The potential technological turmoil could cause computers to generate incorrect data or stop running. Credit cards, ATM cards, security systems, hospital equipment, telephone service, electricity, and paycheck systems could be affected. I don't think anyone is sure what will happen.

Fortunately, in the year 2000, we have a few days to recover after the Y2K problem hits because January 1 falls on Saturday. However, we lose one potential additional day because the New Year's Day holiday—by law—must be observed on the previous Friday, December 31, 1999.

I have introduced legislation that will provide the public and technology professionals with an additional day, prior to the start of the first workweek in January 2000, to work on repairs on failed computer systems caused by the Year 2000 computer problem. H.J. Res. 130 will move the New Year's Day holiday in the year 2000 to Monday, January 3, 2000.

Mr. Speaker, congressional committees have been successfully working to prepare the nation for Y2K, and this is just another proposal that may help ease the difficulties we face. It is not a silver bullet to solve the problem. It is vital that all businesses and government agencies continue to mobilize and work to repair computers in the remaining 442 days before the Y2K problem strikes. H.J. Res. 130 simply ensures that businesses, the public and computer experts have an additional 24 hours to respond to problems that may arise.

IN HONOR OF MICHAEL FLEET ON HIS RETIREMENT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Ms. SANCHEZ. Mr. Speaker, I would like to take this opportunity to congratulate Michael Fleet on his retirement from the Santa Ana Police Department.

Mike began working for Santa Ana Police Department on September 14, 1970 as a police officer. In September of 1986, he was assigned to work in the Canine Unit as a handler.

Officer Fleet and his canine, Carlos, were assigned to work narcotic enforcement where Officer Fleet remained for the duration of his career. Mike and Carlos achieved national records for drug seizures. They seized over $56 million in drug monies and over 20 kilos of cocaine.

In 1991, Mike and his partner, Carlos, were awarded Uniformed Officer of the Year from the Drug Enforcement Agency.

During his career as a police officer, Mike distinguished himself as a hard-working and dedicated law enforcement officer. He has earned the respect and admiration of all of his colleagues in the law enforcement community for his commitment to the city of Santa Ana.

Mike is known to many around the department as a ''Dad'' for the generosity and compassion he shows to all of his colleagues. A true cowboy at heart, Mike enjoys riding horses and listening to country music in his free time.

I am very proud of you, Mike, for all your bravery and your selfless dedication to your career and your community.

Have a wonderful retirement!

CONGRATULATIONS TO THE CITY OF RIVERSIDE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. CALVERT. Mr. Speaker, I rise today to congratulate the city of Riverside, California, which was recently awarded the distinguished honor of being named an All-America City. The All-America City designation, first awarded 49 years ago, is designed to recognize cities across our nation that have exemplary programs and initiatives that combat problems

within their own communities. Thirty cities competed to be named one of ten All-America cities by the National Civic League. As a result of the President's Summit for America's Future, organizers of the All-America City program have asked cities to include at least one community youth program as part of their application.

The Mayor of Riverside, Ron Loveridge, credited three of the city's programs as being the key to the victory: the Passport to College Program, which is an innovative business, education, community, and family partnership that will make the dream of a college education possible for every Inland Empire graduate in 2004, the Youth Action Plan under which the city coordinates services for the region's youth; and the University/Eastside Community Collaborative after-school program that has enabled the city to keep at-risk youth away from the lure of gang activity.

Growing up in a neighboring city, I have seen Riverside face the challenges and seize the opportunities presented by the Inland Empire's significant population growth. Today, Riverside thrives with a population exceeding several hundred thousand residents and a diverse economic base. Representing the people of Riverside is truly a privilege. On behalf of all of the residents of the 43rd congressional district, I congratulate Riverside on being named an All-America City and wish them continued success in the future.

TRIBUTE TO REV. BERNARD GUEKGUEZIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Reverend Bernard Guekguezian. Reverend Guekguezian will be honored by the members of the First Armenian Presbyterian Church at a Harvest Banquet commemorating their 100th Anniversary. First Armenian Presbyterian is the oldest Armenian Church in California.

Reverend Guekguezian has literally lived and ministered around the world. Born in Antioch, Turkey, the reverend emigrated to the Middle East in 1939. In 1952 he completed a combined course of study at the American University of Beruit and Near East School of Theology. He became a licensed pastor and served for two years in Alexandria Egypt before coming to the United States. He studied at the Fuller Theological Seminary in Pasadena California and went on to earn a Master of Arts degree in Christian Education from the New York Theological Seminary.

Reverend Guekguezian was ordained a Minister of the Word in 1959, by the Congregational Conference of Massachusetts. He went on to assume the pulpit of Americas oldest Armenian Church, the Armenian Congregational Church of the Martyrs in Worcest. Reverend Guekguezian engaged in doctoral studies at Clark University and in 1966 he accepted a call to the Armenian Presbyterian Chruch of Paramus, New Jersey where he served for 12 years. Guekguezian has served at the First Armenian Presbyterian Church of Fresno for 20 years, the longest of any pastor at the Golden States oldest Armenian religious institution. Reverend Guekguezian's tenure has been marked by outreach to native Californians as well as to Armenian immigrants from the Middle East and the Republic of Armenia.

Reverend Guekguezian has officiated at 163 weddings, 212 baptisms, and more than 200 funerals during his time in Fresno. In addition to his pastoral duties Guekguezian has served as a Moderator of the Armenian Evangelical Union of North America, Vice-President of the Armenian Evangelical World Council, Vice-President of the Armenian Theological Students' Aid Inc., and member of the Presbytery of the San Joaquin New Church Development Committee.

Reverend Guekguezian is married to the former Knar Kazanjian of Aleppo, Syria and they have two sons, Reverend Ara Guekguezian of Las Vegas, Nevada and Asbed Guekguezian Esq., of Boston Massachusetts, as well as three grandchildren.

Mr. Speaker, I rise today to pay tribute to Reverend Bernard Guekguezian as honoree for the First Armenian Presbyterian Church, 100th Anniversary Harvest Banquet. Reverend Guekguezian has served the community well in his time in Fresno and I urge all of my colleagues to join me in wishing him many years of continued success and happiness.

WELCOMING THE HONORABLE LEONOARDO SIMAO, FOREIGN MINISTER OF THE REPUBLIC OF MOZAMBIQUE, AND HONORING THE WORK OF THE HONORABLE JOAQUIM ALBERTO CHISSANO, PRESIDENT OF THE REPUBLIC OF MOZAMBIQUE

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Ms. MCKINNEY. Mr. Speaker, today as I welcome the Foreign Minister of Mozambique, the Honorable Leonardo Simao, I also Rise to Honor a true statesman and peackemaker—President Joaquim Alberto Chissano.

President Chissano assumed the Presidency of Mozambique in November 1, 1986, after his country has been at war—with almost no interval of peace—for more than 22 years.

Mozambique now has peace and a pluralistic democratic political system. Much of the credit for this—as well as for similar developments in other countries in the region—must go to the quiet and steady work of this Mozambican statesman. Chissano pursued peace by negotiation no matter now few the cards he held in comparison to more powerful players. HE earned respect from his people and from foreigners alike as he led his country through many difficult years.

In sum, Mozambique has suffered more than its share from war. It has given more than its share for regional peace and cooperation. They sought—and also gave—the hand of solidarity. President Chissano expressed these Mozambican values and gave them direction. Africa and the world can learn and take hope from his example.

TRIBUTE TO OUR MEN AND WOMEN IN UNIFORM

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. SPRATT. Mr. Speaker, the military chiefs have brought their readiness problems to Congress, and the Secretary of Defense has brought his case for a bigger budget to the President. Here in Congress, we tend to see defense from a broad overview. We hear a lot about procurement cost overruns and too little about the men and women in uniform who work long hours, and through innovation and ingenuity, save their country millions of dollars.

I visited Shaw Air Force Base in my district over the August break. After seeing some of the efficiencies that Air force personnel have put into practice at Shaw. I asked Colonel Daniel P. Leaf, Commander of the 20th Fighter Wing at Shaw, to give me a letter detailing their cost avoidance initiatives. Here is how Colonel Leaf described the efficiencies and savings that his personnel at Shaw have implemented:

''In FY 97, the innovation and ingenuity of our folks led to cost avoidance and savings of over $3 million on 99 spare TF34–34–GE–100A engines. Our Regional Repair Center supports A–10 units at Pope AFB NC, Moody AFB GA, Eglin AFB FL, and Spangdahlem AB GE. NCOs suggested a change to erosion inspection criteria on TF34s engines. Once approved, that allowed us to reuse nine compressor rotors, $513,693 and 1,350 man-hours in FY97 alone. Other TF34 repair centers adopted this change and saved the taxpayers $684,924 and 1,800 man-hours. Our technicians came up with another high value initiative, recommending field replacement of high-pressure turbine blades in the field instead of sending the entire assembly back to depot. This change saved $45,300 per engine or $814,400 and 11,520 man-hours in FY97! These additional man-hours equate to more engines, more savings, and improved readiness. These and other changes to take us over $3,000,000 in savings represent the best of the American spirit. In FY98 we've avoided expenditures and saved a total of $1.6 million. Adding our engine savings up since FY94 comes to over $16 million—I am immensely proud of this team!

''We have had several other 'airman-based' success stories I would like to share with you in a little less detail. As one of a few lead wings in the Air Force, we're converting all our F–16s from bias ply to radial tires. Radial tires provide 50 percent more landings, cutting man-hours and use of support equipment. The Corrosion Control Element identified a local source of Sherwin-Williams paint saving $3,500 annually. This paint requires less thinner, improves adhesion, and reduces hazardous organic compounds 60 percent. The troops also developed a process reducing the chromate exposure while preparing aircraft for paint reducing environmental impact and protecting our personnel. Our people took the initiative to establish a state-of-the-art cable repair operation for our F–16s and support equipment. This is only one in Air Combat Command (ACC), and has already realized over $20,000 in savings with an annual projection of $260,000. Our specialists researched

F–16 wing braces believing the fracture criterion was too strict for minor nicks. Coordinating with engineers at depot, they approved our ideas, saving $19,000 and 780 man-hours on the spot. This is already having a major impact on repairing F–16s across the Air Force. We are now ordering all vehicle parts, directly cutting out the middleman and saving a projected $28,000 this year. Our Base Service Store on Shaw has now been contracted out to LC Industries, expanding service, equipment, and including hazardous materials.

''We are leading the Air Force in reengineering our processes in Transportation and Supply by combining similar functions and eliminating others. We will cut about 30 positions equating to about $1 million in annual personnel savings. To improve our processes, we are consolidating similar technologies into a Center of Technology concept. Consolidating maintenance, supply, and transportation processes will reduce the number of facilities used and relocate them closer to the customer on the flightline. In maintenance alone, we will reduce operating locations by five, decreasing supervisors' span of control, facility maintenance, and increasing productivity.

''All of the hard work, great ideas, and process improvements led to a number of awards. We won the ACC Supply Daedalian Award and placed second in the Air Force Oust behind Air Mobility Command's entry, Charlestown AFB. Transportation Squadron took command honors by winning the National Defense Transportation Award. The 78th Fighter Squardron won the ACC and Air Force maintenance effectiveness Award (Small Aircraft Category), while the Component Repair Squadron won the ACC Maintenance Effectiveness Award.''

DEDICATION OF THE MEDAL OF HONOR MEMORIAL AT RIVERSIDE NATIONAL CEMETERY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. CALVERT. Mr. Speaker, I rise today to make Members aware of an important event taking place in my district during the end of next year.

The Congressional Medal of Honor Society will host a convention on November 3–7, 1999 in Riverside, California. The convention will consist of two parts. The first will be an actual gathering of Medal of Honor recipients, their spouses, and other interested participants. The second will be a dedication of a memorial at Riverside National Cemetery, the second largest national cemetery next to Arlington, for all Medal of Honor recipients past and present.

Of the 3,417 Medals of Honor which have been presented since 1863, only 162 recipients are still with us. During the course of the convention, the members of the Society will hold a memorial service at Riverside National Cemetery. Attendees will commemorate and remember those who have died since the last convention. Shortly thereafter, dedication ceremonies for the newly-built Medal of Honor Memorial will take place.

Mr. Speaker, I wish to commend the hard work of those planning the convention, as well as those who are organizing the construction and dedication of the memorial site. They are at this moment trying to raise the necessary funding through private donations. Even for worthwhile projects such as the convention and memorial dedication, which all freedom loving Americans support, both organizing committees have decided to forego taxpayer funds. By this, I am truly impressed.

I am honored and proud to have the Riverside National Cemetery located in my district. Those who are interred come from every State of the Union. The Riverside National Cemetery is the most active cemetery in the system, averaging more than 29 burials per day. This rate will increase with the passage of time. When the cemetery is fully utilized, there will be approximately 1,400,000 honored dead interred at Riverside National Cemetery. It may soon dwarf Arlington National Cemetery and virtually every other cemetery in the national system.

Riverside National Cemetery, at present, is the final resting place for two Medal of Honor recipients—Staff Sgt. Ysmael Villegas, United States Army, awarded posthumously for actions in the Philippines, and Commander John Henry Balch, United States Navy, awarded for actions in France. Among the many other veterans buried at RNC is one of the last Buffalo Soldiers, Woody Strode. Mr. Strode was an African-American actor who performed in several western movies.

In my state of California, 102 individuals have been awarded the Medal of Honor. One was Lt. John Finn, USN (ret.) the most senior living recipient. He was decorated for his action of December 7, 1941. Just as noteworthy, he was already nearing retirement at that time. Another was Brigadier General John Doolittle who was decorated for his actions in leading what everyone believed would be a one-way trip in the raid on Tokyo barely six months after Pearl Harbor. Finally, there was Private First Class Sadao Munemori, United States Army. He was decorated posthumously for his actions as a member of the most decorated unit in World War II, the famed 442nd Regimental Combat Team. With their cry of ''Go For Broke,'' this unit was composed entirely of Nisei, or second generation Americans of Japanese ancestry. They helped turn the tide against Germany in World War II.

Mr. Speaker, the Medal of Honor memorial will contain all 3,417 names. At present, there is no publicly accessible place in which all of the nation's Medal of Honor recipients are honored at one location. This will truly be a one-of-a-kind memorial.

For each Medal of Honor recipient, an Italian Cypress tree will be placed throughout Riverside National Cemetery. Within the immediate vicinity of the monument, 300 of these trees will be planted. These trees live in excess of 100 years, reach heights of over 100 feet, grow well in southern California, and require minimal maintenance. The monument itself will include a walled area which will surround a pool and a miniature waterfall.

An area has already been identified for the location of the memorial. It will not, in any way, interfere with the burial capabilities of the cemetery. It will be located in an easily accessible area for guests and visitors to the cemetery. Across time, it will draw this country's citizens to this national shrine to heroism and patriotism.

In closing, I wish to quote the mission of the Congressional Medal of Honor Society because I believe it best reflects what this convention and memorial is all about . . . *''To serve our country in peace as we did in war . . . To inspire and stimulate our youth to become worthy citizens of our country . . . To foster and perpetuate Americanism.''*

I look forward to the Congressional Medal of Honor convention and to the dedication of the memorial. This is something that has long been overdue. We must honor those who were willing to make the ultimate sacrifice for our great country.

MULTIPLE CHEMICAL SENSITIVITY DISORDERS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. SANDERS. Mr. Speaker, I rise today to discuss the issue of Multiple Chemical Sensitivity as it relates to both our civilian population and our Gulf War veterans. I continue the submission for the RECORD the latest ''Recognition of Multiple Chemical Sensitivity'' newsletter which lists the U.S. federal, state and local government authorities, U.S. federal and state courts, U.S. workers' compensation boards, and independent organizations that have adopted policies, made statements, and/or published documents recognizing Multiple Chemical Sensitivity disorders for the benefit of my colleagues.

GOVERNORS OF CONNECTICUT, MISSOURI, NEW MEXICO, NORTH CAROLINA AND WASHINGTON

In (independently) adopting resolutions declaring May 11–17 (July 13–17 in Washington) as MCS Awareness Week. In Washington, the governor issued a second proclamation after rescinding the first on the advice of his General Counsel, just 8 days after it was adopted with approval of the state toxicologist [1998, 7 pages including both Washington versions, R–178].

MARYLAND STATE LEGISLATURE

In Senate Joint Resolution No. 32 directing the Maryland Department of the Environment (MDE) to carry out a study of Chemical Hypersensitivity Syndrome [1988, 3 pages, R–40]. The MDE commissioned a state-of-the-art review from Rebecca Bascom, M.D., entitled ''Chemical Hypersensitivity Syndrome Study'' [1989, 132 pages, R–41].

MASSACHUSETTS OPERATIONAL SERVICES DIVISION, ENVIRONMENTALLY PREFERABLE PRODUCT PROCUREMENT PROGRAM

In its final bid document for the procurement of Environmentally Preferable Cleaning Products by state agencies for use in state facilities, which ''will not replace the cleaning products already on contract; they will be offered as alternatives.'' The product specifications developed by the Massachusetts Executive Office of Environmental Affairs, Office of Technical Assistance, include ''desirable'' (as distinct from ''mandatory'') criteria that products contain as few volatile organic compounds (VOCs) as possible and not contain any added dyes or fragrances. These are justified in Appendix N of the bid document on the grounds that ''A lower VOC content . . . is especially important for sensitive individuals'' and ''The Commonwealth recognizes that many sensitive individuals prefer cleaning products without added dyes and fragrances.'' [1998, 30 page excerpt including Appendix N, R–181]

MISSOURI DEPARTMENT OF SOCIAL SERVICES, DIVISION OF AGING

In a detailed response to a request from Dr. Grace Ziem for workplace accommodation of an employee with MCS, the agency agreed to (among other things): make changes in the work schedule; provide a private work area with floor to ceiling walls; provide multiple carbon-fiber air filtration machines; conduct staff education on MCS; adopt and post voluntary fragrance free policy governing all employees; request maintenance staff use cleaning products only from an approved list; and clean the carpet. [3 pages, 1 April 1996, plus 1 of follow-up, R–98]

NEW JERSEY DEPARTMENT OF HEALTH

In a comprehensive review of chemical sensitivity with recommendations for state action commissioned from Nicholas Ashford, Ph.D., J.D., and Claudia Miller, M.D., entitled ''Chemical sensitivity: a report to the New Jersey Department of Health'' [1989, 176 pages, R–45].

NEW MEXICO DEPARTMENT OF EDUCATION, SCHOOL HEALTH UNIT

In a brochure on ''Multiple Chemical Sensitivities'' describing the illness and nine ''steps schools can take to promote environmental safety.'' Also lists resource persons and materials [1997 (undated), 2 pages, R–139].

NEW MEXICO DEPARTMENT OF ENERGY, MINERALS & NATURAL RESOURCES, STATE PARK & RECREATION DIVISION

In a letter from the director outlining steps the division is taking to reduce barriers to access for individuals with EI/MCS [10 January 1994, 1 page, R–46]. These include prohibiting smoking in restrooms, temporarily discontinuing the use of certain cleaning and disinfectant chemicals upon special request of EI/MCS individuals, and switching to least toxic/allergenic cleaning and pesticide products.

NEW MEXICO DEPARTMENT OF HEALTH, COMMUNITY HEALTH SYSTEMS DIVISION, EMERGENCY MEDICAL SERVICES BUREAU

In an editorial from Barak Wolff, MHP, chief of the EMS Bureau, entitled '''Scared to Death' of Having to call 911'' and an accompanying article by Dr. Ann McCampbell entitled ''First . . . Do No Harm: The Challenge of Patients with Multiple Chemical Sensitivities,'' both published in the state's Focus on Emergency Medical Services newsletter [Vol. 15, No. 3, October 1996, 4 pages, R–117]. The editorial and article discuss the need for emergency service personnel to accommodate people with MCS and they make several specific recommendations for 911 operators, emergency responders and hospital staff.

NEW MEXICO GOVERNOR'S COMMITTEE ON CONCERNS OF THE HANDICAPPED

In sponsoring and financing a day-long ''Town Hall Meeting on Multiple Chemical Sensitivities'' on 24 June 1996 with the full support of the governor, despite his earlier veto of a legislative proposal for additional funding (see next entry). Described as ''A public forum to discuss the problems faced by chemically sensitive New Mexicans and to propose state level solutions,'' this was the first state-wide effort to bring together a panel of representatives from state agencies to ''hear from persons with MCS and other interested parties on the issues of Housing, Employment, Health Care, Pesticides, Schools, and Access to State Facilities and Services.'' [Brochure, program and detailed fragrance free policy, 24 June 1996, 3 pages, R–96]. Based on the testimony received at the Town Meeting, the Governor's Committee then issued a ''Report to the Legislature on Multiple Chemical Sensitivity,'' including a ''Suggested Public Meeting Policy on Accessibility for Persons with Multiple Chemical Sensitivity [27 August 1996, 8 pages, R–104]. The report recommends six actions ''be taken now,'' including funding the state Office of Epidemiology to study the prevalence of MCS within the general population''; directing all hospitals to ''establish written protocols for providing barrier free environments for the use of persons with MCS admitted for any reason''; directing all ADA coordinators of public facilities in New Mexico to adopt public meeting policies ''to allow attendance by persons affected by MCS''; creating an ''MCS information and assistance'' program within State government to ''provide ADA coordinators, housing officials, hospitals and other decision makers with the most complete and up-to-date information on MCS as well as . . . providing individual assistance to affected persons via an ''800'' telephone number''; and ''conducting a study of the housing needs of persons affected with MCS.''

NEW MEXICO STATE LEGISLATURE

In a ''Joint Memorial Requesting the Governor's Committee on Concerns of the Handicapped to Study Issues Related to Multiple Chemical Sensitivities.'' The resolution specifies that the study focus on ''issues of health care, insurance, public benefits and services, access to government, legal services and environmental regulation'' [Senate Joint Memorial 10-House Memorial 6, Second Session, 1996, 3 pages, R–91]. A follow-up amendment to the General Appropriation Act of 1996 requesting $50,000 in funding for this ''Memorial'' also was passed by the legislature (House Bill 2 on 15 February 1996) but then vetoed by the governor on 4 March 1996.

NEW YORK STATE DEPARTMENT OF HEALTH

In a $100,000 grant given to the Mt. Sinai Occupational Health Clinic for MCS research, part of a larger annual grant to the clinic in 1993 [4 page excerpt, R–47]. The report, including a review of MCS cases seen at eight occupational clinics in New York State, originally was supposed to be completed in late 1994 but is now expected in 1997.

PENNSYLVANIA HUMAN RIGHTS COMMISSION

In a decision (upheld on appeal to the Commonwealth Court of Pennsylvania) finding that a landlord must make reasonable accommodation for a tenant who suffers from MCS, including giving tenant prior notification of painting and pest treatments (see Recognition of MCS by State Courts, below, for reference).

WASHINGTON STATE BOARD OF HEALTH

In its 1994 Washington State Public Health Report, which says ''Several hundred Washington residents have reported a condition diagnosed by some physicians as Multiple Chemical Sensitivity'' and goes on to discuss common MCS symptoms and sensitivities. [December 1993, 3 page excerpt, R–55].

WASHINGTON STATE DEPARTMENTS OF HEALTH AND LABOR & INDUSTRIES

In the joint ''Final Inter-Agency Report on Chemically Related Illness'' issued by the Secretary of the Department of Health and the Director of the Department of Labor and Industries, which acknowledges that ''MCS has become a focus of increasing public health concern in Washington state and elsewhere,'' cites the 1987 Cullen definition, and says ''Public agencies are increasingly recognizing a need to address the public health aspects of the MCS syndrome, without necessarily waiting for conclusive answers from scientific research'' [June 1995, 5 page excerpt including table of contents, R–54].

WASHINGTON STATE CHEMICALLY RELATED ILLNESS ADVISORY COMMITTEE

In its final report, in an appendix devoted to MCS, the committee says MCS is ''characterized as a condition in which individuals experience symptoms following exposures at low levels to multiple chemical substances. It is a chronic condition that is reproducible with challenge, and which resolves when incitants are removed'' [June 1995, 3 page excerpt, R–95]. The committee included representatives of state government, affected business and labor organizations, the medical community, and MCS patients. Its final report also is included as an appendix in the Washington State Final Inter-agency Report on Chemically Related Illness (see entry above).

WASHINGTON STATE GOVERNOR'S COMMITTEE ON DISABILITY ISSUES AND EMPLOYMENT

In a booklet entitled ''Reasonable Accommodation: A Guide for Employers, Businesses and Persons with Disabilities,'' signed by the governor and the commissioner of the State's Employment Security Department, which discusses MCS/EI in detail in a section on ''Reasonable Accommodation for Persons with Hidden Disabilities'' [March 1992, 34 pages, R–53].

RECOGNITION OF MCS BY 14 U.S. LOCAL AUTHORITIES

BERKELEY (CA) DEPARTMENT OF PUBLIC WORKS, COMMISSION ON DISABILITY

In voting on 30 April 1996 to require a statement about ''odor sensitivity'' in all City-sponsored event and meeting notices, followed by a memo from the City Manager on 8 August 1996 urging ''staff who attend meetings to assist the City in accommodating the needs of persons with sensitivities and to respect those needs in their own use of personal products,'' and finalized on 13 November 1996 with the adoption of detailed ''Procedures to Implement Clean Air Practices for Meetings'' for use by city and commission staff [6-page memo from Commission on Disability to the Mayor and City Council, 14 January 1996, R–111].

CHICAGO (IL) TRANSIT AUTHORITY

In its Paratransit Operations Newsletter, people with disabilities who use the Chicago Transit Authority's Special Services and Chicago Taxi Access Program are asked to ''assist people with EI by practicing the following suggestions: Keep scented personal care products to a minimum; Never smoke in a Special Services vehicle and refrain from smoking near the vehicle; [and] If possible, please accommodate an EI person's request to sit by an open window in a Special Services vehicle if it doesn't inconvenience other customers who may be sensitive to hot or cold air.'' [6th edition, Winter 1995, 2 page excerpt, R–36].

CONTRA COSTA (CA) MEDICAL ADVISORY PLANNING COMMISSION

In all public meeting announcements, which include the following notice: ''Please help us accommodate individuals with EI/MCS and refrain from wearing scented products to this hearing'' [1994, 1 page excerpt, R–37].

FAIRFAX COUNTY (VA) PUBLIC SCHOOLS

In a detailed 7-page report from the Director of the Office of Human Relations to Dr. Grace Ziem documenting the accommodations that the school system was willing to provide for a teacher with MCS, including changes in her school assignment and the elimination or control of a wide variety of aggravating exposures, from the art clay used in her classroom to custodial use of cleaning fluids, pesticides, carpets, air fresheners, paints, glues, adhesives & other remodeling materials. They even offered to

provide a special parking space to limit her exposure to vehicle exhaust. [26 April 1996, 7 pages, R–97]

JEFFERSON CITY (MO) PUBLIC SCHOOLS

In an accommodation plan provided under Section 504 of the Rehabilitation Act of 1973, adopted for a 6th grade student with MCS asthma and allergies, specifying that (a) ''classmates will be solicited for cooperation in providing a scent-free environment,'' (b) student ''will be allowed to self-limit activities that involve running or other strenuous exercise,'' and (c) if student misses more than two days in a row, ''she can request after school help from her teachers to review missing work'' [1996, 1 page, R–138]. List of reasonable accommodations upheld upon review in 1997 [15 August 1997, 1 page, R–153]. On 19 November 1997, the school basketball supervisor wrote the Central Missouri Officials Association asking coaches, players and officials to refrain from wearing perfumes and colognes to games at which this student would be playing [1 page, R–171]

MINNEAPOLIS ADVISORY COMMITTEE ON PEOPLE WITH DISABILITIES

In a letter to the Minneapolis Public Housing Authority (see below) about the ''expressed need for proper living conditions for people with Environmental Sensitivities'' [1994, 2 pages, R–42]

MINNEAPOLIS HOUSING FINANCE AGENCY

In awarding a $6,500 grant from its Capacity Building Grant Program to Twin Cities HEAL to establish an office to better serve the needs of those seeking MCS-accessible housing in the Minneapolis-St. Paul Metro Area [1993, 2 pages, R–43]

MINNEAPOLIS PUBLIC HOUSING AUTHORITY

In letters to Twin Cities HEAL and the U.S. Department of Housing and Urban Development expressing ''an interest in working with HEAL to assist in the development of suitable housing for persons with chemical sensitivity disabilities'' [1994, 3 pages, R–44].

NORTHWEST AIR POLLUTION AUTHORITY (ISLAND, SKAGIT AND WHATCOM COUNTIES, WA)

In a ''Dear Resident'' letter from Terry Nyman, Air Pollution Control Officer, to neighbors of ''an individual with a disabling condition related to chemical sensitivities [who] has moved into your area. This individual is extremely sensitive to smoke and a health care provider has requested that we send you information about outdoor burning, heating with wood and the health impacts of breathing wood smoke.'' [21 September 1996, 1 page, R–105]. The letter notes that the NWAPA is empowered to enforce under the WA State Clean Air Act ''to secure and maintain levels of air quality that protect human health and safety, including the most sensitive members of the population'' (RCW 70.94.011, italics in the original) and says ''We want you to be aware of this situation and ask that you read the enclosed literature to see if you can minimize potential smoke impacts caused by these activities.''

OAKLAND (CA) CITY COUNCIL

In the City's ''Access Policy for People with Environmental Illness/Multiple Chemical Sensitivity'' which requires city departments to ''make reasonable efforts to accommodate persons with EI/MCS'' in city programs, activities and services. [Administrative Instruction #138, 1995, 9 pages, R–48].

SANTA FE (NM) CITY COUNCIL

In resolution E#1998–35 ''Adopting a moratorium on the use of herbicides, rodenticides and insecticides on City of Santa Fe property until such time that an ordinance is adopted to regulate the use of such chemical pesticides.'' The resolution notes that exposure to pesticides ''can cause very severe symptoms and prolonged relapses in chemical or pesticide sensitive people, which the New Mexico Department of Health estimates to be seventeen percent of all New Mexicans'' [27 May 1998, 4 pages, R–176].

SAN FRANCISCO (CA) BOARD OF SUPERVISORS

In a resolution requesting citizens attending public meetings ''to refrain from wearing perfume or other scented products to allow individuals with environmental illness and MCS to attend'' [1993]. Although the formal resolution was subsequently rescinded under pressure from industry opponents, the following notice is still included in all published announcements of public meetings as required by Chapter 66 of the City's Sunshine Ordinance: ''In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, MCS or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals'' [Section 66.15(d), as amended 2 August 1993, 2 pages, R–49].

SANTA CLARA (CA) CITY COUNCIL

In the city's ''Public Services Self-Evaluation/Transition Plan'' (required by the Americans with Disabilities Act), which includes several provisions for accommodating individuals with ''MCS, also known as environmental illness, resulting from acute or chronic chemical exposure'' [1993, 6 pages, R–50]. The comprehensive plan requires ''whenever possible, purchase and use of less toxic, hypoallergenic and non-fragrance materials''; reasonable accommodations for ''employees and persons doing business with the City [who] may have this illness''; and the posting of notices at entrances to public buildings warning of ''construction, remodeling or toxic cleaning activities.'' The City also includes a notice in all City Council agendas and other public program notices, stating that ''Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should contact the City's DA office at (408) 984–3000 to discuss meeting accessibility. In order to allow participation by such individuals, please do not wear scented products to meetings at City facilities'' as revised by the Santa Clara's ADA Committee [March 1994, 6 pages, R–51].

SANTA CRUZ (CA) CITY COUNCIL

In a resolution of the City Council (#NS21,285) establishing a Self-Evaluation and Transition Plan (as required by the Americans with Disabilities Act). The comprehensive plan includes provisions requiring ''smoke and fragrance-free environments for public meetings, the elimination of chemical air fresheners/fragrance emission devices'' in all city-owned and managed restrooms and workstations, the use wherever possible of the least toxic maintenance products and application methods in public buildings, and signage warning of the use of hazardous materials in public areas [1993, 6 pages, R–52].

HONORING PHIL AND MARGE ODEEN

HON. THOMAS M. DAVIS

OF VIRGINIA

HON. JAMES P. MORAN

OF VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. DAVIS of Virginia. Mr. Speaker, it gives my colleagues, Mr. MORAN of Virginia and Mr. WOLF of Virginia, and I great pleasure to rise today and pay tribute to Phil and Marge Odeen, who are outstanding members of the Northern Virginia community. The Odeens are this year's recipients of the Northern Virginia Community Foundation Founders Award. The award is presented annually to an individual or individuals who have demonstrated extraordinary civic and humanitarian responsibility and have contributed to improving the quality of life in Northern Virginia through leadership in one or more of the following areas: The Arts, Education, Health, Youth and Community improvement.

The Odeens have given generously of their time and resources and have made a positive impact on Northern Virginia. Since moving to the area in 1960, the Odeens have actively engaged in Philanthropy and civic activities. They have made Northern Virginia their home and contributed to the quality of life for their neighbors and colleagues and have encouraged the spirit of volunteering by actively supporting programs that make a difference in the community.

Originally from South Dakota, the Odeens have brought to Northern Virginia that indomitable small town spirit so prevalent in tight knit communities. They have demonstrated what a difference one or two people can make and have brought energy and leadership to the programs they have supported. Through their personal efforts the at risk children and their families of Northern Virginia have received services that have increased their odds of living successful and productive lives.

Phil and Marge Odeen have been effective in both their individual and joint endeavors. Until December 1997, Phil served as CEO of BDM; when BDM was acquired by TRW, Inc., he became Executive Vice President and General Manager of the new Systems & Information Technology Group (which includes the former BDM). He served as chairman of the National Defense Panel which examined national security needs and challenges for the future. He is a leader in addressing national defense issues affecting both the contracting community and the military and has also been active in the World Affairs Council and other international organizations.

Marge Odeen created the innovative Potomac Parties for the Women's Center and helped build strong corporate support for the organization. She has chaired and spearheaded many successful functions and initiatives for organizations including the Northern Virginia Community College, and has always done them with a special style and spirit. She believes passionately in ''giving something back'' to the community, and Northern Virginia has benefited as a result.

Their combined efforts on behalf of Childhelp have had a significant impact on the lives of many severely abused children. In addition to mobilizing BDM employees for several work projects (including the Odeen Cottage named in their honor) at this unique residential treatment center, they have been generous both with personal gifts and by encouraging other individuals and corporations to support this worthy cause. The results have been immediate and major.

We wish to formally recognize the Odeens' contributions to the Northern Virginia community and to the world. They are an inspiration to all of us.

CONGRATULATIONS TO THE HOMENETMEN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Fresno Sassoun Chapter of the Homenetmen on the occasion of their 25th Silver Anniversary. The Homenetmen are to be commended on the services they provide to the community.

It is the mission of the Homenetmen to prepare exemplary and law abiding citizens by providing physical and health education, endowing the mind and soul with the finest spirit of sportsmanship and developing an understanding of responsibility and honor as they strive for individual and collective excellence. There are currently two hundred members of the Fresno Sassoun Chapter, these members consist of mothers, fathers, community members, athletes and scouts.

The Fresno Sassoun Chapter currently has 100 athletes participating in different divisions and sporting events. This chapter fields basketball teams ranging from under 9 to over 30. The Fresno Homenetmen also have a soccer team competing in the Fresno City League. Fresno's Sassoun Chapter also has athletes participating in ping pong, tennis, track and field, and swimming.

In addition to athletics the Fresno Sassoun Chapter has 75 members involved in the Boy and Girl Scouts. Scout leader Mano Handian and his troop are always busy planning activities ranging from camping and educational trips to community activities. This year 14 scouts from the Sassoun Chapter participated in the 1998 World Jamboree held in Yerevan Armenia.

Mr. Speaker it is with great honor that I pay tribute to the Fresno Sassoun Chapter of the Homenetmen. This organization exemplifies leadership in athletics and community involvement. I ask all my colleagues to join me in wishing the Fresno Homenetmen a happy Silver Anniversary.

ON THE RETIREMENT OF BILL GRADISON FROM THE HEALTH INSURANCE ASSOCIATION OF AMERICA

HON. RON PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to our former colleague Bill Gradison, who served the constituents of Ohio's Second District in exemplary fashion for eighteen years until his retirement on January 31, 1993 when he was named President of the Health Insurance Association of America (HIAA). As many of my colleagues know, at the end of this year, Bill will be stepping down from his presidency at HIAA.

During the time Bill represented the citizens of Ohio's Second District in the House, he was influential in many important areas, such as strengthening our health care system, helping steer us toward a balanced budget, promoting a reduction in the tax burden working Americans face every day, building a lasting social security program, and increasing trade opportunities for our businesses.

In his life after Congress, Bill remained dedicated to his work on providing high quality, affordable health care coverage. Mr. Speaker, today I invite my colleagues to join me in congratulating Bill on his years of hard work and dedicated service to the Congress and to the HIAA, and wishing him all the best in his future endeavors, wherever they may lead him. I know we will continue to benefit from his contributions to our deliberations on the best ways to improve our health care system for many years to come.

TRIBUTE TO THE HONORABLE BILL PAXON

SPEECH OF

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding so that I can tell this Congressman PAXON just what I think of him. First of all I think he is one of the finest members ever to serve in this House. He is a doctrinaire conservative just like me and he has been a true leader in bringing some fiscal sanity back to this body.

But Mr. Speaker, BILL PAXON's greatest contribution has been his ability to inspire others to success both as a candidate and later as a Member of Congress.

And the sad part about his decision to leave Congress is the fact that even after serving as a county lawmaker and a State Assemblyman and after serving here in Congress for ten years, he is still in his mid-forties.

And Mr. Speaker, losing this great talent is indeed sad, for he has so much to offer to the Republican Party, to this House and to this country.

BILL, as you prepare to leave this body, please know that all of your friends here in this House, and I mean hundreds, all wish you, your wife Susan and your young daughter the very best wherever the future takes you and always keep in touch.

TRIBUTE TO JANE MURDOCK HOLLAND

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Ms. McCARTHY of Missouri. Mr. Speaker, today I rise to honor Mrs. Jane Murdock Holland, who will celebrate her 80th birthday on November 15th of this year. For eight decades Mrs. Holland has seen this country through many eras, including the Great Depression and World War II. She was happily married for 45 years to Edward Holland, who passed away in 1986. A devoted mother and wife, she raised six children who are all very active in social, political, and in civic causes. Lovingly referred to as ''Gam,'' she is the proud matriarch of 14 grandchildren and 1 great-grandchild.

Mrs. Holland graduated with a Bachelor's Degree in English from the College of St. Francis in Joliet, Illinois. In her younger years, she was a successful athlete, playing both softball and basketball, and even now her grandchildren consult her on upcoming sporting events.

She has volunteered on several political campaigns, including my own, and she also volunteers her time to read to children every week. She is an avid bridge player, reader, and gardener.

Mrs. Holland is an example of women who have made personal sacrifices as they raise the next generation of leaders. She has contributed in numerous ways to the strength of her community and to the strength of America by devoting her time and attention to her sons and daughters. I am proud to have such a dear friend and to have such an extraordinary woman in my district. Happy Birthday, Jane.

TRIBUTE TO DR. NORMAN MELLOR

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. CALVERT. Mr. Speaker, throughout this country of ours there are a few individuals who, because they contribute so generously of their time and talents to help others, are recognized as pillars of their community. I rise today to honor and pay tribute to Dr. Norman Mellor, whose dedication to the community is unparalleled. And on a personal note, I have special affinity for Dr. Mellor because he is a long-time friend of my family's and is the doctor who delivered me at Corona Hospital 45 years ago.

Since 1929, when he was 13 years old, Dr. Mellor has been involved with the Boy Scouts of America, first as a scout and then as a leader. He earned his Eagle Scout badge in 1933, and went on to earn some of the highest honors a Boy Scout can receive. Dr. Mellor's awards include the National Council's Gold Medal Hornaday Award for helping cofound the Idyllwild Arts Academy; the Silver Beaver Award for scout leadership; and the National Council's Distinguished Eagle Award in medicine for 25 years of being an Eagle Scout and excellence in his field.

In recognition of his accomplishments and lifelong dedication to scouting, the Inland Empire Council of the Boy Scouts of America recently named a campsite at Camp Emerson Boy Scout camp after Dr. Mellor. He still teaches a summer course at the camp on birds and mammals, a passion he developed during his days as a scout at Camp Emerson.

No person is more deserving of recognition than Dr. Mellor. He has dedicated his life to improving the lives of others around him and is a truly exceptional individual. On behalf of the 43rd congressional district, I want to commend Dr. Mellor for his outstanding accomplishments and thank him for his contribution to the betterment of our community.

SPEECH OF JAMES GUSTAVE SPETH

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. PORTER. Mr. Speaker, I would like to bring to the attention of the House a speech delivered by James Gustave Speth, the Administrator of the United Nations Development Programme (UNDP) and the highest ranking American at the United Nations (UN). Mr. Speth will be leaving UNDP soon but in his five-year tenure there, he has been a distinguished representative of the U.S. and transformed UNDP into one of the most effective agencies assisting development in the Third World.

In this speech, Mr. Speth focuses on the disconnect between the United States' ever-increasing interdependence with the rest of the world, specifically with the developing world, and the absence of U.S. leadership in international affairs, including at the UN. As Mr. Speth states very poignantly, ''The country that has benefitted most from globalization and has the greatest stake in its success, seems deeply reluctant to shoulder the load that our position in the world requires of us.''

As the world works to restructure and make more effective global financial systems, a similar renovation must be applied to those guiding development assistance and cooperation. Mr. Speth provides a five-point plan for these reforms, and outlines ideas that encompass more than the traditional forms of development assistance.

I hope that Members will take the time to read this speech and the U.S. will re-engage soon in the world and provide the needed leadership backed with real resources, both financial and human.

NON-BENIGN NEGLECT: AMERICA AND THE DEVELOPING WORLD IN THE ERA OF GLOBALIZATION

(By James Gustave Speth)

I should begin by introducing you to the world in which I have worked for the past five years as Administrator of the United Nations Development Programme (UNDP). UNDP is a serious development assistance actor, managing over $2 billion annually through offices in 130 countries. I've now visited over half of them to review our programs. Overwhelmingly, we focus on the poorest countries, and our core mission is to help to end the poverty which, by any reasonable definition, is the lot of about 3 billion souls. We see good governance as the key to poverty eradication and are now devoting half our resources to it.

Visits to seventy of the countries where we work have left me inspired, depressed, alarmed, angered and sometimes baffled. But I am left with one dominant impression. It is the persistence of hope, the determination, the endurance of the poor in the midst of the unimaginable deprivations they suffer.

In war-ravaged Kandahar, Afghanistan, where there is little or nothing left, I met with elders who collectively decide on issues that touch the lives of all villagers such as improving the water supply and road repairs. Near Guayaquil, Ecuador, I saw women leading the construction of new housing and schools in desperately poor and polluted neighbourhoods. Near Nairobi, Kenya, women are making a livelihood by gathering and composting scraps from the local market, and in Uganda communities are sponsoring training and support centres to encourage local private enterprise development. These are some of the seeds of hope planted in the rough terrain of poverty; your development dollars at work.

But the accumulation of all such efforts—large and small—is still no match for the scale of the poverty challenge. Among the 4.4 billion people who live in developing countries, almost three-fifths live in communities without basic sanitation; almost one-third are without safe drinking water; a quarter lack adequate housing; and a fifth are under-nourished.

For the 1.3 billion people who live on less than a dollar a day, there can be no doubt that poverty is a brutal denial of their human rights. Perhaps the most basic human right challenged by poverty is the right to life. Nearly a third of the people in the least developed countries, most of them in sub-Saharan Africa, cannot expect to live beyond forty. And women, as we know, are the hardest hit, both by poverty and by a vast array of powerful restrictions, laws and other barriers.

And poverty is increasing, growing as fast as global population. In over 60 low-income countries, individual consumption has declined by about one percent annually over the past 15 years. In Africa today, consumption per capita is 20 percent lower than in 1980.

Global poverty amidst global abundance translates into huge and growing disparities between rich and poor. The trend is towards much greater inequality, not less. The gap in per capita income between the industrial and developing worlds, far from narrowing, more than tripled between 1960 and 1995, moving from a gap of $5,700 to one of more than $17,000.

So the world I see when I visit our program countries and our donor countries is deeply divided. It has become more polarized, both between countries and within countries. The risk of an evolution towards an unstable, frightening, two-class world, with a huge global underclass, is quite real.

Now, all of the above is based on data available before the current world financial crisis and the so-called Asian contagion. Before the crisis, widespread poverty and economic depression were already the norm for much of the world. Indeed, most of the world was already in crisis. In 1995, in more than 100 countries, per capita income was less than it was 15 years earlier. As a result, more than a quarter of humanity is worse off today than 15 years ago. For example, most countries of the former Soviet Union, including Russia, saw their real GDP decline dramatically between 1985 and 1995—most of them by 40 to 80 percent. Some 150 million people have been pushed into poverty in the former Soviet Union. This is the combined population of France, the United Kingdom, the Netherlands, and the Nordic countries.

But now comes the crisis. Starting in Asia, it has deepened and spread beyond expectation, and good sense, cutting the growth rate of the world economy in half, plunging more than a third of the world economy either into recession or sharp deceleration, and threatening a global recession.

The crisis remains worst at its epicenter. Indonesia, Thailand, the Republic of Korea, and Malaysia each had admirable records in human development and poverty reduction, but there has been an enormous reversal of fortune which has impacted most heavily on the poor within these countries. Let us be clear: everywhere the poor are paying the heaviest price for this mismanagement of global finance. Indonesia, the world's fourth most populous country, will likely see its economy shrink by more than 15–20 percent in a single year. Others at the epicenter will see declines of 5 to 10 percent. The fledgling Indonesian middle class has fallen into poverty and the social consequences of this downward trend are horrendous. World Vision estimates that 8 million children have dropped out of school in Indonesia owing to poverty, and that low income families are now spending 85 percent of their income on food alone. Famine has hit remote parts of the country and malnutrition is widespread.

In Thailand, the story is also bad. The ILO reports that by the end of this year unemployment in Thailand could well increase three-fold over last year, resulting in an additional two million Thais without jobs. This picture repeats itself again and again in the region. If current trends continue, the World Bank estimates that the number of poor people in Indonesia, Thailand, Malaysia and the Philippines will more than double—from some 40 million to more than 100 million. One estimate is that half of Indonesia's 200 million people will fall below the poverty line.

This downturn is not going to be confined to the Asian tigers and to other emerging market countries. It has already had its effect on those countries which are too poor to be considered emerging markets. Africa's overall growth for 1998, once expected to exceed 4 percent, is now projected to be about 1 percent.

These economic declines can easily translate into political instability and social unrest. Sporadic rioting and looting have broken out in East Asia, along with attacks on ethnic communities. What began as a financial crisis is tearing at the region's social and political fabric. It has become a deep human crisis—a social crisis for the poor and near-poor, with possibly severe consequences for fragile democracies and stability in countries where delivering prosperity has been key to social cohesion.

Over the past five years, I have often asked myself: does this world of underdevelopment, poverty and suffering matter to the United States? Were the financial crisis not lapping at our own American shores, one would have to wonder. All too often, the United States certainly behaves as if this world did not matter much to it.

Our economic interdependence with the rest of the world, including the underdeveloped world, has not been matched by a willingness at a policy level to engage the world. Take the case of development assistance. In 1956, 63 percent of all development assistance came from the United States. Last year it was down to 13 percent. In 1960, 4 percent of the U.S. budget went for development and international affairs in general. Today, that figure stands at less than 1 percent. When you compare the percentage of gross domestic product devoted to development assistance among the other industrialized countries, the U.S. ranks dead last. Contributions to the UN's development work remain modest, and the $1 billion plus owed to the UN remains unpaid.

Declining developing assistance is part of the larger picture. Basically, the issue is our country's flagging commitment to international leadership. Some 40 U.S. embassies, consulates and branch offices have had to be closed in the last 6 years. Coverage of international affairs in the major national newsmagazines has dropped by 50 percent since the early 1990s. The country that has benefited most from globalization, and has the greatest stake in its success, seems deeply reluctant to shoulder the load that our position in the world requires of us.

Perhaps the most telling critique of American policy is that offered by Jeffrey Sachs of Harvard:

''America has wanted global leadership on the cheap. It was desperate for the developing world and post-communist economies to

buy into its vision, in which globalization, private capital flows and Washington advice would overcome the obstacles to shared prosperity, so that pressures on the rich countries to do more for the poorer countries could be contained by the dream of universal economic growth. In this way, the United States would not have to shell out real money to help the peaceful reconstruction of Russia; or to ameliorate the desperate impoverishment and illness in Africa. . . .

''Washington became skittish at anything or anybody that challenged this vision. When developing country leaders pointed out that development was much harder than it looked; that their economies were falling further behind in technology; that they were being destabilized by financial flows they could neither track nor understand; that falling commodity prices were taking them further from the shared prosperity that they had been promised; that unattended disease was ravaging their societies; that the wreckage of Soviet communism would take real aid, not just short-term loans to overcome; or that they were still drowning in debt ten years after America acknowledged the need for debt relief; all these honest reflections were taken as hostile challenges to the vision of shared prosperity because they put at risk the notion of cost-free American leadership.''

There are many lessons to be learned from the spreading global crisis. And since the contagion is in fact approaching even the United States, perhaps we will learn them. Indeed, rarely have so many hoary myths and half-truths been dispatched so quickly and thoroughly.

Gone are the myths that globalization is working well, that most of the developing world is doing fine economically, and that Asia is blazing a trail for other developing countries to follow.

Gone too is the myth that trade and private capital are reliable substitutes for development assistance. In lucid moments, political leaders know that development cooperation works. That is why whenever there is a high-stakes crisis—from the Middle East, to Bosnia, to Indonesia—development resources are mobilized to support peace and stability.

And gone are the notions that progress can be left to the wisdom of the market, that government is hardly necessary. If the state is needed to save the market from itself, imagine how much more it is needed to save people.

And at least weakened, for the moment, is the tendency by America to view itself as relatively immune from the troubles of the developing world.

Too many Americans have nestled comfortably behind these and related myths, but they are now revealed for what they are—simply convenient concoctions.

So let me return to the question: does the world of underdevelopment and poverty matter of the United States?

Looked at objectively, the short answer is that the developing world means a lot for America today, and it will mean even more in the next century. By the year 2000 four out of five people in the world will be living in the developing countries. When we consider market growth for American products in the next century, the center of gravity will continue to shift toward the developing countries. Since 1987, more than two-thirds of all American export growth has occurred in the emerging markets, and this has generated roughly two million new jobs in the United States.

Interdependence can also be negative. The U.S. is now entering a period of substantial trade deficits as ships leave West Coast ports virtually empty and return with Asian goods selling at bargain prices. In the Port of Seattle alone, imports are up 37 percent over last year and exports are down 24 percent. The crisis will increasingly affect American jobs. The financial and economic problems of the developing world are also having a major impact on U.S. investments. For example, the California Public Employees Retirement System has lost more than $2.7 billion in emerging market investments in the past year.

Beyond our positive stake in the economic health of the developing world, Americans have a large stake in what we might call the ''avoidance agenda''—the avoidance of humanitarian emergencies, national and regional conflicts, environmental deterioration, terrorism, illicit drugs, the spread of diseases, illegal migration, and other human and ''natural'' disasters. We now see plainly that economic, environmental and political problems do not need passports to travel around the globe. Many of these threats stem directly or indirectly from poverty, inequity, joblessness and social disintegration. No one would attribute such problems solely to under-development, but underdevelopment is surely part of the disease. And development—sustainable, people-centered development—will almost always be part of any cure.

I can state fairly simply the most important take-home lesson from my years at the United Nations: None of the admirable goals that the U.S. has pursued around the world—not peace and stability, not human rights and democratization, not the expansion of trade and markets, not environmental protection, not population stabilization, not an end to hunger and extreme deprivation—not one of these can be accomplished except in the context of successful development—equitable, sustainable successful development. And that kind of development does not have a snowball's chance in Hades of succeeding unless we forge a new framework for development cooperation, and back it up with real commitment and financial resources. I must commend both President Clinton and the World Bank's Jim Wolfensohn for the leadership they showed on these issues at last week's annual meetings of the Bank and the IMF.

So let us take a leap of faith here—faith, and hope, that enough Americans do care, that enough leaders are far-sighted, that we can see the farther shore beyond Wall Street and the daily closing of the stock market and even beyond the immediate financial crisis, and that we want a leadership agenda worthy of our great nation. What would it be?

Yes, we must act urgently on the current emergency, including the proposals to lower interest rates and take other steps to stimulate demand and reinvigorate the world economy. And, yes, we must also act to prevent the spread of the current financial crisis. But we must do so in a way that supports growth in a much wider group of countries than those hit by the Asian contagion, including those countries whose deep, abiding poverty was never relieved by high growth. They have been in long-term recession, often struggling to regain the income levels they had twenty or even thirty years ago.

Yes, we need a new international financial architecture to protect countries and people reeling from the effects of vast, unregulated movements of capital. But we also need to act on the fact that most countries, including virtually all the low-income countries, never benefited from foreign investment and loans; that most countries have banking and regulatory systems and governance capabilities far less developed than the Asian tigers; and that only 0.2 percent of global commercial credit reaches the poorest 20 percent of the world's people. Special programs are needed to address these pre-emerging market challenges as well.

Yes, we need much larger social investments and social safety nets from the development assistance community to protect the poor victimized by recession in Indonesia and elsewhere. But we also need antipoverty development assistance such as that UNDP and others provide to help the other hundreds of millions of families who live in the prison of poverty.

Yes, we need to allow certain countries to temporarily suspend debt repayments—a standstill—while they renegotiate new terms on what they owe. But we also need to go far beyond current arrangements for reducing external indebtedness which, for the developing countries and countries in transition, has climbed to over U.S. $2.2 trillion. Two-thirds of this is long-term public debt. In Africa, governments are now transferring four times more to international creditors than they spend on basic health and education. New initiatives to relieve both bilaterial and multilateral debt burdens are clearly in order.

Yes, we need new institutional arrangements for better governance of the global monetary system and economic globalization. But we also need norms and rules of the road to guide globalization in other ways—to protect and benefit poor countries and poor people, the environment, workers, consumers, and investors. Globalization is on trial, and a growing backlash from many quarters could threaten the process itself—killing, or at least weakening, the goose that lays the golden eggs. Multilateral challenges require multilateral solutions, and the United Nations has an important rule to play in helping to make globalization work for people and for human development.

In short, we need a new architecture for development cooperation, not just a new architecture for international finance. Let me mention five elements of this new architecture for development cooperation—elements we are working to build into our program at UNDP.

First, we must broaden the scope of development cooperation to include not only development assistance but also trade, debt management, private investment and capital flows, private sector development, and access to technology. These elements must all be made supportive of a more equitable and sustainable world, not inimical to it. Also, the strictly government-to-government foreign aid of the past should go to the dustbin of history with the Cold War. The new development assistance must focus on being synergistic with private sector development and the strengthening of civil society as a whole.

Second, the relationship between industrial and developing countries needs to be redefined. Common interests and complementary needs of the rich and the poor, as well as global goals forged through the United Nations, must provide the basic rationale for new partnerships and compacts. Global challenges require cooperative, global solutions. We must act in concert, preventively, to attack the root causes of today's threats because we cannot afford to cope with the future tragic consequences of neglect. Development assistance is an essential part of the cost-sharing needed for global compacts.

Third, a new development framework is needed to consolidate the emerging concept of sustainable human development. Too often, development cooperation has been shaped by short-term military, political and economic interests. Past aid has not, for the most part, been used for poverty eradication and human development. We must now ensure that scarce funds address the most

pressing needs of people, particularly the poor, and we must reinforce this commitment by an unequivocal acknowledgement that freedom from poverty is a fundamental human rights of all people.

Fourth, we must learn from past mistakes and ensure the development cooperation supports the polity and not just the economy; that it is country-driven and not donor-driven. The challenges of growing poverty and widening inequity will not be met without democratization and good governance. Development cooperation must be fully committed to these ends. Assistance projects must also be owned by the people they are intended to help, because these projects respond to their actual needs and because, through their participation, they themselves helped design the project. Development assistance must empower the poor—economically, socially and politically—not marginalize them.

Finally, we must have the foresight to increase development assistance, not reduce it. We know much better now—often from sad experience—how to succeed in development cooperation. Yet, right at this confluence of greater need and greater opportunity, we find tragically that resources are declining, not increasing. Development assistance has declined for five years running, and is now at an historic low. This trend that must be reversed, or we will pay dearly later—in missed economic opportunity, with emergency relief, with peacekeeping forces, through the spread of disease, environmental deterioration, illegal migrants, refugees, or terrorism. Certainly, we will pay through the great pall cast on the human spirit by the knowledge that we have not acted to help relieve poverty's suffering when we could so easily have. An enlarged volume of assistance is absolutely critical right now, for example, if we are to avoid the ''Sophie's Choice'' problem of increasing assistance to Asia without further diminishing assistance to Africa.

We must see development assistance not as an alternative to private investment but, for much of the world, as an essential building block to a vibrant private sector and successful financial markets. We must see development assistance not as a handout but as a solid investment in ''global public goods,'' including peace and a more equitable and habitable world from which we all benefit. And we must seek development assistance not only from traditional sources but also from new and innovative sources of finance.

These are challenging objectives. But let's make no mistake about it: the policies the U.S. adopts today, in the context of the globalizing world, with regard to development cooperation and the United Nations—these are defining decisions for the United States. They will define the values for which our country stands. The world is watching, and expects a lot of America. Let us not disappoint them—or ourselves.

Thank you.

TRIBUTE TO LOUIS P. MARTINI

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to introduce the New York Times Obituary of Louis P. Martini. Louis Martini was a leading figure in the California business and he will be sadly missed.

''Louis P. Martini, a leading figure in the California wine business and chairman of the Louis M. Martini Winery in Napa Valley, died Monday at his home in St. Helena, Calif. He was 79.

The cause of death was cancer his family said.

The Martini family has been involved in the California wine industry for more than 70 years. Mr. Martini's father, Louis M. Martini, founded the family winery as the L.M. Martini Grape Products Company in 1922 in Kingsburg, near Fresno. The elder Martini, who never thought of Prohibition as anything more than a temporary aberration, began planning the expansion of his business while other wine companies were closing.

In 1933, he moved to the Napa Valley and changed the company's name to the Louis M. Martini Winery.

Louis Peter Martini was born in Livermore and grew up in Kingsburg, working in the winery and the vineyards as a boy. He graduated from the University of California at Berkeley in 1941 and spent four years in the Army Air Forces during World War II. He joined the winery as vice president in 1946 and became the winemaker in 1954; wines he made in the 1950's and 60's are still prized by collectors.

At 6 feet 4 inches, Mr. Martini was a gentle giant, who worked in the shadow of his flamboyant father until the elder Martini's death in 1974. To an extent, the son's self-effacing nature is reflected in the winery's reputation. While he was a major producer of fine wine and an important behind-the-scenes industry leader, Mr. Martini avoided the well publicized social side of Napa Valley life, and his winery rarely appeared in trendy articles about the wine business.

But his achievements were numerous. In the 50's and 60's, he helped improve grape quality by identifying and propagating superior grape clones. He developed vineyards in the Carenros district of the valley when it was considered useful only for grazing sheep, and he is credited with making the first Carenros varietal pinot noir in 1952. Today many of the best California pinot noirs come from Carenros. Mr. Martini also made the first varietal merlot wine in the United States with his merlot blend in 1968 to 1970. And he was a pioneer in the use of mechanical grape harvesting.

From 1968 to 1985, he was president and general manager of the winery, which remains in family hands. His daughter is president and chief executive.

Mr. Martini was a founder and former chairman of the Wine Institute and a charter member of the American Society of Enologists.

Surviving, besides his daughter, are his wife Elizabeth Martinelli Martini; two sons Michael of St. Helena, the current Martini wine maker, and Peter, of Seattle, another daughter Patricia of San Francisco, and four grandchildren.''

Mr. Speaker, I rise today to pay tribute to Louis P. Martini. Mr. Martini was a great American businessman and patriot. I ask all my colleagues to join with me in expressing my sincerest condolences to the Martini family.

H.R. 901, THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. YOUNG of Alaska. Mr. Speaker, I introduced H.R. 901, ''The American Land Sovereignty Protection Act,'' to reestablish Congress as the ultimate decision-maker in managing public lands and maintain sovereign controls of lands in the United States. The bill insists that no land be designated for inclusion in international land use programs, such as World Heritage Sites, without the clear and direct approval of Congress and requires that local citizens and public officials participate in decisions on designating land near their homes for inclusion in these international land programs.

World Heritage Sites are natural areas of cultural monuments recognized by the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization (UNESCO), under ''The Convention Concerning Protection of the World Cultural and Natural Heritage.'' Proponents of World Heritage Sites keep saying that they are designated at the request of local communities. They seem to believe that if they keep repeating this mantra often enough, then somehow it will prove true. The Committee on Resources has now held three hearings on this issue and has yet to find one example where a World Heritage Site designation was requested by a broad-based cross-section of either the public or local officials. On the contrary, the Committee has found that World Heritage Site designation efforts are almost always driven by federal agencies, usually the Department of Interior, and often face strong local opposition.

The Department of Interior, in cooperation with the Federal Interagency Panel for World Heritage has identified a shopping list of 94 sites in 31 States and the District of Columbia that they would like to make World Heritage Sites. So far, twenty-two of the sites on this list have been designated World Heritage Sites. I would like to include this list and the detailed descriptions of the natural properties on this list. More information on this important issue can be found on the Committee on Resources website at: http://www.house.gov//105cong/issues.htm

WORLD HERITAGE SHOPPING LIST FOR UNITED STATES (BY STATE)

ALABAMA

Moundville Site.

ALASKA

Aleutian Islands Unit of the Alaska Maritime National.

Wildlife Refuge (Fur Seal Rookeries).

Arctic National Wildlife Refuge.

Cape Krusenstern Archaeological District.

Denali National Park.

Gates of the Arctic National Park.

Glacier Bay National Park and Preserve, inscribed 1992.

Katmai National Park.

Wrangell-St. Elias National Park and Preserve, inscribed 1979.

ARIZONA

Casa Grande National Monument.

Grand Canyon National Park, inscribed 1979.

Hohokam Pima National Monument.
Lowell Observatory.
Organ Pipe Cactus National Monument.
Saguaro National Monument.
San Xavier Del Bac.
Taliesin West.
Ventana Cave.

CALIFORNIA

Joshua Tree National Monument.
Point Reyes National Seashore/Farallon Islands National Wildlife Refuge.
Redwood National Park, inscribed 1980.
Sequoia/Kings Canyon National Parks.
Yosemite National Park, inscribed 1984.

CALIFORNIA/NEVADA

Death Valley National Monument.

COLORADO

Colorado National Monument.
Mesa Verde National Park, inscribed 1978.
Lindenmeir Site.
Rockey Mountain National Park.

DISTRICT OF COLUMBIA

Chapel Hall, Gallaudet College.
Washington Monument.

FLORIDA/GEORGIA

Everglades National Park, inscribed 1979.
Okefenokee National Wildlife Refuge.

GEORGIA

Ocmulgee National Monument.
Savannah Historic District.
Warm Springs Historic District.

HAWAII

Haleakala National Park.
Hawaii Volcanoes National Park, inscribed 1987.
Pu'uhonua O Honaunau National Historical Park.

ILLINOIS

Auditorium Building, Chicago.
Cahokia Mounds State Historic Site, inscribed 1982.
Carson, Pirie, Scott and Company Store, Chicago.
Eads Bridge, Illinois-St. Louis, Missouri
Frank Lloyd Wright Home and Studio
Leiter II Building, Chicago
Marquette Building, Chicago
Reliance Building, Chicago
Robie House, Chicago
Rookery Building, Chicago
South Dearborn Street-Printing House Row North Historic District.
Unity Temple, Oak Park.

INDIANA

New Harmony Historic District.

LOUISIANA

Poverty Point.

MAINE

Acadia National Park.

MASSACHUSETTS

Goddard Rocket Launching Site.

MISSOURI

Wainright Building, St. Louis.

MONTANA

Glacier National Park, inscribed 1995.

NEW JERSEY/NEW YORK

Statue of Liberty National Monument, inscribed 1984.

NEW MEXICO

Carlsbad Caverns National Park, inscribed 1995.
Chaco Culture National Historical Park, inscribed 1987.
Pecos National Monument.
Taos Pueblo, inscribed 1992.
Trinity Site.

NEW YORK

Brooklyn Bridge.
General Electric Research Laboratories, Schenectady.
Prudential (Guaranty) Building, Buffalo.
Pupin Physics Laboratory, Columbia University.
Original Bell Telephone Laboratories.

NORTH CAROLINA/TENNESSEE

Great Smoky Mountains National Park, inscribed 1983.

OHIO

Mound City Group National Monument.

OREGON

Crater Lake National Park.

PENNSYLVANIA

Fallingwater.
Independence National Historic Site, inscribed 1979.

TEXAS

Big Bend National Park.
Guadalupe Mountains National Park.

UTAH

Arches National Park.
Bryce Canyon National Park.
Canyonlands National Park.
Capitol Reef National Park.
Rainbow Bridge National Monument.
Zion National Park.

VIRGINIA

McCormick Farm and Workshop
Monticello, inscribed 1987.
University of Virginia Historic District, inscribed 1987.
Virginia Coast Reserve.

WASHINGTON

Mount Rainier National Park.
Olympic National Park, inscribed 1981.
North Cascades National Park.

WISCONSIN

Taliesin.

WYOMING

Grand Teton National Park.

WYOMING/MONTANA

Yellowstone National Park, inscribed 1978.

PUERTO RICO

La Fortaleza-San Juan National Historical site, inscribed 1983.

INDICATIVE INVENTORY OF POTENTIAL FUTURE U.S. NOMINATIONS TO THE WORLD HERITAGE LIST—NATURAL PROPERTIES

APPALACHIAN RANGES

Great Smoky Mountains National Park, Tennessee/North Carolina (35 deg.37' N.; 83 deg.27' W.). This tract, which includes one of the oldest uplands on earth, has a diversity of lush vegetation associated with its varied topography, including spruce-fir, hemlock, deciduous, and mixed forests. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena and areas of exceptional natural beauty.

ATLANTIC COASTAL PLAIN

Okefenokee National Wildlife Refuge, Georgia/Florida (30 deg.48' N.; 82 deg.17' W.). This tract includes a vast peat bog, interspersed with upland prairies, marshes, and open water. These diverse habitats are home for a wide range of uncommon, threatened, and endangered species, including the American alligator. Criteria: (ii) An outstanding example of biological evolution, and (iv) habitat of endangered animal species.

Virginia Coast Reserve, Virginia (37 deg.30' N.; 75 deg.40' W.). The Virginia Coast Reserve is the most well-preserved extensive barrier island system remaining on the Atlantic Coast of North America. The system of barrier islands, saltmarshes, and lagoons demonstrate dune and beach migration and storm action on barrier islands, and include virtually all of the plant Communities which once occurred along the Atlantic Coast. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena and formations.

BROOKS RANGE

Arctic national Wildlife Refuge, Alaska (69 deg.0' N.; 143 deg.0' W.). This area's varied topography, extending from the Brooks Range north to the Arctic Ocean, is habitat for a tremendous diversity of wildlife, including caribou, polar and grizzly bears, musk ox, Dall sheep, Arctic peregrine falcons, and golden eagles. It is a virtually undisturbed arctic landscape, with coastal plain, tundra, valley, and mountain components. Criteria: (ii) An outstanding example of biological evolution, and (iii) superlative natural phenomena and areas of exceptional natural beauty.

Gates of the Arctic National Park, Alaska (67 deg.30' N.; 153 deg.0' W.). Gates of the Arctic includes a portion of the central Brooks Range and is characterized by jagged mountain peaks, gentle arctic valleys, wild rivers and numerous lakes. Criteria: (ii) An outstanding example of significant ongoing geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

CASCADE RANGE

Crater Lake National Park, Oregon (42 deg.55' N.; 122 deg.06' W.). This unique, deep blue lake lies at the center of Mount Mazama, an ancient volcanic peak that collapsed centuries ago. The lake is bounded by multicolored lava walls extending 500 to 2000 feet above the lake's waters. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Mount Rainier National Park, Washington (46 deg.52' N.; 121 deg.41' W.). Mount Rainier National Park includes the greatest single-peak glacial system in the U.S., radiating from the summit and slopes of an ancient volcano. Dense forests and subalpine meadows here are characteristic of the Cascade Range. Criteria: (ii) An outstanding example of significant geological processes and biological evolution; and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

North Cascades National Park, Washington (48 deg.40' N.; 121 deg.15' W.). The tall, jagged peaks of the North Cascades intercept moisture-laden winds off the Pacific Ocean, which produce glaciers, waterfalls, and ice falls in this wild alpine region where plant and animal communities thrive in mountain valleys. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

CHIHUAHUAN DESERT

Big Bend National Park, Texas (29 deg.15' N.; 103 deg.11' W.). This area has many excellent examples of mountain systems and deep canyons formed by a major river. A variety of unusual geological formations are found here, with many vegetation types—dry coniferous forest, woodland, chaparral, and desert—associated with them. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formation, and areas of exceptional natural beauty.

Carlsbad Caverns National Park, New Mexico (32 deg.10' N.; 104 deg.40' W.). This series of connected caverns, which include the largest underground chambers yet discovered,

have many magnificent and curious cave formations, including an array of speleothems. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Guadalupe Mountains National Park, Texas (31 deg.50' N.; 104 deg.50' W.). Rising abruptly from the surrounding desert, the mountain mass constituting this national park contains portions of the world's most extensive and significant Permian limestone fossil reef. A tremendous earth fault and unusual flora and fauna are also found here. Criteria: (i) An outstanding example illustrating a major stage of the earth's evolutionary history, (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena and formations.

COLORADO PLATEAU

Arches National Park, Utah (38 deg.40' N.; 109 deg.30' W.). Arches National Park contains many extraordinary products of erosional processes, including giant arches, windows, pinnacles and pedestals. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Bryce Canyon National Park, Utah (37 deg.30' N.; 112 deg.10' W.). Bryce Canyon includes innumerable highly colorful and bizarre pinnacles, walls and spires, perhaps the most colorful and unusual erosional forms in the world. Criteria (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Canyonlands National Park, Utah (38 deg.20' N.; 109 deg.50' W.). This area's diverse geological features, which include arches, fins pillars, spires, and mesas, exemplify the array of erosional patterns carved primarily by running water. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Capitol Reef National Park, Utah (38 deg.20' N.; 111 deg.10' W.). The 100-mile long Waterpocket Fold is one of the world's most graphic examples of a monoclinal folding of the earth's crust. A striking variety of features, including volcanic dikes and sills, arches and bridges, and monoliths and sinkholes, have been created or exposed by wide-scale erosion occurring over the past 270 million years. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative phenomena, formations, and areas of exceptional natural beauty.

Colorado National Monument, Colorado (39 deg.0' N.; 08 deg.40' W.). Sheer-walled canyons, towering monoliths, bizarre formations, and dinosaur fossils are contained within this national monument. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Rainbow Bridge National Monument, Utah (37 deg.0' N.; 111 deg.0' W.). Rainbow Bridge is the greatest of the world's known natural bridges, rising 290 feet above the floor of Bridge Canyon. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Zion National Park, Utah (37 deg.20' N.; 113 deg.0' W.). Zion's colorful canyon and mesa vistas include erosion and rock-fault patterns that produce phenomenal shapes and landscapes. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

HAWAIIAN ISLANDS

Hawaii Volcanoes National Park, Hawaii (19 deg.20' N.; 155 deg.20' W.). This site contains outstanding examples of active and recent volcanism, along with luxuriant vegetational development at its lower elevations. The area has been designated a Biosphere Reserve. Criteria: (i) An outstanding example illustrating the earth's evolutionary history, (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

MOHAVE DESERT

Death Valley National Monument, California/Nevada (36 deg.30' N.; 117 deg.0' W.). This large desert area, which is nearly surrounded by high mountains, contains the lowest point in the Western Hemisphere. It is highly representative of Great Basin/Mohave Desert (mountain and desert) ecosystems. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena.

Joshua Tree National Monument, California (33 deg.50' N.; 116 deg.0' W.). This area, located at the junction of the Mohave and Sonoran Deserts, contains an unusually rich variety of desert plants, including extensive stands of Joshua trees, set amongst striking granitic formations. Criteria: (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena and formations.

NEW ENGLAND-ADIRONDACKS

Acadia National Park, Maine (44 deg.20' N.; 68 deg.20' W.). Acadia, situated on a rocky archipelago along the Maine coast, is an area of diverse geological features, dramatic topography (including the highest headlands along the entire Atlantic coast), and outstanding scenic beauty. Criteria: (ii) An outstanding example of significant geological process, and (iii) contains superlative natural phenomena, formations, and areas of exceptional beauty.

NORTH PACIFIC BORDER

Point Reyes National Seashore/Farallon Islands National Wildlife Refuge, California (38 deg.0' N.; 123 deg.0' W.). This proposal includes properties within the Point Reyes/Farallon Islands National Marine Sanctuary. The Point Reyes Peninsula, a unique living example of tectonic and seismic activity, has moved more than 300 miles in the past 80 million years. A complex active rift zone, including the famed San Andreas Fault, occurs where the Peninsula meets the California mainland. The area is characterized by a diverse set of habitats, striking scenery, and a large variety of terrestrial and aquatic animal species. The Farallon Islands support the largest seabird rookeries in the contiguous United States, including species such as the ashy storm petrel, western gull, Brandt's cormorant, black oystercatcher, and Cassin's auklet. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

PACIFIC MOUNTAIN SYSTEM

Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge, Alaska (54 deg.40' N.; 164 deg.10' W.). The Aleutians represent a mixture of flora and fauna found in both the North American and Asian continents, and serves as a resting place for migratory species. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of biological evolution.

Denali National Park, Alaska (63 deg.20' N.; 150 deg.40' W.). This tract embodies a unique and spectacular combination of geologic features, including active glaciers, major earthquake faults, and Mt. McKinley, the highest mountain peak in North America. It also includes outstanding examples of tundra and boreal forest ecosystems. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Glacier Bay National Park, Alaska (58 deg.30' N.; 136 deg.30' W.). Great tidewater glaciers, a dramatic range of plant communities from rocky terrain recently covered by ice to lush temperature rainforest, and a large variety of animals, including brown and black bear, mountain goats, whales, seals and eagles, can be found in this Park. Criteria: (ii) an outstanding example of significant ongoing geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and ares of exceptional natural beauty.

Katmai National Park, Alaska (58 deg.30' N.; 155 deg.20' W.). This area's interior wilderness includes the Valley of 10,000 Smokes, the result of the 1917 volcanic eruption of Mt. Katmai. The eruption produced countless fumaroles, a few of which are still active. Criteria: (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena and formations.

ROCKY MOUNTAINS (INCLUDES NORTHERN, MIDDLE, AND SOUTHERN ROCKY MOUNTAIN NATURAL REGIONS)

Glacier National Park, Montana (48 deg.40' N.; 113 deg.50' W.). With mountain peaks exceeding 10,000 feet, this site includes nearly 50 glaciers, many lakes and streams, and a wide variety of wild flowers and wildlife, including bighorn sheep, bald eagles and grizzly bears. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Grand Teton National Park, Wyoming (43 deg.40' N.; 100 deg.40' W.). Containing the most impressive portion of the Teton Range of the Rocky Mountains, this series of peaks rise more than a mile above surrounding sagebrush plains. The park includes the winter feeding ground of the largest American elk herd. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Rocky Mountain National Park, Colorado (40 deg.20' N.; 105 deg.40' W.). Within this 412-square mile national park, peaks towering over 14,000 feet shadow wildlife and wildflowers that are characteristic of the Front Range of the Rocky Mountains. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

SIERRA NEVADA

Sequoia/Kings Canyon National Parks, California (36 deg.40' N.; 118 deg.30' W.). A combination of two adjoining national parks, this tract includes Mount Whitney, the tallest mountain in the United States outside of Alaska, Mineral King Valley, and two enormous canyons of the Kings River. Groves of

giant sequoia, the world's largest living things, are found here. This area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, and areas of exceptional natural beauty.

Yosemite National Park, California (37 deg.50' N.; 119 deg.30' W.). Granite peaks and domes rise high above broad meadows in the heart of the Sierra Nevada, along with groves of sequoias and related tree species. Mountains, lakes, and waterfalls, including the nation's highest, are found here. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

SONORAN DESERT

Organ Pipe Cactus National Monument, Arizona (32 deg.0' N.; 112 deg.50' W.). This park contains block-faulted mountains separated by wide alluvial valleys, along with playas, lava fields, and sands. It includes representative examples of the Sonoran Desert found in this region and nowhere else in the United States. This area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena.

Saguaro National Monument, Arizona (32 deg.10' N.; 110 deg.40' W.). Giant saguaro cactus, unique to the Sonoran Desert of southern Arizona and northwestern Mexico, reach up to 50 feet in height in the cactus forest in this park. Criteria: (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena.

HAWAIIAN ISLANDS

Haleakala National Park, Hawaii (20 deg.40' N.; 156 deg.10' W.). With an elevational range from sea level to 3000 m, the park has a great variety of habitats. Alpine deserts, subalpine shrubland, dry forests, subalpine grassland, bogs, rainforests, and coastal vegetation all occur within a linear distance of 25 km. Of international botanical significance, over 95 percent of the species, and 20 percent of the genera of flowering plants are found nowhere else on earth. Criteria: (i) An outstanding example representing major stages of the earth's evolutionary history, (ii) outstanding example representing ongoing biological evolution, and (iii) contains superlative natural beauty.

OUR THANKS TO CAL HORNER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. BARCIA. Mr. Speaker, it is a privilege to call to the attention of our colleagues the accomplishments of our constituents, especially a constituent that I am privileged to have as both a friend and a long-time supporter. On October 24, Cal Horner will be retiring after forty year with the Wood, Wire and Metal Lathers' International Union. He will be joined by family and friends who have a surprise or two in store for him.

After graduating from T. L. Handy High School, Cal began a three-year apprenticeship in Lathers' Local 131. With the skills he developed, he then worked in commercial, residential, and heavy industrial construction from 1959 until 1978, until he was elected as the business representative of the Michigan State Council of Lathers. From 1980 until 1996 he was elected as the business representative of Local 1028—L. He also served as the Chairman of Local 1028—L's health care fund since 1978, and became a member of the Saginaw Labor Council.

Cal also held several other labor leadership positions. He was the Operations Director of West Central Michigan District Council of Carpenters, and an Executive Board Member/Trustee of the Council. He has been a Trustee of the Michigan Carpenter's Pension Fund, Secretary-Treasurer of the Michigan State Carpenters Council, an Executive Board Member of both the Michigan State Building and Construction Trades Council and the Michigan State AFL—CIO. And he has served as President of Local 1045.

He made time for his community when he served as a Board Member and Vice Chairman of the Bangor Township Downtown Development Authority.

Throughout all of this, he enjoyed the support of his wife Jean, his daughter Laura Greenwood, his sons Floyd and Boert, and his grandchildren Joshua, Mitchell, Trinette, and Daniel. He has instilled in them his spirit of commitment, his record of accomplishment, and his desire to help improve the working environment for all of those around him.

Mr. Speaker, it is a privilege to have known Calvin F. Horner, to have had his support, and to have earned his friendship. It is an honor to recognize his lifetime of accomplishment. I urge you and all of our colleagues to join me in wishing Cal and his family the very best on his retirement, and in extending our best wishes for all that life holds in store for them.

TRIBUTE TO THE HONORABLE LEE HAMILTON

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. CRANE. Mr. Speaker, I particularly regret that I was not able to be on the floor when our colleagues offered their fine tributes to my very good friend, LEE HAMILTON, the Representative from the Ninth District in the historic southeastern part of Indiana.

I wish to add my voice to the strong chorus of admiration and praise with which so many members on both sides of the aisle saluted this very special legislator who has spent a third of a century in the service of his country.

Not too many of our colleagues know that as fellow Hoosiers, LEE and I were college students for awhile at DePauw University in Indiana, that we each spent some time studying in German universities, and both later got higher degrees at Indiana University. Few members also realize that LEE was inducted into the Indiana Basketball Hall of Fame for his prowess in the sport at Evansville Central High School as well as at DePauw University, where he also starred.

In those early days he was the tall, rangy player on a basketball court. Since his arrival in Congress in 1964 he has been a towering figure in this body, where the absence of his sage counsel, his good common sense and immense expertise will surely be felt by all of us for many years to come. Unfortunately, we are not likely to see the likes of the Honorable LEE HAMILTON very soon again in these halls.

During our concomitant tours in Congress, LEE and I have often had common interests and similar concerns about issues vital to the United States. When it came to what was best for the citizens of this country, no one has shown more determination than he has in putting the interests of the nation first. Indeed, in pursuit of proper solutions he has not hesitated to criticize his own party when he felt it necessary. More often than not I have shared his views in matters of importance to the country. I especially appreciated his long support for free trade as the engine which drives international commerce and brings so many jobs to Indiana and Illinois.

His fellow Members look with admiration at the formidable array of accomplishments of this dedicated statesman. Seldom has one man had so many responsible positions during a career in this Congress. LEE was at one time or other Chairman of the Intelligence Committee, Chairman of the Joint Economic Committee, Chairman of International Relations, Co-Chairman of the Joint Committee on the Organization of Congress, and Co-Chairman of the Task Force on Foreign Assistance—to say nothing at all of his subcommittee chairmanships. Few members have ever had so comprehensive a grasp of so many issues of national importance.

As an historian I have shared LEE's great concern with the long-term consequences of important foreign policy decisions. I have applauded his extensive experience and especially his responsible efforts to create a bipartisan foreign policy. Often enough in the search for solutions to problems involving other nations, fellow members have sought his advice, knowing that his judgment would be even-handed and based on a wealth of knowledge of world affairs that few members have attained.

Indeed, word has it that because of his stature in this body, LEE has been urged more than once to consider various higher positions such as governor or senator, but has preferred to remain loyal to his commitments to the House. It is also common knowledge that he has been considered for the post of Secretary of State by past presidential candidates and by the present administration—a position for which no one could be more qualified.

Indeed so preeminent are his qualifications in a great variety of disciplines that he has already been chosen as the Director of the Woodrow Wilson International Center for Scholars and will take up his duties in January. He has also agreed to establish a center at Indiana University—his old alma mater and mine—to develop a better understanding of this Congress, with the hope that American citizens might better appreciate the complexities of the legislative process and what their representatives are doing on their behalf.

So it is with mixed emotions that I salute my fellow Member from Indiana who has come so far and achieved so much since we both attended the same great Hoosier schools so long ago. He will not be far away at the Wilson Center here in Washington, and we hope he will be able to walk over to the Floor as often as he can so that his presence will serve as a continuing role model for younger Members, and as a reminder that his legacy of comity and bipartisanship should continue to permeate our efforts here in House.

LEE, your departure will create an enormous need in this House to replace the kind of civility, wise balance, and professionalism with which your presence here has always been marked. We send you on your way with every special blessing, and in continuing gratitude for your new work in the cause of humanity. God Bless, LEE, and Godspeed!

DR. AULAKH OF COUNCIL OF KHALISTAN NOMINATED FOR NOBEL PEACE PRIZE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. TOWNS. Mr. Speaker, at the recent convention of the Council of Khalistan, the delegates passed a resolution to nominate the Council's President, Dr. Gurmit Singh Aulakh, for the Nobel Peace Prize. This is a very well-deserved nomination.

Dr. Aulakh is well known to many of us in Congress for his tireless work to free the Sikh homeland, Punjab, Khalistan, from Indian rule. He is dedicated to doing so by peaceful means. For eleven years, the Council of Khalistan has led the peaceful, democratic, nonviolent movement to liberate Khalistan, which declared its independence on October 7, 1987.

The Indian government labels anyone who advocates independence for Khalistan a ''terrorist,'' even when he advocates freedom by peaceful means. Meanwhile, India has murdered more than 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and by human-rights groups. About 50,000 Sikh youth have been abducted, tortured, and murdered by the police, then their bodies have been declared ''unidentified'' and cremated.

In addition to his work with Congress, Dr. Aulakh has worked with organizations like the United Nations Human Rights Commission, the Unrepresented Nations and Peoples' Organization, and members of the media. He has worked tirelessly to make the world aware of Indian repression against the Sikhs.

Dr. Aulakh has not just worked to expose the oppression of Sikhs, however. Recently he brought to the attention of the Congress the rapes of four nuns in Madhya Pradesh. He has helped to expose the Indian government's extrajudical killings of Christians, Muslims, Dalits, Assamese, Manipuris, and others. Wherever in South Asia oppression rears its ugly head, Dr. Aulakh has been there to expose it.

Dr. Aulakh has also worked with Members of Congress on both sides of the aisle to make sure that the Indian government's efforts to alter Sikh history for their own convenience.

Yassir Arafat and Yitzhak Rabin received a Nobel Peace Prize. If they are qualified, then Dr. Aulakh's efforts make him a good candidate for this prestigious award.

America must support efforts like Dr. Aulakh's and those of other peaceful freedom fighters. We can do this by maintaining the sanctions imposed on India after its nuclear weapons test in place, by cutting off all American aid to India, and by publicly declaring our support for a plebiscite in Punjab, Khalistan so that the Sikhs of Khalistan can decide freely and democratically the issue of independence. We should also support the same right for all other people, notably the people of Kashmire.

Mr. Speaker, I would like to place the Council of Khalistan's press release on the recommendation of Dr. Aulakh for the Nobel Prize into the CONGRESSIONAL RECORD.

[From Council of Khalistan—Press Release, Oct. 14, 1998]

DR. AULAKH RECOMMENDED FOR NOBEL PEACE PRIZE

WASHINGTON, DC—The annual convention of the Council of Khalistan, which was held October 10–11 at the Sikh Cultural Society in Richmond Hill, New York, passed a resolution unanimously recommending Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for the Nobel Peace Prize. The recommendation is based on Dr. Aulakh's tireless work for a *Shantmai Morcha* (peaceful agitation) to liberate the Sikh homeland, Khalistan, from Indian rule. Dr. Aulakh's name will be formally submitted to the Nobel Prize committee soon.

The Council of Khalistan is the government *pro tempore* of Khalistan, the independent state declared by the Sikhs on October 7, 1987. If was formed at the time of that declaration and has worked to liberate Khalistan for eleven years. The Council of Khalistan leads the Sikhs' peaceful, democratic, nonviolent struggle to liberate Khalistan.

Dr. Aulakh is well known for his work with Members of Congress, the United Nations Human Rights Commission, the Unrepresented Nations and Peoples Organization (UNPO), the American and international media, and other people and organizations to get information about Indian genocide against the Sikhs out to the world. This genocide has killed over 250,000 Sikhs since 1984. Tens of thousands are rotting in Indian jails without charge or trial, some since 1984. The Council of Khalistan has collected information about more than 150 atrocities in Punjab since the Akali Dal government took power in February 1997.

The Indian government has been altering Sikh history, but Dr. Aulakh's work has gotten the true history of the Sikh Nation preserved in the *Congressional Record,* which the Indian government cannot alter.

The resolution cites Dr. Aulakh's consistent support for peaceful action to combat Indian state terrorism and his explicit rejection of militancy as a means of liberating Khalistan. The Indian government routinely labels anyone who advocates freedom for Khalistan a ''terrorist.''

In addition to his work for the Sikhs of Khalistan, Dr. Aulakh has worked with Members of the U.S. Congress to expose Indian tyranny against other minorities in India, such as the recent rapes of four nuns by a gang of Hindu nationalists. The Indian government has killed over 200,000 Christians in Nagaland since 1947, about 60,000 Muslims in Kashmir since 1988, and tens of thousands of Assamese, Manipuris, Tamils, Dalits (''black untouchables,'' the aboriginal people of South Asia), and others.

''I am extremely honored that the delegates to this convention saw fit to recommend me for the Nobel Prize,'' Dr. Aulakh said. ''This would be a great honor, not only for me, but also for the oppressed Sikh Nation and the people of Khalistan,'' he said.''Certainly it would further expose our freedom struggle to the international community.''

H.R. 4679, ANTIMICROBIAL REGULATION TECHNICAL CORRECTION ACT

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mrs. CLAYTON. Mr. Speaker, I am delighted to rise in support of H.R. 4679. The passage of the Food Quality Protection Act of 1996 was intended to improve the quality of services provided by the U.S. Food and Drug Administration (FDA) and the Environmental Protection Agency (EPA).

In this process, the regulatory jurisdiction a class of consumer products known as ''antimicrobials'' was shifted from the FDA to the EPA. Antimicrobials are chemicals used in food contact applications. The EPA has historically regulated pesticides and does not have the experience needed to regulate antimicrobial products.

Since the passage of the Food Quality Protection Act, pending petitions for antimicrobial food additive petitions have been put on hold at the FDA. Products that will benefit consumers have been denied access to the marketplace.

One such petition that is still waiting for production is a new ''slimicide'' for papermaking usage. This item had previously received the President's Green Chemistry Challenge Award. It has been identified as a safer chemical than what is on the market today.

The enactment of the 1996 Food Quality Protection Act (FQPA) changed the definition of ''pesticide chemical'' under the Federal Food, Drug, and Cosmetic Act (FFDCA). This change had a major and unexpected impact on the regulatory responsibility for approval of specific specialty chemicals in food contact applications.

Antimicrobials are considered a specialty chemical. Prior to the passage of FQPA, these substances were regulated by the Food and Drug Administration. However, with the passage of FQPA, these substances are not termed ''pesticide chemical'' and were inadvertently switched to the Environmental Protection Agency's jurisdiction.

Since the 1996 passage of FQPA, petitions for antimicrobials are still waiting for approval at the FDA. The FDA has experienced problems with expending resources for a function that they no longer have responsibility for.

The bill amends the Federal Food, Drug, and Cosmetic Act which is part of the 1996 Food Quality Protection Act. It is a technical correction. It by no means changes the policy of FQPA, nor does it lessen the Act's environmental safeguards.

This piece of legislation shifts the regulatory jurisdiction for review and approval of petitions for use of antimicrobials in food contact applications. It does not remove or amend pesticide regulations under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Antimicrobials will still be subject to registration under FIFRA and standard FDA review for food additives.

This measure will correct a problem that has impacted many working citizens in my district. However, this bill does not lessen the quality of inspection. No one expected the problems we have encountered with the passage of the Food Quality Protection Act of 1996. However

this bill is a simple solution. I commend Representative TOM BLILEY for his work on this bill.

VIVA SAN MANGO D'ÁQUINO, ITALY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. McDADE. Mr. Speaker, inscribed on the base of the Statue of Liberty are the inspiring words of Emma Lazarus:

''Give me you tired, your poor,
your huddled masses of your teeming shore.
Send these, the homeless, tempest-tost to me.
I Lift my lamp beside the golden door!''

Nowhere were these stirring words more inspiring than in the town of San Mango D'Áquino, Italy. Though bright in spirit, these citizens suffered the privations of severe economic hardship. They worked hard, raised strong families and helped to make a better world.

But lured by the lamp of liberty and freedom that inspired the world, the citizens of San Mango were also inspired to undertake hazardous, difficult and sometimes fatal ocean voyages to seek a new life in the United States.

I am privileged to represent a number of citizens whose origins are in San Mango and who have built new lives in my Congressional District. In predictable fashion, they have contributed to the growth of our country, its economic prosperity and its liberty just as their ancestors did.

I applaud the people of San Mango, past and present, on both sides of the Atlantic and I extend my gratitude to them for their contributions to the old and new worlds. They have truly generated a better nation and world.

Viva San Mango!

HONORING I. PHILIP SIPSER

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. OWENS. Mr. Speaker, on November 8, 1998, I. Philip Sipser will be honored with a Lifetime Struggle and Achievement Award by the citizens of Central Brooklyn; however, he is a trailblazing labor relations attorney and a creative negotiator whose work has far-reaching significance for the nation and our entire society.

I. Philip Sipser is the senior partner in the law firm of Sipser, Weinstock, Harper and Dorn, L.L.P. with outstanding credentials and achievements in his profession. He must also be celebrated for his leadership as an advocate for the empowerment of ordinary people and the unheralded strategist for numerous worthwhile social and political causes. Now eighty years old and still searching for worthy candidates to support, he has always labored for no concrete rewards and performed for beyond the call of duty. Beyond his own personal involvement there are also the contributions of his wife, Martha, and their four children: Henry, William, Margaret Liebowitz, and Jane Kaplan.

In the typical Sipser tradition, he recently co-sponsored an exploratory discussion meeting with a possible Year 2000 Presidential candidate. Two decades ago it was Sipser's leadership of the bravehearted Frank Barbaro Campaign for mayor which fostered the alliance with MAJOR OWENS and the Central Brooklyn empowerment leaders. That campaign created the embryonic movement which later mushroomed and cemented the victories of Owens for Congress and Mario Cuomo for Governor. His role as the Campaign Manager of the Paul O'Dwyer for Senate Campaign in 1968 is better known; however, his outreach to minority community leaders of the 80's was a major factor in the impressive Jesse Jackson for President Campaign and the victorious David Dinkins for Mayor Campaign.

Under Sipser's tutelage new bonds were cemented between community empowerment activist and union leaders. For a long time he has been counsel and advisor to Local 420. Local 420, the municipal hospital workers, Jim Butler and his members represent the workers near the bottom of the wage structure who live in Central Brooklyn and other similar communities. Their victories in the fights against layoffs and the privatization of the hospitals could not have been possible without the creative legal maneuvers of I. Philip Sipser.

In addition to the hospital workers, among his clients are the auto workers, iron workers, social workers, film editors, brewery and soft drink workers, museum employees, opera and symphony musicians. Sipser is a member of the New York Bar Association; the American Arbitration Association's Commercial Panel of Arbitrators; past President of the Westchester Chapter of the American Jewish Congress; and past President of the Mental Illness Foundation.

At a time when the ranks of organized labor are shrinking, Sipser has opened a new frontier with the organization of the symphony and opera musicians. The future organization of doctors, scientists and other professionals and technicians has become more likely as a result of these pioneering efforts. In connection with his representation of musicians, Donal Henahan, Music Critic of the New York Times wrote:

> Mr. Sipser is a New York labor lawyer who has already earned himself a mention in the history of American music. He is the Moses who has led the symphony and opera musicians of this country to within sight of the promised land of milk and honey, after their years of wandering in the deserts of short seasons, low pay and no vacations.

His story has never been appropriately told in headlines or on the television screen; however, within the ranks of the Caring majority, the unique genius and wide ranging compassion of Phil Sipser is loudly trumpeted and greatly appreciated. Central Brooklyn is proud to salute I. Philip Sipser for his lifetime struggle and achievement.

THE CHILD CARE QUALITY IMPROVEMENT ACT OF 1998

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. STARK. Mr. Speaker, I am pleased to introduce the Child Care Quality Improvement Act of 1998. This bill creates Quality Improvement Grants as incentives for states to improve the quality of child care for young children in licensed facilities. Each state can use the Quality Improvement Grants for state and local activities designed to enhance the quality of child care available to its citizens.

In recent decades, the number of working women with children, especially those with children under 6 years of age, has increased dramatically. In 1975, 39 percent of women with children under the age of 6 were in the labor force. By contrast, 65 percent were in the labor force in 1997. Good quality child care is critical for millions of working families.

Currently, there is a patchwork of private arrangements used to care for more than 10 million children. This patchwork includes relatives, neighbors, child care centers, and neighborhood child care homes. Child care centers care for the largest proportion—almost 30 percent—of children with working mothers.

Researchers state clearly that high quality child care has a positive impact on the social, emotional, cognitive, and physical development of all children. This is particularly true for at-risk families. Researchers and best professional practices have shown that there are identifiable features of child care settings that are associated with high quality care. These include a safe and healthy environment; caregivers who are nurturing and knowledgeable about children's development, and a stable presence in children's lives; and low numbers of children per caregiver to ensure that each child receives personal attention.

Child care shapes the way children think, learn, and behave for the rest of their lives. While quality child care promotes children's healthy developments and early learning, lower quality care can hinder their development and, ultimately, their success in school. When parents can't afford quality care and child care providers can't access help to improve their services, children suffer. Children in lower quality child care have delayed language and reading skills and are more aggressive toward other children.

Yet little public attention is being paid to the quality of child care experiences. Recent studies have found that much of the child care in the United States is poor to mediocre. One study found fully 40 percent of the rooms serving infants in child care centers to be of such poor quality as to jeopardize children's health, safety, or development.

State and local governments are responsible for the oversight of child care providers that operate in their state. Each state establishes its own child care standards, determining the areas that standards will cover and the specific measures against which provider compliance will be determined. Recent work by the General Accounting Office found a clear consensus about which standards appear to be good predictors of high quality child care. These standards focus on caregiver education and training, child-to-staff ratios, group size, and safety and health.

The Child Care and Development Block Grant (CCDBG) helps states make child care more affordable for working parents and supports improvements in the quality of child care and after-school programs. Under the CCDBG, each state is able to set its own goals and priorities for the funds, and can fund a wide range of activities, including direct service, resource and referral, licensing and monitoring, grants and loans to help providers meet licensing standards, and funds to improve compensation.

The Child Care Quality Improvement Act of 1998 will enhance a state's ability to improve the quality of child care. The Child Care Quality Improvement Act increases the CCDBG and designates those funds for quality initiatives. Quality Improvement Grants would be available to states that establish quantifiable goals for child care improvements in six areas: increased caregiver training, expanded licensing standards, reduced numbers of unlicensed facilities, increased monitoring and enforcement, reduced caregiver turnover, and higher levels of facility accreditation. Quality Improvement Grant funds can be used for state and local activities that help realize state goals for improvement in each of those areas.

The Child Care Quality Improvement Act also establishes an Advisory Commission on Quality Child Care to examine issues affecting child care quality and develop and make recommendations for feasible goals and targets for state child care programs and national standards for quality of care. In addition, it requires the Department of Health and Human Services to conduct a consumer education campaign to promote informed child care choices.

The need for quality, affordable child care is a daily reality for millions of America's working families. Every child has incredible potential, and there is nothing more satisfying than seeing a child learn and develop. Parents need safe, reliable care for their children while they are at work. Children need quality early learning experiences that help them develop to their full potential and enter school ready to learn.

I urge my fellow Members of Congress to join me in support of the Child Care Quality Improvement Act of 1998. We must seize the opportunity to make an important investment in America's children by ensuring and improving the quality of child care.

HONORING THE MEMORY OF GENERAL DANIEL SMITH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. GORDON. Mr. Speaker, I rise today to pay tribute to the memory of a great leader, General Daniel Smith, and to celebrate the 250th occasion of his birth. On October 17, 1998, he will be remembered for his contributions in the westward movement of our country's history at his home ''Rock Castle'' in Hendersonville, Tennessee.

General Daniel Smith was born in Stafford County, Virginia, in 1748, and educated at William and Mary University. In 1773, at the age of twenty-five, he was appointed deputy surveyor of Augusta County, thus beginning his career as a great leader.

After serving in a variety of different military and political offices for 12 years, General Daniel Smith emigrated with his family, in 1785, to the Cumberland settlement. Tennessee has been his home ever since.

General Daniel Smith in every way embodied the spirit and courage of the early frontiersman. In his military career, he fought for independence and supported the creation of the new United States. Politically, Smith realized the importance of states' rights. Some of his accomplishments include attending the convention to ratify the United States Constitution, making the first map of Tennessee, serving in the U.S. Senate from 1805–1809, and negotiating two treaties with the Cherokees.

General Daniel Smith made many contributions to the state of Tennessee and to our Nation. He was a true leader of his time, I would like to take this opportunity to express my deepest gratitude to a fine leader, and honor him for all that he did for his country. He truly made the people of Tennessee proud.

THE WAXMAN-HATCH ACT OF 1984

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. WAXMAN. Mr. Speaker, fourteen years ago, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984, better known as the Waxman-Hatch Act. As the Chair of the Subcommittee on Health and Environment, I was the law's primary sponsor in the House, and my friend Senator ORRIN HATCH of Utah was the primary sponsor in the other body.

I am very proud of the Act. Its success has truly exceeded my expectations. The Act balanced the interests of the brandname drug industry, which gained patent term extensions to restore time expended obtaining FDA approval, and the generic drug industry, which obtained clear and fair statutory standards for the timely approval of their products.

As a result, generic drugs have saved American consumers and the Federal government billions of dollars. Today, America has a uniquely thriving and competitive generic drug industry. At the same time, the brandname drug industry has prospered like never before, posting record profits while tripling its research and development spending in the past ten years.

One of the most significant changes under the 1984 law was the creation of an exemption from patent infringement for tests and other activities conducted for the purposes of obtaining FDA approval. The exemption was created to overturn the ruling in Roche versus Bolar, which held that uses of a patented drug to prepare a generic drug application to the FDA were infringing. Since its enactment, the courts have interpreted this exemption as applying to prescription drugs, biologic drugs, medical devices, as well as food and color additives.

Recently, a number of parties have raised issues they wish the Congress to consider regarding the Act and its operation. Among these is the impact of applying the Bolar exemption to the biotechnology industry. This is an issue which has evoked strong views on both sides. Certainly, Congress should understand all of the implications for the industry's competitiveness, medical research, drug prices and consumer access. Producing breakthrough medicines and enhancing our global competitiveness, the biotechnology industry is of critical importance to American consumers. Developing these products—and making them available and affordable to American consumers—is crucial.

The Congress should be fully aware of the current impact of the Waxman-Hatch Act. Its contributions have been significant. Examination of any suggested changes should be undertaken with care and a complete understanding of the consequences for all of the important interests served by the Act. After all, the reason the Act has succeeded in helping consumers is because it strikes a careful balance between promoting innovation and ensuring that consumers have timely access to affordable medicines.

With the Congress due to adjourn shortly, I think it is important to understand fully the issues which have been raised concerning implementation of the Waxman-Hatch Act. I look forward to reviewing the positions of all interested parties. Congress must ensure that the Act's careful balance of interests is maintained by observing the Hippocratic admonition, ''First, do no harm.''

ADDRESS BY SECRETARY OF STATE MADELEINE ALBRIGHT TO THE U.S.-RUSSIA BUSINESS COUNCIL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. HAMILTON. Mr. Speaker, I commend to Members' attention an excellent speech on U.S. policy toward Russia given by Secretary Albright on October 2, 1998. Secretary Albright correctly stresses the importance of U.S-Russian relations and the fact that Russia's evolution will be a long-term process. The Secretary rightly argues that, while Russia must respect basic laws of economics, solutions to Russia's problems will not work unless they have popular support. I applaud Secretary Albright for a very insightful speech.

SECRETARY OF STATE MADELEINE K. ALBRIGHT'S ADDRESS TO THE U.S.-RUSSIAN BUSINESS COUNCIL

Thank you Ambassador Strauss for that introduction. As our nation's first Ambassador to a democratic Russia, the experience, perspective and authority you bring to the subject at hand are truly unmatched. I am glad to see Gene Lawson here—he and I started our PhD's at Columbia on the same day.

And I'm very glad to see in this audience some of the old Russia hands who treated me to a stimulating dinner seminar two nights ago. Today they're going to hear me cribbing their ideas—shamelessly.

Ambassador Vorontsov, distinguished guests: I am happy to be in Chicago and delighted to address a group that shared President Clinton's conviction that what happens in Russia matters profoundly to our security and prosperity. Let me now invite you all to sit back, digest your lunch, and formulate some polite, easy questions to ask me after my speech.

When I think about the situation in Russia today, I can't help thinking about a story I

first heard on one of my early visits to that country.

A train is going through Siberia when it runs out of track. In Lenin's day, the leadership says: ''Our workers are strong and brave; they will keep building.'' Stalin says: ''No, they're lazy; threaten to shoot them and then they will build.'' Krushchev says: ''Russia is going forward, not backward, so we can use the rails we've passed over to finish the track ahead.'' Brezhnev says: ''It's too much work; let's close the blinds and pretend we're moving.'' Gorbachev says: ''Open the windows and let's see what happens.''

Then President Yeltsin and the Russian people get the train going again. Except it's moving fast and he keeps changing engineers. And now there are two tracks ahead. One looks tempting, for it goes downhill; but it leads to the abyss. Only the perilous track through the mountains will get Russia to its destination.

As you can guess, that's an old story, but I made up the ending. And the Russians keep writing new ones themselves.

These are, to use the Russian expression, smutnoye vremya, troubled times. The Russian economy is expected to shrink significantly in the coming year. A hard winter lies ahead.

To many Russians, it may seem as if the promise of a better future has been betrayed once again. To many Americans, it may seem that the greatest opportunity of the post-Cold War era, building a genuine partnership with a stable, democratic Russia is now a more distant possibility.

Of course, this is not the first crisis of post-Soviet Russia. Tomorrow will mark the fifth anniversary of the tragic showdown between President Yeltsin and the Supreme Soviet. And it was only two years ago that Russians were expected to reject Yeltsin in Russia's presidential election.

Each time, there were people eager to declare that Russia's transition was over for good. Each time, some people were ready to substitute soundbite for serious analysis, by asking rhetorically: Who lost Russia?

But that has always been the wrong question. The drama of Russia's transformation from a dictatorship and an empire to a modern democratic state is far, far from over. We can not say that Russia has lost its ways when in fact it has just begun its journey. Nor can we say that Russia is ours to lose. We can help Russia make tough choices, but in the end Russia must choose what kind of country it is going to be.

The real question today is what will the new government of Prime Minister Primakov choose? Will it take sensible steps to stabilize the economy without triggering hyperinflation, a currency meltdown, a collapse of the banking system, or shortages of basic goods? Will it reconcile the political and moral imperative of meeting human needs with the imperative of economic revival? Will it recognize that, in fact, it cannot fulfill either one of these imperatives without fulfilling the other?

On the day he was confirmed by the Duma, Prime Minister Primakov told me that the answer to these questions was ''yes.'' He also asked us to watch his actions and to wait until his team assembled.

I cannot yet say we are reassured. We have heard a lot of talk in recent days about printing new money, indexing wages, imposing price and capital controls, and restoring state management of parts of the economy. We can only wonder if some members of Primakov's team understand the basis arithmetic of the global economy.

So we cannot say with confidence that Russia will emerge from its difficulties any time soon. Nor should we assume the worst, for there are still plenty of people in Russia who will fight against turning back the clock.

A true and lasting transition to normalcy, democracy, and free markets in Russia is neither inevitable nor impossible. It is an open question, the subject of a continuing debate and struggle. That has been true ever since this great but wounded nation began to awake from its totalitarian nightmare and it will be true for years to come. That is why our policy must continue to be guided by patience, realism and perspective.

I want to talk today about the Administration's strategy for responding to both the challenge and the opportunity that Russia's transformation poses. I want to speak with you not only as Secretary of State, but as someone who has spent much of her life studying and teaching about the societies that once fell on the far side of the Iron Curtain.

Over the years, my bookshelves filled with the literature of the Cold War, with books about the Soviet Communist party, about US-Soviet relations, about nuclear strategy. Nothing gives me greater pleasure than the knowledge that so many of them are now obsolete.

The books that still speak to us are those about Russian history. They tell a story of countless efforts to transform Russia, each leaving its mark, and yet each left unfinished.

Four hundred years ago, Peter the Great sought to open Russia to the West. Yet not till today has Russia had a chance to complete the journey it began when St. Petersburg first rose on the Neva. More than 80 years ago, the Russian monarchy was replaced not by a communist revolution but by a constitutional democracy, which collapsed before its hopes could be realized. A few years later, Stalin tried to move his country in a radically different direction. He failed, too; even his ruthless precision did not turn Russia into a permanent prison.

Today's democratic reformers cannot afford to leave their work half finished, because Russia cannot afford to be half free. But to beat the odds, they must still beat the legacy they inherited from the last failed effort to transform Russia. And to understand their task, we need to understand just how hard overcoming the legacy of communism has been and will be.

We need to remember that a short time ago, Russia was a country where enterprises competed to produce the biggest piles of junk; a country where the dollar was at once illegal and supreme; a country that did not care for its poor because it did not acknowledge their existence; a country where crime and graft were jealously guarded state monopolies; a country where school books derided the rule of law as ''bourgeois legalism.''

The task of rebuilding has been harder still because, unlike the Czechs and Poles and Balts, Russians have no living memory of political and economic freedom to guide them; they are creating something new, not regaining something they had before. What is more, precisely because the collapse of the Soviet system was remarkably peaceful, many responsible for the old order are now struggling over the shape of the new one.

Seen from this perspective, it is remarkable that Russia is as open to the world as it is today. It is remarkable that power is devolving from Moscow to the regions. It is remarkable that people who want to know what is going on inside Russia can call up today's online edition of the St. Petersburg Times or the New Siberia weekly or the Vladivostok News.

It is remarkable that the leaders of American business can gather here to discuss the stake in Russia's future that they share with millions of workers and investors in Russia.

And it is remarkable that Russia is becoming a functioning democracy, that its new government came into being because the President and the Parliament played by the rules of its post-Soviet constitution. That is not, to put it mildly, the way Russia's politics worked in the past, but it is the way most of the experts I've talked to expect it to be played in the future.

I will not downplay Russia's present crisis or suggest Russian reformers have made all the right choices. It's a troubling fact that many Russians have come to equate reform with theft. There is a danger many will come to see political and economic freedom as just another Utopian promise that never comes true.

I am deeply concerned about what is happening in Russia, but I also agree with the motto that hangs in the office of our Ambassador to Russia, Jim Collins, which says, ''Concern is not a policy.''

My job as Secretary of State is not to describe the worst possible outcome in Russia or anywhere else. It is to devise policies that protect American interests and encourage the best possible outcome. That has been our objective ever since the Russian tricolor rose above the Kremlin in 1991. And while none of our policies should be exempt from scrutiny or criticism today, I believe it is a sound objective still.

Our policies towards Russia will continue to be guided by several fundamental principles.

The first principle is that our most important priority in dealing with Russia is to protect the safety of the American people. That is an interest we pursue no matter who is up or down in the Kremlin or which direction Russia is headed.

Our efforts have paid enormous dividends.

Today, there are no nuclear weapons in Belarus, Kazakstan and Ukraine. Presidents Clinton and Yeltsin have agreed on cuts to be made in the START III treaty that would reduce our nuclear arsenals by 80 percent from their Cold War peak. Russia has joined us in banning nuclear testing and in ratifying the Chemical Weapons Convention. Our experts have worked together to upgrade the security of nuclear weaponry and materials.

Today, 75 percent of our assistance dollars to Russia are devoted to programs that diminish the threat of nuclear war and the danger that weapons of mass destruction will fall into the wrong hands. Just last Week, our President announced a program to help scientists and workers in Russia close nuclear sites, start commercial, non-military ventures, so that they are not tempted to sell their expertise to those who wish us harm.

Today, there are no Russian troops in the Baltic states. Instead, Russian troops are serving with ours in Bosnia. Russian officers are working with our allies at NATO headquarters. Our diplomats have been working together to bring peace to the Caucuses and to Kosovo.

Yevgeniy Primakov and I worked closely together when he was foreign minister. We each came to see the other as a forceful, straight-talking advocate of a major power's national interests. We have been able to advance our cooperation where our interests' converge and to manage our differences honestly and constructively.

The question now is whether that cooperation can continue. There are many voices in Russia who want to shift the emphasis in Russia's interaction with America and our allies from one of partnership to one of assertiveness, opposition and defiance for its own sake.

If that happens, it would be a double disaster for Russia. First, because our ability to

help Russians help themselves will go from being merely very, very difficult to being absolutely impossible. Second, because a shift of that kind some are advocating in Russian foreign policy would be contrary to Russia's own interests.

After all Russia needs an effective non-proliferation regime—and it does need to see that nations like Iran do not acquire nuclear weapons or missiles that can hit its territory. Russia needs strategic arms reduction and a treaty limiting conventional arms in Europe. Russia needs peace in the Balkans and an end to conflict on its borders. Russia needs good relations with NATO. Russia needs neighbors in central Europe and the New Independent States that are secure, thriving models of market reform—for in a global economy success and confidence are as contagious as failure and panic.

Above all, Russia needs to project a preference for cooperation to its partners in trade and investment around the world. The confrontational policies that did Russia no lasting good even in the nuclear age are certainly not going to advance its interests in the information age.

Fortunately, in the last few weeks, we have welcomed signs that the Russian leadership continues to see, as do we, that there is a basis in mutual benefit for cooperative U.S.-Russians relations. Just last week, for example, Russia joined us in the UN Security Council to support a resolution under the peace enforcement provisions of the UN Charter demanding an end to the Serbian offensive in Kosovo. We have a lot of hard work to do in the coming days to see Milosevic gets the message.

I spoke to Foreign Minister Ivanov this morning about the atrocities of recent days, about the need to see that Milosevic understands our determination. We're continuing to work with Russia throughout this crisis, but let me be clear: if at the end of the day we disagree about whether force has to be used, the United States and its allies must be prepared to act.

Russian ratification of the START II treaty would further confirm this positive trend. Prime Minister Primakov has said this will be a priority. His government has, by recent standards, unprecedented support in the Duma and therefore an unprecedented opportunity to get this done.

At the same time, we need to recognize that the cash-strapped Russian government is already hard pressed to slice apart missiles, destroy chemical weapons stocks, and meet the costs of other obligations. Over the long haul, arms control saves Russia money; but in the short run, it carries costs we and our partners must be ready to help Russia bear—not out of charity, but because our national interests demand it. That's why it's so important that Congress voted to increase this year's Nunn-Lugar funding to $440 million.

The second principle guiding our policy is that we also have an interest in standing by those Russians who are struggling to build a more open and prosperous society. As President Clinton made clear at the Moscow summit, we will continue to do that in every way we can.

At the same time, we should acknowledge that helping Russia will probably be harder for some time. And the best way to help Russia now is not necessarily to send more money.

Much of the progress Russia has made in the last seven years has come with the support of international institutions such as the IMF and the World Bank. These institutions helped Russia to conquer hyper-inflation, to liberalize prices and to make the ruble convertible. They pressed policies designed to encourage competition and discourage corruption.

At the same time, more big bailouts are not by themselves going to restore investor confidence in Russia. Nor will they help the Russian economy unless the Russian government is committed to sound fiscal and monetary policies.

Foreign funds should continue to be used to help Russia pursue credible reforms, but not to help delay them. They should be used to support a policy of tax reform, not to make up for tax revenues the government is unable or unwilling to collect. They should be used to support a program that strengthens banks lending money to entrepreneurs, not banks set up to bet on current fluctuations. They should be used to support policies that help the neediest Russians, not that enrich off-shore bank accounts.

In the long run, the gap between Russia's needs and its resources must be met not by foreign bailouts but by foreign investment. Furthermore, what will truly help Russia now is not more people betting on its T-Bills, but more people betting on its factories, oil fields, and people.

We need to remember that Russia has tremendous inherent wealth. Yet it has only attracted a trickle of outside investment where there should have been a bonanza. Had the conditions been right, it is estimated that investors could have pumped more than $50 billion into Russia's oil and gas sector alone. As it was, in 1997 energy investment didn't even reach $2 billion.

Just think how much could have been done if investment on this scale had been coming into Russia from the very beginning of the 90's. Those who blocked it have a lot of explaining to do to their people.

One of the obstacles has been Russia's inability to approve adequate legislation on production sharing agreements, and to create a stable, predictable tax system, which would create an environment for attracting investment.

A related obstacle has been the sense among many Russians that accepting foreign investment means selling their country. President Clinton and I have been making the case that this is a dangerously short sighted views. We have pointed out that foreign investment has fueled growth in every thriving emerging economy from Latin America to central Europe, that it helped build America in the 19th century, and that attracting foreign capital to America is one of our highest priorities today.

By welcoming long-term, committed capital, Russia is not giving away its national patrimony; it is gaining jobs, growth and tax revenues. It is gaining advances in technology that will allow it to market its resources at competitive prices. It is gaining a corporate culture that will help it to replace robber barons with responsible stewards of its national treasure. It is gaining investors who will not fly home or move their money to Switzerland at the first sign of trouble. I gather that some of those who are beginning to understand all this include Russia's governors—who see, like our own governors, how much foreign investment can do for them.

Let me acknowledge the many members of the US business community who have had the guts to hang in there despite all the difficulties you have suffered and uncertainty you have faced. I thank you all for that.

As long as the Russian government is willing to play by global rules, foreign governments and institutions will help it to weather tough times. And whatever the policies of the government, we will try to support programs that help the Russian people and advance our shared interest in democracy.

In response to the current crisis in Russia, we have been re-examining all our assistance programs, retargeting money where it can be used effectively to support economic and democratic reform. We will increase our support for small business and the independent media, and try to bring a much larger number of Russian students, politicians, and professionals to live and learn in America.

And we intend to launch a lifeline to non-governmental organizations whose funds have been frozen in Russia's banking crisis.

Precisely because there are troubled times in Russia, these programs are needed today more then ever. They are in our nation's interest and they support the interest of the business community. We asked the Congress to increase our funding for 1999, and we need your support now, before this year's session ends, to make that happen. This is no time to cut programs that have had such an important payoff for us.

A third principle we need to keep in mind is that the solutions to Russia's problems will not stick unless they have popular legitimacy within Russia.

I do not want to suggest that there is any uniquely Russian way to prosperity. If the Russian government prints too many rubles, there is nothing inherent in Russian culture, nothing imprinted in the Russian character, that will prevent inflation from crushing its people's dreams. The laws of economics may work in mysterious ways, but they do not vary from culture to culture any more than the laws of physics.

But I do believe that even as we urge what is right, we must not treat Russia as a ward of the international community. Russia is too big, and too proud, for that. The policies we would like the Russian government to pursue have to be worked out democratically, with the support and understanding of the Russian people, or they are going to fail.

This means we need to be patient with the workings of the democratic process in Russia. Under the best circumstances, there will be compromises between economic orthoxody and political reality. After all, democracy is not rule by economist-kings. It is a system that allows pragmatic politicians to build a consensus for policies that cause short-term pain.

It also means we should not start each day by taking a census of reformers in the Kremlin or hold our breath every time there is a leadership change. We should be interested in policies, not personalities.

In this respect, it is a good thing that Russia now has a government with a mandate from both the Parliament and the President. It is a good thing that Communists and Agrarians in official positions have to face voters with the results of what they do. They'll learn they have to do more than just complain and denounce. It is a good thing that Russia will hold parliamentary elections next year and presidential elections in the year 2000. Far from fearing the outcome, we should look forward to what should be the first peaceful, democratic transfer of power in Russia's history.

The historian James Billington has written that many times in their history, ''Russians have sought to acquire the end products of other civilizations without the intervening process of slow growth and inner understanding.'' Today's reformers do not have much time to go through that process. For in today's global marketplace, Russia will be vulnerable to external shocks as long as basic market reforms remain incomplete.

Russia's transition to true freedom, stability and prosperity will take time, indeed it must to be lasting and genuine. Meanwhile, we need to defend our interests and speak clearly about the choices we hope Russia will make. And we must be ready to stick with this effort for the long haul.

From the beginning of Russia's incredible journey toward freedom, I've tried not to be too euphoric when things are going well, or

too discouraged when things are going badly. Everything I know about transition from communism to democracy teaches me to be a short-term realist when it comes to Russia. But it also teaches me to be a long-term optimist.

This period is different from all the other periods of change and reform in Russia's history in one important way. Unlike the Peter the Great's time, Russia is not seeking to enter a Europe of absolute monarchies in perpetual conflict. Unlike in 1917, it does not need to escape from a Europe engulfed in the senseless slaughter of a total war.

Yesterday, Europe was organized around alliances of countries that knew what they were against. Today, the rest of Europe and much of the world is coming together around a consensus for open markets, for cleaner government, for greater tolerance and peace. In the last 20th century, the forces that pull Russia toward integration, and that counteract the autarkic, self-isolating forces within Russian itself—are more powerful than at any time in history.

It is our job—because it is in our interest—to manage the aftermath of the Soviet Empire's disintegration, to help Russia integrate into the community of which we are a part, and eventually to help Russia thrive, not just muddle along. And that means remaining steady in defense of our principles, interests, and objectives. And it means standing with Russia as it moves forward—as long as it is moving on the right track.

I will continue to dedicate my best efforts to this hard-headed, principled enterprise, and I solicit yours as well.

Thank you very much.

CONGRATULATIONS TO AMARTYA SEN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. ACKERMAN. Mr. Speaker, I rise today to extend my congratulations to Amartya Sen who has been awarded the Nobel Prize in Economic Science for his work on human rights, poverty and inequality.

The Indian-born Professor Sen found an academically rigorous way to examine the impact that social policy choices have on rich and poor alike. His ground-breaking work on the 1943 Bengal famine has spawned extensive academic work on social choice and it's economic consequences. The Royal Swedish Academy of Sciences noted that Professor Sen's research had ''restored an ethnical dimension to the discussion of vital economic problems.'' Professor Sen himself said ''I believe that economic analysis has something to contribute to substantive ethics in the world in which we live.''

Professor Sen was also influential in how international organizations deal with food crises. His 1981 book ''Poverty and Famine'' demonstrated that famine was an avoidable economic and political catastrophe and not just a consequence of nature. The United Nations drew heavily on Professor Sen's work in creating the U.N. Development Index which quantifies the quality of life in different countries by looking at such factors as longevity and school enrollment rather than simply examining per capita income.

Professor Sen has restored a much needed discussion of values to the study of economics. His work can help us all understand the social consequences of economic choices and reminds us all that ultimately the quality of life is measured by more acquisitions.

Mr. Speaker, as the new co-chair of the Congressional Caucus on India and Indian-Americans, I ask my colleagues to join me in congratulating Professor Sen for a lifetime of significant contributions to the study of economics and for being awarded the Nobel Prize.

COMMEMORATING PHILADELPHIA CORPORATION FOR AGING'S 25TH ANNIVERSARY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to the Philadelphia Corporation for Aging as it marks its 25th anniversary of making quality of life a reality for senior citizens in Philadelphia.

The Philadelphia Corporation for Aging (PCA) is the largest of the Area Agencies on Aging (AAAs) in Pennsylvania, employing over 400 people. It has the distinction of being the fourth largest AAA in the country. Funded in part through the Pennsylvania Department of Aging and the federal Older Americans Act, PCA serves over 70,000 older Philadelphians each year through an umbrella of services designed to recognize the dignity of all older people while it respects their racial, religious, sexual and cultural differences.

From the onset, PCA's mission has been to improve the quality of life for older and disabled Philadephians. It assists these individuals in achieving maximum levels of health, independence and productivity. Now, 25 years later, PCA can take pride in knowing it successfully meets its goals of addressing the changing needs of the community it serves. Whether it is its successful Senior Helpline, an extensive telephone information and referral service, or its Language Line, which addresses the language barriers of the many ethnic groups that make up a major city, PCA is always striving to do all it can for its unique clientele. In the summer, the successful Heatline is activated, sending volunteers to address heat stress issues with seniors, ensuring their health and safety.

In addition to these services, PCA operates approximately 50 multi-purpose senior community centers and satellite meal sites throughout the city, providing counseling, education, health promotion, a healthy meal and social interaction with those individuals over 60 years of age. PCA also offers transportation assistance, legal services, employment programs, companion programs and long-term care access to help our older citizens cope with many of the specific needs of the aging community.

Mr. Speaker, Pennsylvania is the second ''grayist'' state in the country and over 19 percent of Philadelphia's population is over 60 years of age. In my district alone, over 100,000 people are over age 65, making the Third Congressional District the 20th largest senior population in the country. As a result of serving such a large senior citizen constituency, I have the opportunity to see and hear the specific needs of our older residents and I see firsthand what an organization like PCA does to improve the quality of life for those over age 60.

As medical advances enable people to live longer lives we, as a society, must be better able to handle the medical, housing, and social challenges experienced by our aging community. PCA is one of the key agencies working to help individuals and their families cope with those challenges and, as a result, serves as a vital link to our aging population.

Mr. Speaker, I would also like to pay tribute to PCA's President, Rodney D. Williams, for his 25 years of leadership and service excellence. Under his leadership, PCA has proudly improved the quality of life for all older people in Philadelphia. I ask my colleagues to join with me in recognizing the valuable work performed by PCA and its staff and wish them many more years of success.

HONORING THE NORWOOD NEWS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. ENGEL. Mr. Speaker, today I rise to speak about community newspapers, their value to the neighborhoods they serve and their function in unifying a community. Specifically I am speaking about a wonderful and dedicated community newspaper in my district—the Norwood News.

This newspaper was founded ten years ago by the Moshulu Preservation Corporation to help make Norwood a better place and to fill a void—no newspaper was being published in the neighborhood.

From its first edition it has fulfilled that mission. The front page story that day was about a sewer reconstruction project gone awry and which has led to the destruction of a line of magnificent trees.

In the intervening decade the paper has evolved in design and grown in content but has maintained one constant—to do stories about the community and to give the community a path of action. When necessary, the Norwood News dedicates large segments of its edition to stories having a significant impact in the community—more space than a daily newspaper could afford to give. Remarkably, it is able to accomplish its great work as a not-for-profit newspaper because the neighborhood cannot sustain a paper which requires a profit.

The spirit of a free press, so necessary to freedom and democracy, lives in the Norwood News. It carries on the grassroots tradition of bringing local information to people so they can make informed decisions. I congratulate the Norwood News on its tenth anniversary and look forward to reading the newspaper for many more years.

HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. STOKES. Mr. Speaker, I rise in support of S. 1754, the Health Professions Education Partnerships Act of 1998. This measure reauthorizes the health professions and nursing training and education programs contained within titles VII and VIII of the Public Health Service Act. S. 1754 is a bipartisan effort to strengthen these critical programs—which do so much to provide a workforce that is targeted to address the Nation's critical health care needs.

Among the programs reauthorized by this legislation are the: Minority Centers of Excellence Program; Exceptional Financial Need Scholarships; Faculty Loan Repayment Program; Scholarships for Disadvantaged Students and the Office of Minority Health at the Department of Health and Human Services. These and other critical programs provide valuable institutionally-based training opportunities for health professions students in primary care as well as individual grant and scholarship support for disadvantaged health professions students.

Mr. Speaker, while every racial and ethnic group experiences some health disparity, African Americans and other underserved Americans continue to suffer with disproportionately higher rates of death and disease. In recent years, we have seen unprecedented advances in biomedical research, the diagnosis of disease and the delivery of health care services. However, the African American community and other communities of color have not fully nor equally benefited from these new discoveries. In fact, African Americans and other minorities continue to face historical barriers to good health, including the lack of access to quality health care.

More than a decade after the Secretary of the Department of Health and Human Services' 1985 Task Force Report on Black and Minority Health, African Americans continue to: suffer with disproportionate rates of cancer, cardiovascular disease, hypertension, stroke and HIV/AIDS; experience a rate of infant mortality that is twice that of whites; live shorter lives than the general population and endure 70,000 excess deaths every year. This health crisis is further exacerbated by the severe underrepresentation of minorities in the health professions, the fact that there has been very little growth in the number of minority medical school matriculants and by current efforts to roll back affirmative action.

While recent reports predict a general oversupply of physicians and other health care providers, this is not the case where minority health care professionals are concerned. For example, while African Americans and Hispanic Americans comprise 13 percent and 11 percent of the United States population, they represent only 3.2 percent and 4.4 percent of the Nation's practicing physicians. This is significant because studies show that minority health professionals are more likely to serve in underserved communities, providing a disproportionate amount of care to the most vulnerable among us—the poor and the underserved.

It is for these reasons that I urge my colleagues to support S. 1754. The Health Professions Education Partnerships Act health is an absolutely essential link to helping the Nation to effectively address the shocking disparities in the status of minority health.

Vote ''yes'' on S. 1754.

A TRIBUTE TO THOMAS SHARRARD—1998 INSTITUTE FOR HUMAN RELATIONS AWARD WINNER

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to honor Thomas E. Sharrard, this year's recipient of the American Jewish Committee's Institute for Human Relations Award.

The American Jewish Committee, which was formed in 1906, promotes research and programs which combat all forms of bigotry and discrimination. The group also works to promote human rights and advocates public policy positions rooted in American democratic values.

The Institute for Human Relations Award is being given to Tom Sharrard in recognition of his outstanding contributions to our community. Tom is probably best known as the hard working and innovative president of Time Warner Cable's Milwaukee Division. But equally impressive are his civic and philanthropic accomplishments and activities.

Despite his busy schedule, Tom finds time to be involved with a number of community organizations, such as the Greater Milwaukee Committee, the Boys and Girls Club of Greater Milwaukee, the Milwaukee Public Library Foundation, and the Betty Brinn Childrens Museum. He also serves on the advisory committee for the Artist Series at the Pabst and the Alliance for Future Transit, and is a member of both the Wisconsin Cable Association and the National Cable Television Association.

In the true spirit of the Institute for Human Relations Award, Tom Sharrard has regularly crusaded for opportunities for women and other under-represented groups in the cable television industry. In fact, Tom was recently awarded the Wisconsin Governor's Glass Ceiling Award, which recognizes efforts to achieve equity and fairness in the workplace.

And so it is with great pleasure that I join with Tom Sharrard's many business associates, family and friends in congratulating him on receiving the 1998 Institute for Human Relations Award, deserved honor. May our community continue to reap the benefits of Tom's compassion and commitment for many years to come.

TRIBUTE TO RONALD L. SCHEINMAN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Mr. Ronald L. Scheinman, Esq. for his service as Chairman of the Board of the Los Angeles Jewish Home for the Aging for the past two years. President Kennedy said, ''Change is the law of life. And those who look only to the past or present are certain to miss the future.'' During his tenure, Ron has worked diligently with the Board of Directors and senior managers to reshape the Jewish Home to prepare it to meet the many challenges facing the health care industry.

Under Ron's leadership, they conducted and completed a Capital Campaign Planning and Feasibility Study and implemented a strategic planning process to determine the future development of the Jewish Home. He recruited a new development director to enhance the organization's fundraising abilities. He has organizationally streamlined the Jewish Home by restructuring the Board of Directors, reducing their size, reducing the size of the executive committee and revising their bylaws. These important implementations have improved the Jewish Home's overall efficiency and effectiveness.

Ronald Scheinman's vision for the future of the Jewish Home for the Aging has transformed the Home into a present-day reality that is providing a very important service to many of Los Angeles' Jewish senior citizens. Ron has helped to ensure that the Home will continue to provide quality care to a growing and often neglected portion of our population.

Mr. Speaker, please join me in honoring Mr. Ronald L. Scheinman, Esq. for his service to the Jewish Community as Chairman of the Board of the Los Angeles Jewish Home for the Aging.

CONGRESSMAN CHARLES DIGGS JR.: A LEADER IN THE STRUGGLE FOR JUSTICE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. CONYERS. Mr. Speaker, my family and I were saddened to learn of the death of my longtime friend and former colleague, Congressman Charles Diggs Jr., the first African American elected to Congress from Michigan. Congressman Diggs paved the way for an entire generation of African American political leaders, not just in his home state, but throughout the nation. When I first arrived in Washington in 1965, Congressman Diggs had been there 10 years and had earned a well deserved reputation as a fearless fighter for justice for poor and oppressed people. In my early days in Congress, he helped me find my way through the maze of Washington politics. I knew I could rely on him for sound advice.

Congressman Diggs was not afraid to speak the truth. During his tenure in Congress, his was a resounding voice for millions of African Americans whose words were muted and whose dreams were bruised by the cruel forces of discrimination and intimidation. In matters of international affairs, he was the first member of Congress to promote Africa as a key part of the U.S. foreign agenda, and he was chair of the House Subcommittee on African Affairs. He was also a founding member of the Congressional Black Caucus, as was I.

For Detroiters, the name Diggs has a particular resonance. Congressman Diggs' parents were community activists who operated a

funeral home that gave proper funerals to generations of Detroit residents, even when the grieving families were short on funds. On a more personal note, the Diggs family and the Conyers family have known each other for more than half a century. Charlie Diggs and I learned early on that we all have a responsibility to carry the banner for justice and equality. He never forgot that lesson, and he remained convinced of the limitless potential of Detroit and Detroiters.

I am proud to have served with him.

My entire family extends its deepest sympathies to the Diggs family. Our city and our country have lost another brave warrior in the struggle for freedom.

[From the Michigan Chronicle, Sept. 2–8, 1998.]

LIFE AND TIMES OF CONGRESSMAN CHARLES C. DIGGS, JR.

Detroit lost another link to its historic past with the death of Charles C. Diggs, Jr. in West Virginia.

He was 75.

Federal Judge Anna Diggs Taylor, the congressman's former wife, said, ''I am much saddened by the news. He was a great man with great strengths and weaknesses as well.''

''I hope he will be remembered for his many gifts and for consistently fighting the good fight on behalf of his people through lonely and dangerous times,'' she continued.

Michigan's first Black congressman and the founder of the Congressional Black Caucus, Diggs was the heir to a family political dynasty in local politics and a leading advocate in Washington, D.C. for civil rights and African affairs during his 25 years in Congress.

Following in the footsteps of his father, Charles Diggs, Sr., Michigan's first Black Democratic state senator, Diggs, Jr. was the youngest elected member of the Michigan Senate in 1950. He made an unsuccessful run for Detroit City Council in 1953 before successfully running against 14-year incumbent Congressman George O'Brien in 1954.

Diggs took office in 1955 as the representative for Detroit's 13th Congressional District. He immediately received national notoriety during the infamous Emmett Till murder trial in Mississippi. After several White defendants were acquitted in the murder of the 14-year-old. Diggs spoke around the country about the case.

Diggs made his greatest contributions as a member of Congress and later chairman of the House Foreign Affairs Committee. Among his notable crusades were Support of home rule for Washington, D.C. creation of the Congressional Black Caucus in 1969, helping to found TransAfrica, a think-tank on African and Caribbean affairs, founding the National Black Political Convention in Gary, Ind., authoring legislation preserving the Frederick Douglas Home in Anacostia.

In 1978, Diggs was charged with padding his congressional staff payroll, but was reelected by Detroit voters. In 1980, he resigned from office after being convicted of crimes related to those charges.

He then donated more than 1,000 boxes of his personal papers to the Moorland-Springarn Collection on the Howard University Campus. In the later years of his life, Diggs practiced mortuary science in Virginia, Michigan and Ohio.

Following Diggs' departure from Congress, the late Judge George Crockett became the 13th District Representative, followed by Barbara Rose Collins. Carolyn Cheeks Kilpatrick is the current congressperson.

Charles C. Diggs Jr. was born Dec. 2, 1922 in Detroit, the only child of his late parents, Charles C. Diggs Sr. and Mayne E. Jones. The Diggs seniors were morticians, pioneers in business, public servants and community activists. Diggs Sr. was elected in 1936 as Michigan's first Black Democratic state senator. The first Black state senator had been Republican Atty. Charles Roxborough, elected for a two-year term in 1932, but he did not seek reelection after serving until 1934.

Sen. Diggs headed the Michigan Federated Democratic League in Detroit which was considered the largest organized force of African Americans in the state. He was acknowledged to be the period's most outstanding politician and was particularly noted for authoring Michigan's reverently innovative law prohibiting racial or related discrimination in public-service places; the ''Diggs Law,'' as it was named, was enacted in 1937. His son, Charles C. Diggs Jr. graduated from Miller High School in 1940 as president of his class and third speaker on its champion debating team coached by English professor Alvin Loving. From September 1940 to June 1942, he attended the University of Michigan and won the institution's coveted oratorical championship in 1941.

When World War II started in 1942 he sought admission at Detroit's Navy recruiting office, but was rejected, allegedly for ''poor eyesight.'' Of course, his eyesight was sufficient, but he was denied admission because the Navy was segregated, like the rest of the armed services in those days. Opportunities for Blacks were limited to menial tasks, for which he was obviously over-qualified.

Moreover, since Diggs, Sr. was a Michigan state senator and a militant activist, the Navy feared public criticism would result. However, Diggs Jr. was drafted in April 1943 after one semester during his third college year which began in September 1942 at historically Black Fisk University, Nashville, Tenn.

Following his basic training as a private at Kearns Field. Salt Lake City, Utah, he was sent to the Army administration school, Atlanta University in Georgia. After graduating there, where he and his roommate were top of their class, he was promoted to private first class and reassigned to the third EAUTC Headquarters, Tampa, Fla. Shortly after, he was sent to another military administration school in South Dakota State College, Brookings, South Dakota and was promoted to corporal. Upon graduation, he was returned to the third EAUTIC. He was subsequently elevated to buck-sergeant, and three months later he was appointed to the Army Air Force Officer Candidate School, Miami Beach. Upon graduation there as a second lieutenant, he was reassigned to the famed Black Army Air Force Base at Tuskegee, Ala. When World War II ended, Diggs was honorably released from active duty in June 1945, and he returned to Detroit.

He then attended and graduated from Wayne State University's College of Mortuary Science in June 1946 and became general manager of the House of Diggs, Michigan's largest funeral business, founded in 1921. Succeeding his father, Diggs Jr. subsequently became president of the metropolitan Funeral System, Michigan's only burial insurance company. It then became Detroit Metropolitan Mutual Insurance Co., which later combined with Mammoth Life in Louisville, Ky. Mammoth has since merged with Atlanta Life in Georgia and is currently the largest Black-owned insurance company in the United States.

In September 1950, Diggs, Jr, enrolled at the Detroit College of Law as a night student, but after only one semester he was elected as the youngest member of the Michigan State Senate, and served two terms. He successfully sponsored Michigan's first Fair Employment Practices Law, establishing the Fair Employment Practices Commission to eliminate racial and related discrimination in Michigan public or private. He also sponsored legislation legalizing DNA blood tests to determine a child's rightful paternity/maternity link, and Michigan became the pioneer state to enact this statute. He then dropped out of law school as driving 85 miles each way to and from Detroit four days a week became too burdensome for his additional legislative and constituency obligations.

In 1953, as a second term state senator, he ran for the Detroit City Council, a city-wide, non-partisan election never before won by a Black candidate; he was marginally defeated by a White female. However, his unprecedented showing is widely credited for generating the momentum which four years later contributed substantially to the successful election of Atty. William T. Patrick Jr. as the city's first African American member of the council.

Nevertheless, because of the strong voter support Diggs received in the 13th Congressional District in his referenced bid in 1953 for the council, he challenged the 14-year incumbent Congressman George O'Brien the next year in 1954. Diggs overwhelmingly defeated O'Brien three-to-one in that Democratic primary becoming Michigan's first Black member of the U.S. House of Representatives where he served with distinction until his retirement in 1980.

THE EMMETT TILL CASE

In 1955 as a freshman congressman he was propelled across the international scene by his attendance at the infamous Emmett Till kidnap/murder trial in Mississippi, next to Issaqueena County where his father was born and his grandfather, Rev. James J. Diggs, founded the Woodland Baptist Church, in the late 1800s. It still stands, a permanent reminder of his many achievements including service as a Baptist minister missionary to Liberia in Africa.

The egregious miscarriage of justice which acquitted the White male defendants who committed violent crimes against that 14-year-old teenager who dared not conform with Mississippi's racial standards focused global attention on the worst plight of Black America.

After Diggs' attendance at the trial, as always replayed in old films on TV, particularly during Black History Month each year, the NAACP got him to speak throughout the U.S. about the victimization of Emmett Till, to inspire support for corrective federal/state/local civil rights laws and customs.

HE LEFT HIS MARK ON WASHINGTON

During his first four years in Washington (1955–59), Diggs was assigned to the House Veterans' Affairs Committee.

In 1959 President Eisenhower sent Diggs on a mission, in the PAC–AF Command from Hawaii to the Philippines plus other Pacific islands and Japan to report on minority conditions in those areas of the U.S. Armed Forces. He was accompanied by Lt. Colonel ''Chappie'' James, with whom he had been stationed at the Black American Army Air Field Headquarters (Tuskegee, Ala.) and who later became our first Black 4-Star General in the Air Force.

Diggs' comprehensive report, supported by extensive interviews and on-site investigations, caused the creation of an Armed Forces Commission to address segregation and discrimination within the command. This commission was continued in 1961 under the next president, John F. Kennedy, whom Congressman Diggs had strongly supported in the 1960 general federal elections.

Additionally, during his first four years in the U.S. House of Representatives, Diggs also served on the House Interior and Insular Affairs Committee (now House Resources). His ardent advocacy of statehood legislation was one of the prime subjects under its jurisdiction. Focus was on the Hawaii/Alaska proposals, which in 1959 established Democratic Hawaii and Republican Alaska as the 49/50th states in the union.

As chairman of the D.C. committee, Diggs sponsored legislation authorizing preservation of the Frederick Douglas Home in Anacostia, Southeast D.C., by having it designated a national historical site within the jurisdiction of the U.S. Interior Department. This designation replaced its previous benefactor, Dr. Rosa Cragg of Detroit and the National Association of Colored Women's Clubs, under whose aegis the Douglass Home unfortunately had languished, principally because of the latter's limited resources and those of the Frederick Douglass Memorial and Historical Association Inc.

In 1959 Diggs also became the first Black member of Congress appointed to the House Foreign Affairs Committee. He had sought this assignment after his selection in 1957 by President Eisenhower, to be part of the U.S. Delegation to the Independence of Ghana in West Africa. The delegation, headed by vice president Richard Nixon, had been flown there on a ''prop-ship'' through a midway island refuel stop, since this was before the ''jet-propulsion'' age.

The prime Foreign Affairs Committee consideration during his first two years was to authorize establishment of the Peace Corps. Given Diggs' enhanced African interest following referenced mission to Ghana, he knew how important the Peace Corps would be in furthering numerous developments on that ancient colonized continent. This prompted him to be one of the committee's strongest and most respected advocates of the Corps. Subsequent positive activities of Peace Corps Volunteers (PCVs) fully justified his continued, invaluable support.

Upon his request he was also appointed, in 1959, to the insignificant subcommittee on Africa, which he immediately stimulated. In 1969, a decade thereafter, he rose to its chairmanship and maintained historic levels of the committee's activation until his retirement in 1980. Based on his extensive travels abroad plus meetings with African leaders and elsewhere regarding African policies, plus his unmatched official hearings, Diggs became one of our nation's leading spokespersons on this subject.

TRANSAFRICA, America's premier thinktank on African and Caribbean issues, was founded in Diggs' office where its current executive director, Randall Robinson, was Diggs' administrative assistant.

In 1969–70 Diggs founded and became the first chairman of the Congressional Black Caucus. William L. Clay, one of the important players in Congress and author of the book, ''Just Permanent Interests,'' is the senior member of the Missouri Congressional Delegation and a founding member of the Congressional Black Caucus. Inside the book, he states, ''Charlie: We would not have made so much progress in the caucus had it not been for your leadership, signed Bill, 9/24/92.'' In 1971 Diggs served as a full delegate to the United Nation's general assembly while George Bush, with whom he had served in the House, was the Delegation's ambassador before he became president of the United States. Congressman Ed Derwinski (R–Ill) was another appointed full delegate and he later became the first secretary of the Veterans Administration.

In addition to his one semester at Fisk University, Nashville (1942–43) then being drafted into the U.S. Armed Services, there have been only two other Congressmen, Bill Dawson (D–Ill.) and John Lewis (D–Ga.) who have been to that college. Diggs also has a mortuary science degree from Wayne State University, was the sole principal proprietor mortician in the Metropolitan Tri-State area of Maryland, Washington, D.C. and Virginia, and was a Howard University graduate. He also holds honorary doctor of law degrees from Ohio's Wilberforce University and Central State College, North Carolina's Agricultural and Technical State University and the University of the District of Columbia.

He is survived by his wife, Darlene Diggs of Mississippi; six children, Charles C. Diggs III, Denise Taylor Diggs, Alexis Robinson Diggs, Douglass Diggs, Carla Mathis Diggs, Cindy Carter Diggs, and 12 granchildren.

TRIBUTE TO CLEVELAND AMORY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mrs. MALONEY of New York. Mr. Speaker, as a member of the Congressional Friends of Animals, I'd like to pay tribute to a very special constituent of mine. Cleveland Amory, noted author and founder of The Fund for Animals, died at his home in New York City on Wednesday night. Mr. Amory devoted the last 31 years of his life to ''speaking for those who can't'' as the unpaid President of The Fund for Animals. In his years at the helm of this national animal protection group, he has imprinted millions in our society with the notion that we should treat animals with both decency and dignity.

During three decades of advocacy for animals, Mr. Amory and his group led the way in dramatic rescues of animals all over the country. He airlifted hundreds of wild burros from the Grand Canyon who were destined to be shot by the National Park Service. They joined thousands of other animals, all snatched out of harm's way by Mr. Amory, at his Black Beauty Ranch animal sanctuary in Texas.

Black Beauty Ranch now stretches over 1,000 acres and will serve as the final resting place for a man who was known as the grandfather of the animal protection community. The world needs more people like Cleveland Amory and I hope his legacy of compassion will continue to live on.

HONORING REGINALD F. MARRA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. ENGEL. Mr. Speaker, today I rise to speak in praise of a man who has served with distinction in the Yonkers school system for 35 years—Reginald F. Marra. He started in 1963 as an Industrial Arts teacher at Yonkers High School and has recently retired as Superintendent of the state's fourth largest school district with 24,000 students and a quarter of a billion dollar operating budget.

His career has been one of increasing responsibility. His second position was as guidance counselor. In 1970 he was named Administrative Assistant, two years later he was named Assistant Principal and in 1973 Principal of Commerce Middle School.

A year later he went to Saunders Trades and Technical High School where, drawing on his experience, he established innovative programs to assure significant employment opportunities for his students.

In 1984 he became Director of Occupational Education and served as a Special Assistant to the Superintendent in 1986. From 1987 until 1993 he was Deputy Superintendent and that year he was named Superintendent.

He has worked tirelessly to redesign the school system in the areas of curriculum, standards, goals and accountability. Among his many accomplishments, he increased the use of computer networks, established community, university and business partnerships within each school to expand student opportunities, worked with the professional staff to improve morale and make the district competitive in attracting and retaining professional staff.

Reginald Marra has earned the respect and thanks of the City of Yonkers, its students, past, present and to come, and their parents. I am proud to join them in this salute.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Ms. CARSON. Mr. Speaker, I was unavoidably absent yesterday, Wednesday, October 14, 1998, and as a result, missed rollcall votes 530 and 531. Had I been present, I would have voted no on rollcall vote 530 and yes on rollcall 531.

IN HONOR OF PATTY S. BRYANT

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mrs. NORTHUP. Mr. Speaker, it is with great pleasure that I rise today to recognize Patty S. Bryant, a teacher at Pleasure Ridge Park High School in my district of Louisville, Kentucky. Ms. Bryant will be honored with the First Place National Award for Teaching Economics by the National Council on Economic Education at its conference here in Washington, DC, tomorrow.

The National Awards program recognizes outstanding, innovative, economic education teaching practices, stimulating improvements in the teaching of economics and providing examples of innovative teaching practices for replication in classrooms around the country. The goal is to increase student economic understanding as a result of enhanced teaching practices.

The National Council on Economic Education is a unique nonprofit partnership of leaders in education, business and labor devoted to helping youngsters learn to think and function in a changing global economy.

The shocking reality is that high school and college students know little about how the economic system works and what they need to know to work successfully in it. The price of economic illiteracy is young people who are unfamiliar with the basics of saving, investing, the uses of money and credit and adults who

are more likely to have money problems, career problems and credit problems and less likely to make informed decisions as citizens and voters.

To combat economic illiteracy, the National Council on Economic Education developed a vast network of state councils and university-based centers, teaching approximately 120,000 teachers who, in turn, teach basic economics to over seven million students.

Ms. Bryant is being recognized for her program, ''The Cost of War.'' This model applies economics instruction to her world civilization class. Because economics influences world events, this curriculum instills in students an understanding of the economic impact on historic events. Her hope is to engage students and inspire them to become active in community and national affairs.

Mr. Speaker, Ms. Bryant deserves to be recognized for her innovative approach to educating students on the role of economics in our global environment. It is with great pleasure that I stand today to congratulate her and applaud her achievement.

SAMMY SOSA: THE HERO OF WASHINGTON HEIGHTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. RANGEL. Mr. Speaker, Mr. Speaker, I rise to honor Sammy Sosa, the baseball player who—but for Mark McGwire—in any other year would have replaced the legendary Roger Maris as the single-season home run hitting champion. Sosa trailed McGwire in this year's dramatic and unprecedented home run derby. But in Washington Heights, Sosa is bigger than baseball and in the hearts of the people, he is number one.

The Dominican-born Sosa is the toast of Washington Heights, a vibrant, colorful neighborhood on the west side of my Congressional District, dominated by immigrants from the Dominican Republic. Dominicans are proud of their country and their community, and take special pride in those heroes who remember their roots. Sosa has done just that in his generosity toward the poor in his homeland—before and since Hurricane Georges—and in his expressed desire to participate in a neighborhood parade through the streets of Washington Heights.

Sosa grew up in poverty with his widowed mother and six siblings in a seaside town in the Dominican Republic. Today, at 29, after nine years in the big leagues, he is being paid $42.5 million under a four-year contract. But throughout, he has maintained his humility, his exuberance for life, and his concern for his people. When Hurricane Georges devastated his country, taking as many as 200 lives, Sosa's foundation cranked up its operation to ship down desperately needed relief supplies. In his hometown, San Pedro de Macoris, Sosa's generosity had already earned him the title, Sammy Claus.

His countrymen in Washington Heights will join with all New Yorkers this weekend to let Sosa know just how much they appreciate him, on and off the field. He will be honored by John Cardinal O'Connor, head of the Catholic Archdiocese of New York; and there will be a parade, if not in Washington Heights, then Broadway will do.

HONORING THE 150TH ANNIVERSARY OF THE VERNON REFORMED PRESBYTERIAN CHURCH

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to honor the Vernon Reformed Presbyterian Church, a Waukesha County landmark and symbol of religious freedom and Wisconsin's pioneering spirit. On October 18, the church will celebrate its founding 150 years ago in 1848, the same year Wisconsin achieved statehood.

Formed in a rural farmhouse on October 18, 1848, members of the church attended to their spiritual needs while the church structure was built. The result was a church society that was to construct the holy Covenanter church ever to exist in Wisconsin.

The Covenanters were part of a movement in Scotland during the late 16th Century that strove to defend the Presbyterian Church, a stance that brought them persecution by the Church of England and the British Crown. Many left Scotland and during the ensuing centuries carried their faith to new countries. Founders of the church in the Town of Vernon were of Scottish and Irish descent.

An active local congregation supported the church for more than 65 years, but the members could not sustain its regular operations. In recent decades, an annual service has been held at the church each fall conducted by a visiting Presbyterian minister.

The church building, completed in 1854, and an adjacent buggy shed and its grounds have been maintained by the church's cemetery association to preserve their appearance. Directors of the association are exploring the possibility of placing the church on the National Register of Historic Places.

This Sunday, October 18th, the church will celebrate its sesquicentennial with a special service. Descendants of church pioneers now live as far away as New England, Florida, Hawaii and Canada.

Mr. Speaker it is my privilege to recognize and commend the Vernon Reformed Presbyterian Church, a house of worship carved from the wilderness 150 years ago, through the courage and dedication of our Wisconsin pioneers.

TELECOMMUNICATIONS COMPETITION AND CONSUMER PROTECTION ACT OF 1998

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1998

Ms. JACKSON-LEE Mr. Speaker, I rise to speak on behalf of H.R. 3888, the Anti-Slamming bill. This bill prohibits a despicable practice that has seen tremendous growth over the past few years in the telecommunications industry.

Many of us have received phone calls from phone carriers advocating that we switch to their calling plan. For many consumers, it is an annoyance that they could live without. Even worse is the practice of ''slamming'', which occurs when a solicitous phone company, without full and proper authorization, changes the consumer's phone subscription so that they can indicate as the consumer's phone provider.

Under H.R. 3888, this type of practice is prohibited. The bill requires, before changing a consumer's telecommunications subscription, that a soliciting phone carrier affirm that the subscriber is authorized to change phone subscriptions, and that the subscriber fully acknowledges and intends to switch their telecommunications service from one carrier to another.

Under this bill, the Federal Communications Commission (FCC) is required to enact verification procedures which are aimed at inhibiting this practice. Those procedures include the preclusion of negative option marketing, and a requirement that a telecommunications provider complete and keep a copy of a verification of change in oral, written, or electronic form in their records. Furthermore, to protect recent immigrants, the FCC is asked to require that any verification of change correspondence be made in the same language as the original solicitous contact was made.

The bill also includes a provision authorizing the FCC to sanction corporations that violate any of their prescribed procedures. To buttress those sanctions, the bill allows the FCC to award monetary damages to the victims of this practice. Typically, those damages are set at the actual damages to the consumer or $500, whichever is greater, but the FCC can also at certain instances, triple the damages. This provisions removes the incentive to ''slam'' because it undercuts the reason why phone companies do it, because it is profitable.

I support this bill because it protects consumers, not phone companies. IT makes sure that phone subscribers will also get the opportunity to make a smart, and informed decision when choosing how they want to communicate to the rest of the world, without being subjected to the trickery of under-handed telemarketers.

I encourage you all to vote for this bill, and strike a blow against opportunistic phone companies out to make a quick dollar at the expense of our hard-working consumers.

HONORING ROBERT G. STAUF

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. ENGEL. Mr. Speaker, today I rise to praise a man who for more than three decades has given himself to the education of our youth and to the betterment of his community.

Robert Stauf started teaching in the Bronx in 1984 after graduating from Fordham College. For the next few years he taught at St. Philip Nerl School while he furthered his studies at Hunter College, where he did graduate work in guidance and school counseling, and at Manhattan College, where he did graduate work in administration.

From 1964 until 1997 he taught in Yonkers Public Schools. But it was in the area of community service where Robert Stauf has been exemplary. He has evinced a willingness to serve on many committees to further the goals of education. He has also served on many government committees and in a boundless number of civic organizations.

He served on the Community Relations Committee for three administrations, was chair of the Human Rights Commission and the Community Action Program, served on the Parking Authority, the South Yonkers Planning Association, the Third Precinct Community Council, was in the leadership of an astonishing number of Irish-American organizations, in 1993 served on the Yonkers City Council, and if that wasn't enough, he can sing.

Bob Stauf has taught our young for almost two generations while being a leader to the many communities he served for as long.

Yonkers is very fortunate in having someone so willing to do so much for his community. I join Yonkers in saluting Bob Stauf for his many contributions to his City.

TRIBUTE TO SENATOR JOHN H. GLENN, JR.

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. HALL of Ohio. Mr. Speaker, I rise to pay tribute to a friend and fellow Ohioan, who will very soon be embarking upon two great adventures. I am speaking, of course, of Senator JOHN GLENN. In a few days, he will be returning to space aboard the space shuttle *Discovery.* Shortly thereafter, Senator GLENN will be ending his long and distinguished service in the other body of this Congress.

Senator GLENN has served our country in an astonishing number of ways. He fought in the Pacific in the Second World War, and served in Korea. He has been awarded the Distinguished Flying Cross on six occasions, and holds the Air Medal with 18 clusters. In 1959, he was chosen by NASA as a Project Mercury astronaut. Three years later, on February 20, 1962, he became the first American to orbit the Earth.

In 1974, after a few years in the private sector, Senator GLENN was elected to his current position as a United States Senator from Ohio. During his twenty-four years of service in the Senate, he has devoted enormous energy toward ensuring the security of our country and people, and he has worked to build a responsible and responsive federal government. He is an acknowledged expert and leader in nuclear non-proliferation efforts, and has tirelessly worked to better the lot of working-class families and to protect the environment.

Now, as Senator GLENN prepares for retirement, he has agreed to serve our nation yet again, returning to space in order to add to the body of human knowledge. I am very pleased and proud that Senator GLENN, a true legend and a hero, will again be a very visible example to our nation—an example of service to our country and service to all humanity.

A new generation of Americans will watch the launch of *Discovery* later this month, and hear from their parents and grandparents the many stories of how JOHN GLENN served his country. They will hear of his bravery in wartime, his skill in the development and piloting of experimental aircraft, and his calm handling of the exceeding dangerous, ground breaking orbits aboard *Friendship Seven.* They will also hear that he spent twenty-four years as a Senator from Ohio, working in innumerable ways to better our nation. That he has set this example for all Americans may be his most lasting contribution. Who can judge the effect of such an example of personal sacrifice upon the children of our country, and upon all Americans?

For these years of service and untiring dedication, I would like to thank Senator GLENN. And, on the occasion of his return to space, I congratulate him and wish him a fruitful flight and a safe return. I will miss his leadership here in Congress, as will all Ohioans. However, I will always remember him as an example of what a true American should be.

CONGRATULATIONS TO THE SANDIA HIGH SCHOOL GIRLS TRACK TEAM

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mrs. WILSON. Mr. Speaker, I rise today to congratulate the girl's track team of Sandia High School—The Matadors in Albuquerque, New Mexico. They have been selected to be featured on the back of the latest Team Cheerios cereal box for their overall academic achievement. The Matadors are one of four amateur squads featured in a special ''Team to Watch'' promotion.

The ''Teams to Watch'' program, jointly cosponsored by General Mills and Scholastic Publications, honors 16 teams in four categories: tradition, excellence, academic achievement and moving barriers. The team was among four teams noted for academic achievement. They well deserve this honor, having earned a 3.8 grade-point average last school year as well as a fourth-place finish in the Class AAAA state meet.

I applaud this group of talent young women for not only achieving academic excellence but for their athletic success as well. When there is so much news about the problems young people face, it is a real pleasure to see good news about a great group of young women.

Congratulations again to an outstanding group of students and I wish them continued success in their endeavors.

ALTERNATIVE DISPUTE RESOLUTION ACT OF 1998

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mrs. CLAYTON. Mr. Speaker, I rise in support of H.R. 3528, the Alternative Dispute Resolution Act of 1998.

This bill passed the House in April, by a vote of 405 to 2, and it is here again, with Senate amendments. Alternative Dispute Resolution is commonly referred to as ''ADR.''

ADR includes a range of procedures, such as mediation, arbitration, peer panels and ombudsmen.

Traditional dispute resolution in America almost always involves a Plaintiff and a Defendant, battling each other in a court, before a judge or jury, to prove that one is wrong and one is right.

It is time consuming, and it is expensive, too expensive for most wage earners to afford, and often too time-consuming to be of much practical use.

In addition, as one writer has observed, a process that has to pronounce ''winners and losers necessarily destroys almost any preexisting relationship between the people involved . . . [and] . . . it is virtually impossible to maintain a civil relationship once people have confronted one another across a courtroom.''

The bill before us requires all U.S. District Courts to establish a voluntary alternative dispute resolution program within the courts. The purpose of the Bill is to guarantee that all litigants have another way to resolve their differences, short of a full trial.

Mediation is a voluntary process in which a neutral third party—a mediator—assists two or more disputants, to reach a negotiated settlement of their differences.

The process allows the principal parties to vent and diffuse feelings, clear up misunderstandings, find areas of agreement, and incorporate these areas of agreement into solutions that the parties themselves construct.

The process is quick, efficient and economical. It also facilitates lasting relationships between disputants.

A recent survey by the Government Accounting Office showed that mediation is the ADR technique of choice among the five federal agencies and five private corporations that were surveyed.

The Report stated, ''Most of the organizations we studied had data to show that their ADR processes, especially mediation, resolved a high proportion of disputes, thereby helping them avoid formal redress processes and litigation.''

In a taped message on Law Day, May 1st, Attorney General Janet Reno said, ''Our lawyers are using mediation . . . to resolve . . . employment . . . cases. I have directed that all of our attorneys in civil practice receive training in mediation advocacy.''

On that same day, President Clinton issued a memorandum, creating a federal interagency committee to promote the use of alternative dispute resolution methods within the federal government, pursuant to the Administrative Dispute Resolution Act of 1996.

In addition, the Civil Rights Act of 1991 encourages the use of mediation and other alternative means of resolving disputes that arise under the Act or provisions of federal laws amended by the title.

And, in 1995, the Equal Employment Opportunity Commission promulgated its policy on ADR which encourages the use of ADR in appropriate circumstances.

ADR can provide faster, less expensive, less contentious and more productive results in eliminating disputes.

In sum, ADR is effective and is legislatively and administratively encouraged. Mediation is the ADR method of choice. It is the wave of the future, an effective tool.

In the next Congress, I intend to introduce legislation to further encourage the use of ADR.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. GEJDENSON. Mr. Speaker, I rise in support of legislation to rename the North/South Center at the University of Miami the ''Dante B. Fascell North/South Center.''

I had the honor of serving with Congressman Dante Fascell who represented the people of Florida and the nation for 38 years. He was my colleague, my Chairman on the House Foreign Affairs Committee, and my friend. I am particularly pleased that the University of Miami has chosen to honor the ''father'' of the North/South Center in this most appropriate way.

When Dante assumed the helm of the House Foreign Affairs Committee in 1983, its character changed from its predecessor's leadership. As a December 10, 1983 Congressional Quarterly article stated, ''Fascell . . . is a strong-willed legislator who has mastered the techniques of compromise and persuasion.'' Further, the article speaks of his emphasis on a bi-partisan approach to foreign policy—a significant influence not only on his colleagues in Congress, but on his creation of the North/South Center.

By the time he became chairman of the Foreign Affairs Subcommittee on Inter-American Affairs, he was already a leader in the House on Latin American issues. His interest and expertise in this area as well as the importance of the relationship between these nations and the United States spurred Dante's vision for the creation of the North/South Center at the University of Miami—has alma mater.

Dante always seized opportunities to promote democratic ideals around the globe. Fascell foresaw a Center that would promote democracy, recognize the essential nature of the relationship between the United States and Latin America and the Caribbean, and improve understanding between the northern and southern hemispheres through the scholarly exchange of ideas. He conceived in institution that would not merely be a debating society, but would make solid contributions to American public policy. The unique North/South Center at the University of Miami sponsors conferences and publishes materials relating to a wide array of foreign policy issues. It has served as a resource for policy makers in several Administrations and Congresses.

Dante Fascell was the type of Congressman we all endeavor to be—he fought tirelessly for his constituents and he put the interests of the nation and its citizens above all else. Renaming the North/South Center in honor of Dante Fascell is extremely timely, appropriate and most deserved. I enthusiastically support this legislation and wish Dante all the best.

ADDING BRONCHIOLO-ALVEOLAR CARCINOMA TO LIST OF SERVICE-CONNECTED DISEASES

SPEECH OF

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 188

Mr. EVANS. Mr. Speaker, today, I rise in strong support of H.R. 559 which will provide a presumption of service-connection for atomic veterans who suffer from an extremely rare form of nonsmokers' lung cancer. Benefits will be available to the surviving dependents of these veterans who have died of this disease.

I commend the author of this bill, Mr. SMITH, for his tireless efforts on behalf of these veterans and their dependents. I also thank the Chairman of the Committee, Mr. STUMP, for bringing this bill to the floor.

In addition to strongly supporting this measure, I also hope Congress will soon address presumption of service-connection for the illnesses listed in H.R. 4368, the Justice for Atomic Veterans Act of 1998, which I introduced on July 31, 1998. It is well known that the Department of Defense, as well as the VA, refused for many years to acknowledge the serious health risk resulting from exposure to nuclear testing and other radiation risk activities.

Many veterans have been unable to obtain even medical records relating to their exposure during military service. It is not the fault of these veterans that accurate records of their exposure were not kept and maintained. Records which were considered essential for veterans to prove claims of service-connection for disability benefits were kept classified, since information concerning the adverse effects of radiation might have jeopardized future use of nuclear energy.

The time to redress these injustices has long since passed. H.R. 559 will provide justice to a small group of veterans. Congress can and should do more to compensate those veterans who have sacrificed their health, and in some cases their lives, on behalf of our Nation. I urge all of my colleagues to support this measure.

TRIBUTE TO CONGRESSMAN HARRIS FAWELL

SPEECH OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1998

Mr. CRANE. Mr. Speaker, because I was not able to come to the floor at the time our colleagues offered their special testimony honoring my good friend, HARRIS FAWELL, I wish to add my tribute to their words of admiration and praise.

During his fourteen industrious years of dedicated effort in solving some of the most complex and challenging problems one can find on this Hill, HARRIS has been the acknowledged mentor of many of us in our attempt to understand some of the more difficult problems we face in the Congress. In matters such as labor law, labor relations, health insurance, retirement savings, education, waste in government, and other issues fraught with complicated technical questions, many of us turned to HARRIS for his wise counsel. His legendary ability to explain and interpret the most intricate details with great clarity was the result of his commitment to working hard to master the difficult and the abstruse.

Mr. Speaker, one measure of a man's ability to make a difference in this Congress—or anywhere in this world—is how he is looked upon by his own staff. One of our fellow Illinoisians, JOHN SHIMKUS, read a testimony on the floor the other day which was written by the members of HARRIS' staff. Here is just part of that expression of respect and love which the FAWELL staffers displayed in the tribute:

> In these cynical times, it is easy for staffers to become disillusioned with government service. Working with you has shown us how an honest and caring man of integrity can still make a difference here in Washington. Our time with you has maintained our faith in leadership.

The staff referred to HARRIS' kindness, humility and quiet leadership, and said further,

> Harris, they say that the ship reflects the captain. We count ourselves lucky to have been on the Fawell ship. We can only hope that we have been a reflection of you and that we will be, even as you sail on other seas.

This is remarkably touching testimonial to the quiet strength and goodness which his colleagues have long since found in the representative from the Thirteenth District of Illinois. Many of us hope that we might be worthy of such a tribute from our staffs when we, too, find it is time to sail on other seas.

After the retirement of our old friend, John Erlenborn, HARRIS took over his place on what is now the Committee on Education and the Work Force, and in tandem with Chairman BILL GOODLING, has made the Committee the source of many strong legislative initiatives for the good of the American citizens, particularly in the area of education.

Mr. JERRY SOLOMON, our very good friend who is also going to be missed so much in the future, has said that he always knew that he could do no wrong in voting the same way HARRIS did, because HARRIS ''never came to this floor without being prepared.'' Such is the kind of trust his colleagues continuously felt in HARRIS' judgment.

Through his no-nonsense early concern about federal waste, and with his invention of the ''Pork Busters'' program, HARRIS started the beginning initiatives leading to today's balanced budget success. His colleagues know how hard he has worked to make this a more frugal government, and the constituents in his district will surely miss this kind of leadership on their behalf.

Mr. Speaker, there are endless additional reasons why this Congress will have a hard time filling the void which will be left when this good man sails on to other seas. His will surely be the greater enjoyment during retirement because he will have the satisfaction of knowing that he has served his country, his colleagues, and his constituents so very well. We send him on his way with favorable winds at his back, and bid him a heart-felt God bless, HARRIS, and Godspeed!

AMERICAN HOME OWNERSHIP ACT OF 1998

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mrs. CLAYTON. Mr. Speaker, I rise in support of H.R. 3899, the American Homeownership Act.

Passage of this act is intended to allow working Americans the opportunity to own a home who otherwise would not have been able to afford one.

There are many hard-working citizens whose income does not stretch far enough to fulfill the dream of homeownership. Despite their efforts, their dreams and hopes are shattered. They work as hard as other citizens, but the cost of ownership is out of reach. H.R. 3899 will begin the process of restoring hope to those in our society who are not looking for a free ride, but are hoping for freedom of choice as to where they live. Passage of the bill will be a demonstration that hard work is not in vain.

It is also important to recognize that the American Homeownership Act will have a positive impact on future generations of working families.

Millions of children are witnesses to the hardwork performed by their parents.

Many of these children are living in substandard apartment buildings, because their working parents have been denied the opportunity to own the homes that they have hoped and worked for year in and year out.

H.R. 3899 changes that.

This bill will help move families from overcrowded and dilapidated houses that destroy lives into houses that sustain lives.

How will H.R. 3899 do these things?

This Act requires federal agencies to promote homeownership by encouraging and expanding the production of affordable homes.

Agencies are required to closely monitor any impact of their practices and policies on the availability of affordable housing.

When there is a negative impact, alternatives to reverse the impact must be pursued.

H.R. 3899 grants states and local governments funding to reduce the barriers of accessibility of homeownership. Under the bill, the FHA must take a more proactive role in servicing potential home buyers.

These measures are necessary, Mr. Speaker, to ensure that working families are afforded the same opportunities as any other families in this country.

The United States Census Report of 1990 documents that there are 202,736 households in my District.

Of this figure, 76,632 units are rental households, and there are 23,866 vacant housing units. The low income families in my District continue to be challenged by many housing problems. These include overcrowding, physically inadequate housing due to incomplete plumbing and kitchen facilities, high rent burdens, and high owner costs.

Mr. Speaker, I believe that successful passage of H.R. 3899 will alleviate some of the major housing problems of my District. This will include a reduction not only in the vacant housing units.

We must not overlook that it is well-known that stable housing will always have a positive impact on children.

I also believe that passage of H.R. 3899 will have a long term, positive impact on the children of families who will be able to buy and move into a home as a result of this Bill. I believe, in the long run, with passage of this Act, children will stabilize in the school setting, grades will improve, neighborhoods will grow and we will give children the greatest opportunity, a chance to live and a chance to experience what this Nation offers.

Mr. Speaker, H.R. 3899 is a bill that will benefit all of society.

I support this measure, and encourage the support of my colleagues.

TRIBUTE TO REV. MANUEL CHAVIER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. FRANK of Massachusetts. Mr. Speaker, I am honored to take this opportunity to pay tribute to the Reverend Manuel Chavier of New Bedford, Massachusetts. Reverend Chavier, founder and pastor of the International Church of the Nazarene, is one of New Bedford's most respected and dedicated leaders. He has devoted his pastorate to the need of the Portuguese-Cape Verdean community of New Bedford and will be honored for fifty years of service to his church and community at a dinner on Saturday, October 17. Though I regret that I am unable to join in the celebration at that time, it is with great pride that I join his family, friends and the members of his congregation in saying thank you and congratulations to Reverend Chavier for his decades of valuable contributions to the spiritual and cultural life of the New Bedford area. I ask that the excellent New Bedford Standard-Times article on Reverend Chavier and his remarkable career be printed here.

[From the New Bedford (MA) Standard-Times, Oct. 3, 1998]

DINNER TO HONOR NAZARENE PASTOR

(By Robert J. Barcllos)

NEW BEDFORD.—The Rev. Manual Chavier, founder and pastor of the International Church of the Nazarene, will be honored by members of his congregation and friends at a dinner this month.

The event is scheduled for 1 p.m. next Saturday at White's restaurant in Westport.

In celebrating the golden jubilee of their pastor, members also will celebrate five decades of a congregation that began with 23 members and now numbers more than 600.

''Retirement is not on my mind yet,'' said the Rev. Chavier. ''I just had a physical last week and everything looks good. As long as the machinery keeps running, I'm going to keep going.''

The 75-year-old pastor was still a ministerial student at Gordon College in 1948 when he accepted an invitation from the Portuguese Free Gospel Mission to be a guest speaker. The mission, which met at Odd Fellows Hall, had been started by Adeline Domingues.

The Rev. Chavier, a native of Lincoln, R.I., accepted an invitation to serve the mission as pastor in June 1948 and was formally installed in February 1949 when the mission was constituted a church as the Cape Verdean Nazarene Society. The 23 original members included seven from the First Church of the Nazarene, among them Mrs. Domingues. The church met at 223 Acushnet Ave. from April of 1949.

The Cape Verdean Nazarene Society was incorporated on July 31, 1951, as the Portuguese Church of the Nazarene, and plans began for a new church to be located at 483 Purchase St. The church was dedicated in June 1956.

Reflecting changes in the ethnic and racial composition of a congregation formed to serve the Portuguese-Cape Verdean community, the church was renamed as the International Church of the Nazarene in October 1976.

One of the high points in the Rev. Chavier's career was the dedication of the present main church building at 278 Pleasant St. on Nov. 11, 1984.

''I'd love to put up another building,'' said the Rev. Chavier. ''I've been in three building programs with one building in two phases. My future desire is to honor a great servant of God, Carolyn Wilder.''

Ms. Wilder, who died on Oct. 4, 1997, was an adjustment counselor who also served as head of the Sunday school and Christian education program in the church for 20 years during which she was a tremendous influence, the Rev. Chavier said.

The Rev. Chavier's plans include developing a good communications center for the church. Funds are being raised for that project.

The pastor still travels each year, conducting Spiritual Life Crusades. Most recently, in late July and early August, he had 11 speaking engagements in Bear Lake, Nova Scotia, for a 27-church gathering of the Canada East District of the Church of the Nazarene.

He is booked for speaking engagements next year in Indiana, New Hampshire, New Jersey and Pennsylvania.

Assisting the pastor at the church are his son and assistant pastor, the Rev. Manual Chavier Jr., formerly a pastor in Bermuda, who serves as minister of education and outreach, and the Rev. Jon W. Heim, minister of music and counseling.

They will be joined by Steven A. Margeson, the congregation's new youth pastor, who will receive his preaching license during the 6 p.m. service Sunday at the church. Mr. Margeson, 44, a real estate agent and self-employed carpenter, and his wife Michelle are members of the Rev. Chavier's congregation and have run the youth program there for 1½ years.

The Rev. Chavier's son-in-law, the Rev. Edmund J. Gomes, and his daughter, Ruth, are teaching at Liberty University in Lynchburg, Va.

Rev. Chavier has graduate degrees from Eastern Nazarene College and Bridgewater State College and earned certification as a teacher. He is a World War II veteran.

Outside of his pastoral duties, the Rev. Chavier has been very involved in community affairs. He has worked as an English teacher at Normandin Junior High School and served as a trustee of the New Bedford Free Public Library for five years, being vice chairman for one year. He also has served as a director of the Kiwanis Club, the Legal Aid Society, the Boys and Girls Clubs, the Red Cross and the Salvation Army. At one time, he had a weekly religious program on radio station WBSM.

He received the Duncan A. Doton Human Relations Award in November 1996, one of many recognitions he has received over the years.

The pastor and his wife, the former Elizabeth G. McKinney of Everett, make their home in Fairhaven.

HONORING HENRY B. GONZALEZ FOR 4½ DECADES OF SERVICE TO THE HOUSE AND THE PEOPLE OF THE 20TH CONGRESSIONAL DISTRICT OF TEXAS

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. ROYBAL-ALLARD. Ms. Speaker, I would like to thank Congressman GENE GREEN and Congressman MARTIN FROST for organizing this Special Order to honor our friend and colleague, the Honorable HENRY B. GONZALEZ.

Congressman GONZALEZ has served his constituents and our nation with honor and dedication throughout his distinguished career. Throughout his 38 years of service, Mr. GONZALEZ has been in the forefront of the fight for basic human rights and needs, including affordable housing, consumer protections, and economic opportunity.

He began his public service career in 1953 as a member of the City Council of San Antonio, where he served until 1956. From 1957 until 1961, he served the people of Texas as a state senator.

In 1961 he was elected to the House of Representatives making history as the first Mexican-American to represent the state of Texas.

With his wealth of experience in public service, HENRY GONZALEZ was appointed Chairman of the Subcommittee on Housing and Community Development in 1981 and Chairman of the Full Banking Committee in 1989. As Chairman of the Committee on Banking and Financial Services, he was a strong and effective leader. Through his leadership, Congress passed landmark legislation reforming the savings and loan industry, updating banking regulations, and improving public housing. As Ranking Member during the 104th Congress, he helped defeat several banking proposals that would have undermined consumer protection laws.

For the past 6 years, I've had the privilege to serve with him on the Banking Committee and have witnessed firsthand his wisdom, commitment and compassion.

HENRY GONZALES has also been an outstanding role model. Not only has he opened the doors of opportunity for many young Latinos, but he has set a high standard for elected officials throughout our nation. No one can challenge his integrity, honesty and decency.

HENRY B., as he is lovingly called, has been an exemplary member of the House of Representatives, and it is with deep regret that I say farewell.

Congressman HENRY B. GONZALEZ, I am grateful to you for your leadership and your service in the House of Representatives. Along with many of your long-time colleagues, I will most sincerely miss you. Your memorable fights on behalf of the common people will long echo throughout the halls of Congress and the chambers of our hearts.

TRIBUTE TO CONGRESSMAN BILL PAXTON

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. CAMP. Mr. Speaker, at the end of this Congress the House of Representatives and the people of New York will lose a strong and tireless advocate.

As you may know, BILL PAXON has served the people of New York well since his initial election at the young age of 23 when he was elected to the county legislature, he has continually served the people of New York and the United States.

Since that time, he's worked diligently and with resolve to improve the lives of New York's citizens and the American people.

For many, BILL PAXON's name is synonymous with the Republican majority. As chairman of the NRCC, BILL oversaw the emergence of the new republican majority. His guidance and leadership helped bring about some of the most dramatic changes our Government has experienced in nearly 40 years.

I am both pleased and honored to have known and worked with BILL PAXON. He has not only been an effective legislator but also a good friend.

I wish him and his family the best as he moves on to new and challenging endeavors.

HONORING FREDERICK H. KORTH

HON. KEN E. BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of an extraordinary man, Frederick H. Korth, who passed away at the age of 89 on September 14, 1998 at his home in El Paso. This remarkable man will truly be missed.

I first met Fred when I was an aide to former Congressman Ron Coleman, who represented El Paso, Texas. Fred lived a long and good life. Not only can Fred's life chart the course of American history, his dedication to public service in the military as an officer and as a civilian make him ''present at the creation'' of the ''American Century.''

Frederick H. Korth was the embodiment of pubic service. When his country called, Fred Korth answered. He was born in Yorktown, Texas, graduated from the University of Texas, and received a law degree from George Washington University. During World War II, Fred Korth served in the Air Transport Command of the Army Air Force. After the war, he was a civilian deputy counselor to the Department of the Army. And in 1952, President Harry S. Truman appointed Fred Korth to be the Assistant Secretary of the Army for Manpower Reserves.

Fred Korth helped shape our national defense throughout the height of the Cold War. In 1961, President John K. Kennedy asked Fred Korth to succeed John B. Connally as Secretary of the Navy. It was here that Fred Korth was a part of history in two respects. During those 13 dark days in October 1962, the U.S. Navy stood their ground, marking the line between good and evil by staring down Soviet freighters carrying nuclear weapons to Cuba.

While Secretary of the Navy, Fred Korth also fought to upgrade our Navy's ships. He saw that nuclear powered ships were the future and that they would be the most effective way to transport our troops and defend our borders. Fred was not successful in making this change at first, but time proved him right. After serving as Secretary of the Navy, Fred Korth spent the next 36 years practicing law with his son in Washington, D.C. Last December, he moved back to Texas.

Fred will be missed by his family and his country. He represents a dying breed of American: sophisticated in both military and civilian life and one who was always able to bring integrity and honor to public service.

At this point Mr. Speaker, I ask unanimous consent to enter into the RECORD remarks of Fred's son, Fritz-Alan Korth, and the Secretary of the Navy and fellow Texan, John H. Dalton.

REMARKS BY FRITZ-ALAN KORTH AT THE MEMORIAL SERVICE FOR FRED KORTH, SEPTEMBER 16, 1998

We are gathered here today to pay a final tribute to George. Now before you all get to thinking that you are in the wrong place, or that I am in the wrong place, let me explain that my father, Frederick Herman Korth was known by many names. In addition to George, he was Dad, Boppa, Mr. Secretary, Fred, Teddy, and some names that I cannot repeat in this hallowed place. Although it may surprise many of you who knew Dad as a yellow dog Democrat, his parents were staunch Republicans, as were many German-American immigrants in south Texas. The nickname Teddy was given to him by his father, who was a strong supporter of Teddy Roosevelt as a delegate to the 1912 Republican Convention.

Dad and I were very close over the years and when I was in high school he and I were sitting around the swimming pool at Azleway, our family home, and decided jointly that Dad was too formal for such good friends, but that Fred was not appropriate either. At that time the expression among us highschoolers when something was good, it was ''real George'', so we settled on the nickname George, which I have called him ever since, which does lead to some confusion. When Dad was in Providence Hospital here and I called him George, one of his nurses said ''Are you George, Jr.?'' and I said ''No, and he is not George, Sr., either''. It was an amazingly warm and close relationship.

When Charlotte, Melissa, and I met with the doctor to get the results of his last series of tests, we came back to the house and he asked me about our visit to the doctor and I gave him the diagnosis and prognosis that there was very little that could be done and that he had a limited time left. He looked at me and said, ''Well, the Bible only promises me three score and ten years and I beat the heck out of that, haven't I!'' (As you may surmise, that is why the 90th Psalm was included in the services today). Last Wednesday we celebrated Dad's 89th birthday. A friend of mine and I were discussing the definition of class and he offered his interpretation that class was being at ease no matter what situation you find yourself in. I believe that this statement was a good example of Dad's class.

When Dad was Secretary of the Navy he had flown down to Guantanamo Bay to have Thanksgiving lunch with the Marines and sailors during the Cuban missile crisis. When they returned they landed at Patuxent Naval

Base south of Washington because of bad weather. They then took a helicopter back to the Pentagon. Dad was seated next to the pilot and his marine aide and Naval aide were seated behind them. There was a red light flashing on the dash. When they landed in rough weather at the helopad at the Pentagon, the Marine aide said ''Boss, you sure were cool.'' Dad said, ''Why do you say that, Ed?'' and he said, ''Earlier when the red light was flashing and you leaned to the pilot and said 'is something broke?' and he said 'get your vest' and you pulled out a cigarette and calmly smoked it.'' Showing his honesty, and not needing to enhance his reputation falsely, Dad said ''I leaned over and asked him can I smoke?'' and he said ''Be my guest.''

Dad was proud of all his children, grandchildren and great grandchildren, but probably a special feeling for my younger son, James Frederick, who was commissioned as an officer in the Marine Corps last year. Last week at Dad's birthday James had purchased a gift for him from the ship's store on a ship which he had been on for maneuvers and enclosed his note with this comment: ''I don't know if I have told you how proud I am of your accomplishments in your life. Well, I am proud. However, not nearly as proud as I am to call you my grandfather. I love you very much. Love always, your grandson, Lt. James Frederick Korth (USMC).''

I know that we are all proud to call Dad our husband, our father, our friend.

So long George. You have been ''real George'' for 89 years.

REMARKS AS DELIVERED BY THE HON. JOHN H. DALTON, SECRETARY OF THE NAVY, FORMER NAVY SECRETARY FRED KORTH MEMORIAL SERVICE, ST. JOHN'S CATHEDRAL, WASHINGTON, DC, SEPTEMBER 24, 1998

ALL QUIET ON THE POTOMAC TODAY

Good Morning. I am honored to be here today, and to have this opportunity to celebrate a life, together with Fred Korth's friends and family.

I feel a kinship for Fred, here in this place of worship, where his soul is revered by God. If he was in town on Sunday, and able, he was always here. I feel a kinship for him as a Secretary of the Navy. I serve as the 70th; he was the 57th. I was a Midshipman at Annapolis during his tenure. His portrait hangs in the same corridor I walk each morning in the Pentagon, where his memory as a courageous public servant is revered by those who serve in the Navy and Marine Corps.

And, I must admit that I feel a kinship for Fred Korth as a Texan, who braved more than I, by wearing his Western hat in downtown Washington.

I sometimes reflect on the awesome privilege I have to serve as Secretary of the Navy. When I do, I always return to the same humbling memory of those who served before me. There are those who have done so that stand out as men of vision, intellect and virtue. Those who stand above those, in my view, are those great public servants that demonstrated all of those qualities during momentous times of great action and events in our Nation's history.

Fred Korth was one of those great public servants, at one of those critical junctures in our history. He was called by President Kennedy at a time when his service would mean great sacrifice for his family . . . and he responded positively at a time when the Navy would be tested at the peak of the Cold War. His calm demeanor and his relentless drive to always do the right thing earned him controversy and tested his character. Fred passed the test, and those of us who were fortunate to know him are not surprised.

The impact of Fred Korth's character in high public office could not have come at a better time . . . His was a Navy that shaped the positive outcome of the Cuban Missile Crisis; a Navy that broke revolutionary ground for a nuclear-powered surface and submarine fleet that was building from the keel up; and a Navy whose Sailors, Marines and civilians gained immensely from his care for their well-being. It is, today, a Navy-Marine Corps Team that still benefits from his legacy of total devotion to his Service and its people.

Fred's memory, for me, will forever be an example of that total devotion, long after he left public office. He personified that rare devotion to Country, family and God which each of us felt, hope to emulate, and will retain long after this day.

I drove over the Potomac last night, as I do every night, and as I reflected on Fred's life and what all of us would miss, I recalled a poem by Ethel Lynn Beers:

''All quiet on the Potomac tonight,
No sound save the rush of the river,
While soft falls the dew on the face of the dead—
The picket's off duty forever.''

All is indeed quiet along the Potomac today, and Fred is off duty. But his legacy remains loud and clear for us, the living, where he remains on duty in our hearts, hereafter.

Thank you, Shipmate. Farewell, Fred. Fair winds and following seas, and God bless you.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1998

Mrs. CLAYTON. Mr. Speaker, as we consider whether to launch an impeachment inquiry, it is useful to contemplate the lessons we have learned about impeachment.

In 1775, Patrick Henry made this profound statement ''I know of no way of judging the future, but by the past.''

This Nation is a model for other nations, and we function best when we follow the guiding principle that has made us a model.

That principle is that government does what is good for the many, rather than what is good for the few.

Some, for political gain, want to impeach the President, at any cost, at all cost.

That may be good for them, but it is not good for America.

There are three main reasons why we should approach this matter with great care.

First, we have never impeached a President. Second, the Constitution is very specific as to what constitutes an ''impeachable offense.''

We must not attempt to substitute our personal views for what the Constitution prescribes.

And, Third, we are establishing precedent . . . dangerous patterns that will follow us for years and years, criteria that may govern how all citizens are treated.

Only two Presidents have faced impeachment, Andrew Johnson in 1868, and Richard Nixon in 1974.

Johnson was acquitted. Nixon resigned before trial.

Indeed, in the sixty impeachment proceedings since 1789, no President has ever been impeached.

What are the lessons we learn from that history?

One Vice-President faced impeachment, Spiro T. Agnew in 1973, however, the House refused to impeach him. What are the lessons learned?

Impeachment of a President is a grave and serious undertaking.

It is a Constitutional process, one carefully designed to allow the will of the majority to be frustrated and overturned. The President has been elected twice. We should approach this process with extreme caution, circumspection and care. It should not be taken lightly or done frivolously.

The Constitution sets out the reasons a President can be removed from office, for ''Treason, Bribery, or other High Crimes and Misdemeanors.''

Nothing I have seen or heard to date rises to the level of ''Treason'' or ''Bribery.''

Those are the specific reasons set out in the Constitution.

The term ''Other High Crimes and Misdemeanors,'' sets out general reasons.

Basic to legislative drafting and statutory interpretation is the concept that the specific governs the general.

In American jurisprudence that when a listing of items include both specific and general items, the specific items will govern what the general items mean.

Surely none will suggest that what the President is alleged to have done is the same as Treason or Bribery.

For the ''few'' who disagree with the overwhelming majority of the American people, politics should not be confused with punishment.

Former President Ford has recommended a punishment that may be consistent with the offenses in this case.

He is being thoughtful and not political.

What is best for the many is for us to be thoughtful and not political.

All crimes are not ''impeachable offenses.''

If so, we could impeach the President for walking his dog without a leash. That is unlawful in the District of Columbia, that is bad conduct, thus absurdly underscoring the danger of substituting what we believe for what the Constitution states.

The Constitution says nothing, however, about ''bad conduct,'' as an impeachable offense.

I believe the Constitution sets out a process that Congress should follow when serious allegations of wrongdoing, allegations of impeachable offenses, have been made against a President.

Under Constitutional mandates, a process is underway to determine if the President should be impeached.

When we fail to follow Constitutional process, we fail to consider the lessons we have learned.

Just ask Richard Jewel, first accused of the Atlanta bombings, without process, and the hundreds, perhaps thousands of innocent people, wrongly accused.

We should allow that process to take its course, and throughout this process, we must be careful to insist upon fairness and impartial judgment.

The President is not entitled to any more rights than any other citizen, but he is entitled to no less rights.

The allegations that have been made against President Clinton involve his personal behavior.

Past impeachments have involved acts against the public, not acts involving personal behavior.

What are the lessons we have learned?

This is very serious business, raising allegations that are criminal in nature.

It would be a sad and dangerous day in the history of this Nation when the principles upon which this Nation was founded bow to the pressures of what is politic and what is fashionable.

Mr. Speaker, I will close by quoting Goethe, who on one occasion stated, ''One man's word is no man's word. We should quietly hear both sides.'

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S12607–S12658

Measures Introduced: Four bills and ten resolutions were introduced, as follows: S. 2636–2639, and S. Res. 300–309. **Pages S12647–48**

Measures Passed:

Electing Sergeant at Arms/Doorkeeper: Senate agreed to S. Res. 300, electing James W. Ziglar, of Mississippi, as the Sergeant at Arms and Doorkeeper of the Senate. **Page S12608**

Senate Rules: Senate agreed to S. Res. 301, relative to Rule XXXIX. **Page S12608**

Senate Rules: Senate agreed to S. Res. 302, relative to Rule XXXIII. **Pages S12608–09**

Authority to Make Appointments: Senate agreed to S. Res. 303, authorizing the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders to make certain appointments during the recess or adjournment of the present session. **Page S12609**

Tendering Thanks to the Vice President: Senate agreed to S. Res. 304, tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate. **Page S12609**

Tendering Thanks to the President pro tempore: Senate agreed to S. Res. 305, tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate. **Page S12609**

Miccosukee Reserved Area Act: Senate passed H.R. 3055, to deem the activities of the Miccosukee Tribe on the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National Park, clearing the measure for the President. **Page S12611**

Guam Judicial Empowerment Act: Senate passed H.R. 2370, to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure and the office of Attorney General, clearing the measure for the President. **Page S12612**

International Crime and Anti-Terrorism Amendments: Senate passed S. 2536, to protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence. **Pages S12612–20**

Commending U.S. Navy Crew Members: Senate agreed to S. Res. 308, commending the crew members of the United States Navy destroyers of DesRon 61 for their heroism, intrepidity, and skill in action in the only naval surface engagement occurring inside Tokyo Bay during World War II. **Pages S12620–21**

Private Relief: Committee on the Judiciary was discharged from further consideration of S. Res. 129, referring S. 1168 entitled ''A bill for the relief of Retired Sergeant First Class James D. Benoit, Wan Sook Benoit, and the estate of David Benoit, and for other purposes,'' to the chief judge of the United States Court of Federal Claims for a report on the bill, and the resolution was then agreed to. **Page S12624**

Private Relief: Senate passed S. 1460, A bill for the relief of Alexandre Malofienko, Olga Matsko, and their son Vladimir Malofienko. **Page S12624**

Private Relief: Senate passed S. 1202, providing relief for Sergio Lozano, Fauricio Lozano, and Ana Lozano. **Page S12624**

Private Relief: Senate passed S. 1961, for the relief of Suchada Kwong. **Page S12624**

Private Relief: Senate passed S. 1551, for the relief of Kerantha Poole-Christian. **Page S12624**

Private Relief: Senate passed S. 1171, for the relief of Janina Altagracia Castillo-Rojas, after agreeing to a committee amendment in the nature of a substitute. **Page S12624**

Private Relief: Senate passed S. 1916, for the relief of Marin Turcinovic, and his fiancee, Corina Dechalup. **Page S12625**

Private Relief: Senate passed S. 2476, for the relief of Wei Jingsheng, after agreeing to a committee amendment in the nature of a substitute.

Pages S12624–25

Private Relief: Senate passed S. 1926, for the relief of Regine Beatie Edwards. **Page S12625**

Private Relief: Senate agreed to S. Res. 283, to refer H.R. 998 entitled ''A bill for the relief of Lloyd B. Gamble'' to the chief judge of the United States Court of Federal Claims for a report thereon.

Page S12625

Private Relief: Senate passed S. 2637, for the relief of Belinda McGregory. **Page S12625**

Money Laundering and Financial Crimes Strategy Act: Senate passed H.R. 1756, to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, after agreeing to the following amendment proposed thereto:

Pages S12625–27

Craig (for Grassley/D'Amato) Amendment No. 3828, to amend the definition of ''money laundering and related financial crimes''. **Pages S12625–27**

Government Paperwork Elimination Act: Senate passed S. 2107, to enhance electronic commerce by promoting the reliability and integrity of commercial transactions through establishing authentication standards for electronic communications, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S12627–30**

Craig (for Abraham) Amendment No. 3829, to provide for acquisition and use of alternative information technologies by executive agencies.

Pages S12628–29

Plant Patent Amendments Act: Senate passed H.R. 1197, to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, after agreeing to the following amendment proposed thereto: **Page S12630**

Craig (for Leahy) Amendment No. 3830, to provide for access to electronic patent information.

Pages S12630–31

Institutes and Schools Support: Senate passed S. 2638, to provide support for certain institutes and schools. **Pages S12633–36**

Lewis and Clark Expedition Bicentennial Commemorative Coin Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 1560, to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Page S12636

Craig (for D'Amato) Amendment No. 3831, to award congressional gold medals to the ''Little Rock Nine'' and Gerald R. and Betty Ford, and to provide for a 6-month extension for certain coin sales.

Page S12636

Public Safety Officers Educational Assistance Act: Senate concurred in the amendment of the House to S. 1525, to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty, clearing the measure for the President. **Pages S12611–12**

Criminal Use of Guns: Senate concurred in the amendment of the House to S. 191, to throttle criminal use of guns, clearing the measure for the President. **Page S12631**

Rhino and Tiger Production Labeling Act: Senate concurred in the amendments of the House to the Senate amendment to H.R. 2807, to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger, clearing the measure for the President. **Page S12631–33**

Messages From the House: **Page S12646**

Communications: **Pages S12646–47**

Statements on Introduced Bills: **Pages S12748–54**

Additional Cosponsors: **Page S12654**

Amendments Submitted: **Pages S12655–57**

Additional Statements: **Pages S12657–58**

Recess: Senate convened at 12 noon, and recessed at 4:13 p.m., until 10 a.m., on Friday, October 16, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12658.)

Committee Meetings

No committee meeting were held.

House of Representatives

Chamber Action

Bills Introduced: 5 public bills, H.R. 4842–4846; and 5 resolutions, H. Con. Res. 351–352 and H. Res. 601–603, were introduced. **Page H11023**

Reports Filed: Reports were filed today as follows:

Hepatitis C: Silent Epidemic, Mute Public Health Response (H. Rept. 105–820);

Medicare Home Health Services: No Surety in the Fight Against Fraud and Waste; and (H. Rept. 105–821); and

H.R. 2748, to amend title 49, United States Code, to provide assistance and slots with respect to air carrier service between high density airports and airports not receiving sufficient air service, to improve jet aircraft service to underserved (H. Rept. 105–822, part 1). **Page H11023**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Riggs to act as Speaker pro tempore for today. **Page H10919**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Regarding Visa Processing: H.R. 4821, to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings; **Pages H10924–25**

Pacific Northwest Emergency Management Arrangement: S.J. Res. 35, granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement—clearing the measure for the President; **Pages H10925–27**

Interstate Forest Fire Protection Compact: S. 1134, granting the consent and approval of Congress to an interstate forest fire protection compact—clearing the measure for the President; **Pages H10927–28**

Regarding the Brutal Killing of Matthew Shepard: H. Res. 597, expressing the sense of the House with respect to the brutal killing of Mr. Matthew Shepard; **Pages H10928–35**

Regarding Food Stamp Overpayment: S. 1733, to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs (agreed to by a yea and nay vote of 386 yeas with 1 voting "nay", Roll No. 533)—clearing the measure for the President; **Pages H10935–37, H10966–67**

Regarding Contracts and Leases with Respect to Coalbed Methane Gas: S. 2500, to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas—clearing the measure for the President; **Pages H10937–39**

Regarding Oil and Gas Operation in Wayne National Forest: H.R. 1467, amended, to provide for the continuance of oil and gas operations pursuant to certain existing leases in the Wayne National Forest; **Pages H10939–40**

Regarding Use of Outer Continental Shelf Resources: H.R. 3972, to amend the Outer Continental Shelf Lands Act to prohibit the Secretary of the Interior from charging State and local government agencies for certain uses of the sand, gravel, and shell resources of the outer Continental Shelf; **Pages H10940–42**

Regarding Revenues from Mineral Springs Parcel: The House agreed to the Senate amendment to H.R. 700, to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians—clearing the measure for the President; **Pages H10942–44, H10967**

Regarding Boundaries of F.D.R. National Historic Site: H.R. 4829, to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center; **Pages H10944–45, H10967**

Grant-Kohrs Ranch National Historic Site Boundary Adjustment: S. 2272, to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana—clearing the measure for the President; **Pages H10945, H10967**

Regarding Taxation of Pension Income: H.R. 4572, amended, to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income; **Pages H10949–50**

Regarding the United States Code: H.R. 4831, amended, to temporarily reenact chapter 12 of title 11 of the United States Code; **Pages H10950–51**

Energy Conservation Reauthorization: The House agreed to the Senate amendment with House

amendments to S. 417, to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002;

Pages H10951–55

Regarding Rewards for Information: The House agreed to the Senate amendment to H.R. 4660, to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia; **Pages H10955–57**

Regarding Foreign Imports of Steel: H. Res. 598, calling on the President to take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions (agreed to by a yea and nay vote of 345 yeas to 44 nays, Roll No. 532); **Pages H10958–66**

Redesignating U.S. Capitol Police Headquarters: S. Con. Res. 120, to redesignate the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., as the ''Eney, Chestnut, Gibson Memorial Building''; and

Pages H10971–73

Regarding Amendments to H.R. 2204: H. Res. 602, providing for the concurrence of the House to the Senate amendment with an amendment to H.R. 2204, to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard. **Pages H10973–86**

Suspensions—Failed: The House failed to suspend the rules and pass the following measures:

Regarding Cultural Resource of Route 66: S. 2133, to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance (failed by a recorded vote of 201 ayes to 190 noes, with two-thirds required for passage, Roll No. 534); and

Pages H10945–48, H10967–68

Bandelier National Monument Administrative Improvement and Watershed Protection: S. 1132, to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands (failed by a yea and nay vote of 194 yeas to 190 nays, with two-thirds required for passage, Roll No. 535). **Pages H10948–49, H10968**

Recess: The House recessed at 1:31 p.m. and reconvened at 3:08 p.m. **Page H10957**

Returning Bill to Senate: The House agreed to H. Res. 601, returning to the Senate the bill S. 361, to amend the Rhinoceros and Tiger Conservation Act of 1994. **Pages H10968–69**

Lands at Hyde Park, New York: The House passed S. 2241, to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York—clearing the measure for the President. **Page H10969**

Correcting Enrollment of H.R. 3910: The House agreed to H. Con. Res. 351, directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3910.

Pages H10969–70

Correcting Enrollment of H.R. 3461: The House agreed to H. Con. Res. 352, directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 3461.

Page H10970

Remembering George Washington: The House agreed to S. Con. Res. 83, remembering the life of George Washington and his contributions to the Nation. **Pages H10970–71**

Coast Guard Authorization Act for Fiscal Years 1998 and 1999: H. Res. 602, providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 2204, to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard. **Pages H10973–86**

British-American Interparliamentary Group: The Chair announced the Speaker's appointment of the following members of the House to the British-American Interparliamentary Group: Representatives Bereuter, Chairman; Regula, Vice Chairman; Boehlert, Bateman, Gillmor, Roukema, Ballenger, Blunt, Sisisky, Pickett, Wise and Tanner. **Page H10986**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 1:00 p.m. on Friday, October 16. **Page H10988**

Senate Messages: Messages received from the Senate today appear on pages H10919–20, H10957–58, and H11007.

Quorum Calls—Votes: Three yea and nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H10965–66, H10966–67, H10967–68, and H10968. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:22 p.m.

Committee Meetings

TECHNOLOGY TRANSFERS TO CHINA

Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China: Met in executive session to continue to receive briefings.

Will continue tomorrow.

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 16, 1998

Senate

No meetings are scheduled.

House

Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, executive, to continue to receive briefings, 9 a.m., H–405 Capitol.

Next Meeting of the SENATE

10. a.m., Friday, October 16

Senate Chamber

Program for Friday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate may consider any conference reports or legislative or executive items cleared for action.

Next Meeting of the HOUSE OF REPRESENTATIVES

1 p.m., Friday, October 16

House Chamber

Program for Friday: Consideration of Suspensions:

1. H.R. 1197, Plant Patent Amendments Act of 1997;
2. H.R. 1756, Money Laundering and Financial Crimes Strategy; and
3. S. 610, Chemical Weapons Convention Implementation Act;

Consideration of Omnibus Appropriations Act for FY99.

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