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House of Representatives

The House met at 1 p.m.
The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O God, for the diversity of our backgrounds and the variety of our experiences, and yet we thank You, too, for the unity of spirit that we can demonstrate one toward another. We are grateful that even as our own ideas show the contrasts in our ways, yet we can display an attitude of understanding and common feeling of respect one to another. We celebrate the beauty of Your whole creation, O God, and we are appreciative that we can come together in the spirit of common cause and shared responsibility. Bless us, O God, this day and every day, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. HEFLEY 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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1132, BANDELIER NATIONAL MONUMENT ADMINISTRATIVE IMPROVEMENT AND WATERSHED PROTECTION ACT OF 1998 AND S. 2133, PRESERVATION OF THE ROUTE 66 CORRIDOR

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report

(Rept. No. 105-823) on the resolution (H. Res. 604) providing for consideration of 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, and for consideration of 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, which was referred to the House Calendar and ordered to be printed.

NOTICE

If the 105th Congress adjourns sine die on or before October 20, 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.

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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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H11025

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1999

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 136) making further continuing appropriations for the fiscal year 1999, and for other purposes, and that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Mr. Speaker, reserving the right to object, and I do not intend to object, but I would appreciate if the gentleman under my reservation would explain what the understanding is in terms of the schedule for the consideration of the omnibus appropriation bill, that 77,132-page bill that we are supposed to be bringing up next week.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I would be happy to give the gentleman my understanding of the schedule relating to the omnibus bill. Currently we are operating under a fourth continuing resolution which carries us until midnight tonight.

Our expectation is, though, that because we do have a deal between both houses and the White House on the vast bulk of the omnibus bill that it will take some time for our staff to assemble the extensive number of pages which comprise the bill. For that reason, and in order to allow all of the material to be gathered and processed so that we have a bill to be filed, the expectation is that that will take roughly the length of this weekend. The staff will engage in ongoing efforts to make sure that they do their job professionally and well and completely, so that by Monday they will be prepared to allow us to file the bill, we would expect to do that on or about noon of Monday, and it would be available for inspection, and the expectation is then to call Members back on Tuesday afternoon and have a vote on the omnibus bill at about 5 p.m.

So this continuing resolution would carry us through that period of time, make sure that the government does not close, make sure that all of the operations of government continue as they have over the last few weeks since the close of the last fiscal year and that they would continue through midnight Tuesday.

Mr. OBEY. I thank the gentleman.

Continuing under my reservation, Mr. Speaker, I will simply say that is also my understanding. That means that Members should be prepared, as I understand it, to vote on the legislation after 5 p.m. on Tuesday, and they would then be able to get out of town either that evening or the next morning for the duration.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 136

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 105-240 is further amended by striking "October 16, 1998" and inserting in lieu thereof "October 20, 1998".

The SPEAKER. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will take 15 one-minutes on each side.

AMERICANS DESTINED TO REAP BENEFITS OF REPUBLICAN-LED CONGRESS

(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, as we near the end of the 105th Congress, I believe the American people have a rendezvous with destiny, and that destiny is to regain their freedom from big bureaucracy and big government and go more toward local control.

Four years ago, the Republicans laid the foundation for a balanced Federal budget, real education reform, crime reduction, meaningful tax cuts, a strong military force, welfare reform, and a real commitment to saving Medicare and Social Security.

Four years ago, Republicans charted a path to give Americans a renewed faith in our system of government, in our push to give Americans more control in their lives. Our hardworking families, our children, our men and women who serve in our Nation's armed forces are destined to reap the benefits of a Republican-led Congress that has made a commitment to put an end to wasteful bureaucratic spending, to send Federal education dollars directly to schools and districts and into the classrooms for the benefit of educating children; a commitment to give hard-earned tax dollars back to America's hardworking families; and a commitment to make the strength of our national defense a priority once again.

Mr. Speaker, there is renewed hope for America and I am proud to be a part of this destiny of freedom.

LITANY OF NONACCOMPLISHMENTS OF A DO-NOTHING CONGRESS

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

Mr. PALLONE. Mr. Speaker, let us not kid ourselves. The Republican leadership was not prepared to do anything that was really important or address any of the real issues that the American people cared about in this Congress.

Fortunately, we as Democrats were able to push them as part of this budget agreement to address a few things, most importantly to add 100,000 teachers in the elementary school classes, and also to make sure that the Social Security trust fund was not drained, if you will, for tax giveaways.

But there is a lot more to be done here and this do-nothing Congress, this Republican leadership leading this do-nothing Congress did not address managed care reform, did not address campaign finance reform, did nothing to deal with the severe problem of teenage smoking, did nothing really to deal with most of the education initiatives that the Democrats have put forward. Most importantly, they refused as part of this budget deal to deal with school modernization. We have classrooms, we have schools throughout the country that need repair, that need to be upgraded to deal with computers.

There are a lot of other education initiatives that were not addressed as part of this Congress. I am happy today we just joined with the President, we are happy that they added the 100,000 teachers and that that will be part of this budget deal. We are happy that the Social Security trust fund is still intact, but there is a lot more that needs to be done. Let us not kid ourselves by saying anything that this was nothing but a do-nothing Congress.

**ADJOURNMENT TO MONDAY,
OCTOBER 19, 1998**

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. BRADY of Texas). Is there objection to the request of the gentleman from Colorado?

There was no objection.

BUDGET BATTLE

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

Mr. HEFLEY. Mr. Speaker, the current budget battle in Washington shows clearly how conservative Republicans and liberal Democrats disagree about the role of government.

Republicans think that the Federal Government is too big. Democrats think that it is not big enough.

Republicans have been pushing for tax cuts. The liberals are horrified at

the very idea and call, as the previous speaker just did, tax cuts giveaways.

Republicans are insisting that we begin to reverse the dangerous decline in our military preparedness. Democrats have been fighting for even less defense.

Republicans blocked a White House attempt to impose national standardized tests in elementary schools. Democrats urged the creation of a national gun registry in their latest effort to weaken second amendment rights.

Republicans stopped the President's big government initiative to create a new handout, free needles for drug addicts. Democrats tried to create a national identity card. Republicans stopped that, too.

Bigger government versus smaller government and more freedom, that is what is at stake. That is what this budget battle has been about over these last few weeks.

FAILING MARKS TO REPUBLICAN 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, for 2 years this Republican Congress has put partisanship ahead of progress. They have consistently kowtowed to special interests. They killed HMO reform, campaign finance reform, tobacco reform, and attempted to raid the Social Security trust fund. In the last few days Democrats have had to fight tooth and nail to reduce America's class sizes by hiring 100,000 teachers. Now Republicans, it is unbelievable to me that they take such pride in the fact that they have prevented school modernization, denying our kids the opportunity to have our schools wired up to the 21st century and that they could take advantage of the technology that will only help them compete in the 21st century.

Let me just say that this Republican Party is out of touch with mainstream America. I am not the only one who thinks so. Jack Kemp, not a well-known Democrat, and I quote: Today the Republican Party is adrift, without an agenda and without purpose beyond its seeming preoccupation with saving the congressional seats of its incumbents.

This Republican Congress has failed the American people.

THE SURPLUS CONGRESS: HARDLY A RECORD TO BE SCOFFED AT

(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, this Republican Congress that has been so maligned by partisan Democrats has been the first Congress since 1969 to balance the budget. It has been the first Congress to have tax cuts in 16

years. It has been the first Congress to reform and protect Medicare on a bipartisan basis. And the first Congress to have welfare reform and 40 percent of the people who were on welfare in 1994 are now independent, working. This is hardly a record to be scoffed at.

What have we done this year? We have protected Social Security. We have stopped the Democrat practice of taking the surplus out of Social Security and spending it on roads and bridges. We have protected the family farm with the farm disaster bill. We have protected education by giving more power to local school boards and less from Washington bureaucracy. And we are on the verge of passing major drug legislation that will give strong interdiction, strong prevention and rehabilitation services. We think this is a solid legacy.

This Congress will be remembered as the surplus Congress. I am proud that I played a part of it.

□ 1315

A DO-NOTHING CONGRESS? SIMPLY NOT TRUE

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

Mr. COBLE. Mr. Speaker, I rarely come to these also 1-minutes, but I could not maintain silence after what I have been hearing they say. They say we are a do-nothing Congress, we are not concerned about the average Joe or Jane.

Capital gains tax reduction. The increase of the estate tax exemption threshold, which means that the tax man will be delayed when he comes a calling after someone has lost a loved one. Welfare reform. IRS reform. Balanced Budget Amendment.

Now does anyone in range of my voice believe that either of these five could have been done without a Republican majority in the people's House? Obviously not because it has not been done before.

I keep hearing my friends to my right, to my ideological left, claiming about campaign finance reform, nothing has been done about it. Well, Mr. Speaker, they were in control of the People's House for 40 years, and nothing was done about it.

I am very much offended, Mr. Speaker, by people who come to the well of this House and point an accusatory finger and accuse this 105th Congress of doing nothing. It is simply not true.

PERSONAL EXPLANATION

Mr. GREEN. Mr. Speaker, I was unavoidably detained in my district during Rollcall Votes 532 through 535. Had I been present I would have voted yes on Rollcalls 532 and 533, and no on Rollcall 534, and no on Rollcall 535.

ANOTHER BILLION DOLLARS FOR THE STAR WARS FANTASY

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

Mr. DEFAZIO. Mr. Speaker, Congress would have adjourned one week ago after only 108 days work without an additional penny for public education, but the President held the Republican majority's feet to the fire, and so now, a week later, we have got \$1.2 billion, new money for smaller class size; \$871 million has been replaced for the Summer Jobs for Youth Program that they wanted to kill; \$250 million for Youth Opportunities, and \$160 million add-on to Head Start. This is a victory for Democratic priorities.

But unfortunately this gargantuan 4000-page budget bill further reflects the difference in the budget priorities of the Republicans and the Democrats. The Republicans in this are going to add \$9.1 billion to an already bloated Pentagon budget, another \$1 billion into the Star Wars fantasy where we have already dumped 50 billion with no results. Not a penny, not a penny here on earth, to help rebuild or build new schools, but another billion dollars for the Star Wars fantasy. That is a sad commentary on their priorities.

PROUD OF THE 105TH

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

Mr. EHLERS. Mr. Speaker, it is a time of year when we do our retrospectives on what this Congress has accomplished, and we have heard some comments about that already. We have cut taxes for the first time in 16 years; we have balanced the budget for the first time since 1969. Even better than that, we have achieved a surplus, and when I was first elected 5 years ago, we had nearly a \$300 billion deficit in this Congress and for this Nation; today, approximately \$85 billion surplus.

How does that affect us as citizens and legislators of this country? Just an example:

My daughter and her husband are in the process of buying their first house. The interest rates are the lowest they have been in this Nation in many, many years. That is related to our budget surplus because the government is not in the market borrowing an additional \$300 billion, but they are pumping \$85 billion back in, and that reduces interest rates.

Much else has happened in this Congress. I participated in developing the first science policy statement that this Congress has adopted in many years, and that is going to have a real impact on the science and technology and will certainly make our Nation more competitive among all.

Mr. Speaker, it has been a good Congress, and I am proud to have been part of it.

HAPPY TO HAVE BEEN A PART OF
THE 105TH

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

Mr. TIAHRT. Mr. Speaker, we have heard this morning that this was a quote, unquote, do-nothing Congress. I think the liberals think that because nothing has happened for the left. I think they must have been hiding under their desk. They did start out wanting to spend 150 billion more dollars on new government programs. They wanted to raise taxes by \$130 billion, but we did not let that happen. We did balance the federal budget, we do have a \$70 billion surplus, we have been able to strengthen families, strengthen their pocketbooks through lower interest rates. We have been able to strengthen our military. Right now we cannot conduct a similar scenario like the Gulf War, but we are going to strengthen the military. We also provided the first steps for strengthening Social Security and Medicare.

Now the left can claim they got 100,000 new teachers, but nobody over there has done the math. If they figure out the math, they only got \$10,000 per teacher. Who is going to make up the difference? Can they find a teacher who will work for \$10,000 a year?

Well, Republicans have a good program for saving schools, for making them stronger by getting parents involved. We have done that this year in the 105th Congress. It has been a good Congress, a successful Congress, and I am happy to be a part of it.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken on Tuesday, October 20, 1998.

PLANT PATENT AMENDMENTS
ACTS OF 1997

Mr. COBLE. Mr. Speaker, I move to suspend the rules and concur in the Senate 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.

The Clerk read as follows:

Senate amendment:

Page 4, after line 14 insert:

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. 3799b(b)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. 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 North Carolina?

There was no objection.

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

Mr. Speaker, this is a noncontroversial measure that will serve as a needed compliment to current plant patent law which we passed under suspension of the rules on October 9 of this year. The other body has also amended the bill by adding a provision that will enable small inventors living in rural areas greater access to patent information.

The first provision of H.R. 1197 amends current law governing plant patent parts. Since 1930 the Patent Act has permitted inventors to obtain plant patents. Individuals wishing to skirt protections available under the law have discovered a loophole, however, by trading in plant parts taken from illegally produced plants. H.R. 1197 closes this loophole by explicitly protecting plant parts to the same extent as plants under the Patent Act.

Mr. Speaker, this bill is identical to language that was contained in the omnibus patent legislation which passed earlier in the term. There is no opposition to the bill as it will benefit American patentholders and the plant producers as well who honor their work by paying the necessary royalties.

The second provision of the bill simply authorizes the Patent and Trademark Office to develop and implement statewide computer networks with remote library sites, thereby enabling small inventors to have greater access to information in patent and trademark depository libraries.

I repeat, Mr. Speaker, I think the amendment that was done in the other body makes a good bill even better, and I think it will benefit our nation's inventors, Mr. Speaker, and I urge its adoption.

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

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

Mr. Speaker, I use this excuse to support the bill to commend my sub-

committee chairman, the gentleman from North Carolina (Mr. COBLE) for a year's worth of very good cooperation, a Congress worth of very good cooperation. He is unique, and we have been able to work through many problems that have actually confounded the Committee on the Judiciary for more than a year or two, and this has been a successful relationship between those Members, the subcommittee members and the Members on my side.

So, Mr. Speaker, I am happy to support the plant patent bill, commend our colleague, ranking colleague from Vermont on the other side, Senator PAT LEAHY, and I urge that we support the provisions here that correct a loophole that has arisen as some people have sought to trade in plants; that is in the environmental sense plant parts taken from illegally produced plants, and we specifically are protecting these additional plants as well, and I commend the members of the Committee on the Judiciary for working so well together on this measure.

I rise in strong support of this little noticed, but important change to our patent laws.

This legislation protects plant parts to the same extent as plants themselves are protected under the Patent Act. The holders of plant patents, the same as an other American who develops a patent and follows the rules, are entitled to protection.

As Mr. COBLE has noted, a loophole in the plant patent area has arisen in recent years as some individuals have sought to trade in plant parts taken from illegally produced plants. This legislation closes this loophole by specifically protecting the plant parts. This language is identical to language from the omnibus patent bill which passed the House earlier this session.

The legislation before us also includes a provision which authorizes the Patent and Trademark Office to develop and implement statewide computer networks with remote library sites. This will allow small inventors in rural areas to have greater access to patent and trademark information.

While I have some time remaining, I would like to congratulate my good friend the gentleman from North Carolina, Mr. COBLE, for the excellent work he has done as chairman of the Judiciary Subcommittee on Courts and Intellectual Property. In recent weeks he has succeeded in passing a number of landmark intellectual property bills, including copyright extension and implementation of the World Intellectual Property Organization Treaties. Thanks to Mr. COBLE's stewardship, our creators and inventors can rest assured that they will receive fair compensation for their work. Because of the rush of business at the end of the calendar, other important measures relating to data base protection and patent reform were not completed, but we will continue to push these measures on a bipartisan basis next Congress.

I would also like to thank Chairman COBLE for his hard work on important franchise legislation that he and I introduced 2 days ago. I look forward to working with him on this matter of vital importance to so many small businesses early on in the next Congress.

Mr. CONYERS. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

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

Mr. Speaker, I also have no speakers, but I wanted to express my thanks to the gentleman from Michigan for his generous comments, and at the risk of sounding immodest, I agree. I think our subcommittee has accomplished a lot of good this year with the help of both sides of the aisle, including my friend from Michigan, and I thank him for his comments. And I would be remiss if I did not also mention Senator PATRICK LEAHY who has already been mentioned and the gentleman from Oregon (Mr. SMITH) who chairs the House Agriculture Committee and has been very actively involved in this process as well.

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 North Carolina (Mr. COBLE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1197.

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.

PERSONAL EXPLANATION

Mr. FATTAH. Mr. Speaker, I seek to correct the RECORD. On Rollcall Vote 428, which was on House Concurrent Resolution 254, I was recorded being in favor of the measure, and I would like the RECORD to reflect that I should have been recorded as being opposed to the measure.

MONEY LAUNDERING AND FINANCIAL CRIMES STRATEGY ACT OF 1998

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and concur in the Senate 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 crime strategy to combat money laundering and related financial crimes, and for other purposes.

The Clerk read as follows:

Senate amendment:

Page 2, strike out all after line 20, over to and including line 3 on age 3 and insert:

“(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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Alabama (Mr. BACHUS) and the gentleman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. 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. 1756.

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

There was no objection.

□ 1330

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

Mr. Speaker, H.R. 1756 is the Money Laundering and Financial Crimes Strategy Act of 1998. It was introduced by the gentlewoman from New York (Ms. VELÁZQUEZ), the gentleman from Iowa (Mr. LEACH) and myself, and it directs the Secretary of the Treasury to create a national strategy for combating money laundering and other financial crimes by coordinating money laundering and other financial crimes. It also supplies resources to Federal, state and local agencies in the coordination of their efforts.

I would explain to Members what is so important about money laundering. Money laundering is the flip side of narcotics trafficking. When we talk about the war on drugs, when we talk about our efforts against drugs, some people do not realize that it is a two-way street. On the TV we observe pictures of large amounts of drugs being seized, of drugs being destroyed, of them being intercepted, and, in fact, we have been very successful in seizing a great percentage of the drugs coming into this Nation.

Where we have failed, where we have not addressed the problem that needs to be addressed, is in money laundering. When drugs are sold, for them to be profitable to the money launderers and the drug cartels overseas, they not only have to sell their product, they have to reap their profit. That means that the money must flow back out of the country. They must get the money back out.

In fact, law enforcement agencies and policy makers tell us that if you want to hit the drug cartels where it hurts the worst, you do not seize the drugs, because there is an endless supply of that; you seize the money. And that is what this new strategy is about. Unfortunately, we estimate we are seizing less than 1 percent of drug proceeds money, and, therefore, this legislation I think is going to be a hallmark and really a nail in hopefully the coffin of drug cartels overseas which are preying on our young men and women on the streets of America.

The legislation provides for the designation of high risk money laundering areas for the purpose of providing those localities with increased Federal atten-

tion and funding for state and local law enforcement efforts.

We had a pilot project in New York City in the district of the gentlewoman from New York (Ms. VELÁZQUEZ), who, I am sure, will cover this in more detail. But to tell you about the gravity of this situation, this effort was headed up by the New York police, the city police, New York State police, Customs. In a short period of time, over \$1 billion of money transfers to Colombia were intercepted during this effort. I am not talking about \$1 million, I am not talking about tens of millions of dollars. Over \$1 billion in transfers were intercepted. So that gives you some idea about the magnitude of this problem.

Now, the House passed this measure earlier this month by voice vote. On Wednesday, the Senate passed it with an amendment, again by unanimous consent. The Senate amendment is relatively modest in scope. I think it improves the bill, and I have been asked by Members of the Committee on the Judiciary and the Committee on Commerce to explain that amendment for the record.

As passed by the House, this act provided that the Secretary of the Treasury's authority to develop a national strategy for combating money laundering and related crimes extended to all potential violations of title 18, sections 1956 and 1957. Those sections are the basic criminal money laundering provisions of our Federal law, and they contain more than 100 predicate offenses involving crimes as varied or desperate as obscenity and arms control export violations.

The Federal Bureau of Investigation raised concerns that the sheer breadth of the criminal conduct covered by these two sections, 1956 and 1957, might complicate the Treasury Department's ability to develop a coherent national strategy for combating money laundering and in allocating scarce law enforcement resources to initiatives undertaken at the state and local level.

In response to that, we in the House, the gentlewoman from New York (Ms. VELÁZQUEZ), requested and the Senate conceded and actually offered an amendment, and also the Senate was very supportive of this amendment and amended the bill to provide that the national strategy should be directed at the movement of illicit cash or cash equivalent proceeds into, out of and through the United States, or into, out of and through United States financial institutions, because many of these are electronic transfers, rather than directing the scope to the more broad offenses delineated in title 18 and other portions of the U.S. Code. We all agree this is a good amendment that strengthens the bill.

I also want to, at the request of the Committee on Commerce, take this opportunity to clarify the legislative intent behind another provision of H.R. 1756, and that is section 2.

Section 2 amends chapter 53 of title 31 of the U.S. Code to direct the Secretary of the Treasury to regularly review enforcement efforts under the chapter and under the subchapter and other provisions of the law, and, when appropriate, modify existing regulations or prescribe new regulations for the purposes of preventing money laundering and related financial crimes.

On June 25, 1998, the distinguished chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY) wrote to the gentleman from Iowa (Mr. LEACH), the gentlewoman from New York (Ms. VELÁZQUEZ) and myself, to express concern that such a broad mandate could be interpreted to authorize the Secretary of the Treasury to review enforcement actions under the Federal securities laws or to modify regulations promulgated pursuant to Federal security laws or to grant the Secretary of Treasury new or additional authority to prescribe regulations applicable to entities that are regulated pursuant to the Federal securities law.

In response, the gentleman from Iowa (Mr. LEACH) affirmed that it is not the Committee on Banking and Financial Services's intent for the language in section 2 to grant the Secretary of Treasury any new or additional authority over entities that are regulated pursuant to the Federal securities law or to require or encourage the Secretary of the Treasury to review enforcement actions under the Federal securities law, or to modify or recommend the modification of regulations promulgated under the Federal securities laws. That response has been accepted.

Mr. Speaker, in closing I want to emphasize that H.R. 1756 is an excellent example of the spirit of bipartisanship and comity that has historically characterized the Committee on Banking and Financial Services's deliberation on anti-money laundering initiatives.

We do hear a lot of partisanship and wrangling in this body. That is not always the case. In bringing this bill before both the House and the Senate, Democrats and Republicans have joined together, they worked closely with the administration, and the result has been a nonpartisan or bipartisan effort, which we believe will go a long way in combating illegal drugs and money laundering.

The gentlewoman from New York (Ms. VELÁZQUEZ) should be particularly commended for her work, and by this I mean her hard work on this matter. She has been a big help in dealing with the law enforcement agencies.

In addition, I would like to commend and give special recognition to the gentleman from Iowa (Chairman LEACH) and to the ranking minority member, the gentleman from New York (Mr. LAFALCE) for their efforts in moving this important bill through the Committee on Banking and Financial Services.

Also I want to commend members of the Subcommittee on General Over-

sight and Investigations staff for their hard work on money laundering in this Congress.

An example of the administration and the Congress working together on this bill is that Dave Cohen from my staff, who basically worked with Ms. VELÁZQUEZ on a daily basis in the particulars of this bill, as a result of working with Customs, he is no longer with the subcommittee. He was in fact hired by Customs, which sort of pays us a compliment to his ability. Dave, within the last month, has taken the position as assistant to the Commissioner, Ray Kelly, at Customs. So I think that ought to be a compliment to the entire Congress and to the staff that worked on this bill.

In addition, I would like to compliment the legal staff that worked on this bill. Jim Clinger, the Clinger name is a name that most of us in Congress recognize. His father, Bill Clinger, served in this body with distinction. Jim Clinger and Win Yerby, legal counsel for the majority, worked closely on this bill. I am particularly pleased that Win Yerby is a native Alabamian.

On the democratic side, Rick Maurano, who is seated at the table with Ms. VELÁZQUEZ, also did yeoman's work on this bill. Again, this was a totally nonpartisan effort.

As Chairman of the Subcommittee on Oversight and Investigations, I will say in closing that I have had six money laundering hearings. In fact, money laundering has been the central focus of the subcommittee's work, because I see it as one of the most important responsibilities of the Committee on Banking and Financial Services Subcommittee on General Oversight and Investigations. The reason I do is because the threat that narcotic drugs has in every community, in every state, in every locality, to us, to the integrity of our law enforcement agencies, and to the safety and welfare of our citizens.

As I said, again, thanks to the gentlewoman from New York, this bill will go a long way in hitting the drug cartels where it hurts the worst, in the pocketbook.

Mr. Speaker, H.R. 1756, the Money Laundering and Financial Crimes Strategy Act of 1998, introduced by the gentlewoman from New York, Ms. VELÁZQUEZ. Chairman LEACH, Representative GONZALEZ, and myself, directs the Secretary of the Treasury to create a national strategy for combating money laundering and other financial crimes by coordinating Federal State, and local efforts and resources. The legislation provides for the designation of high risk money laundering areas for the purpose of providing these localities with increased Federal attention and funding for State and local law enforcement efforts.

The House passed this measure earlier this month by voice vote, and on Wednesday, the other body passed it with an amendment by unanimous consent. The Senate amendment is relatively modest in scope.

As passed by the House, H.R. 1756 provided that the Secretary of the Treasury's authority to develop a national strategy for com-

bating "money laundering and related crimes" extended to all potential violations of 18 U.S.C. sections 1956 and 1957, the basic criminal money laundering provisions, which themselves contain more than 100 predicate offenses involving crimes as disparate as obscenity and arms control export violations. After the Federal Bureau of Investigation raised concerns that the sheer breadth of criminal conduct covered by sections 1956 and 1957 might complicate the Treasury Department's ability to develop a coherent national strategy for combating money laundering and to allocate scarce law enforcement resources to initiatives undertaken at the State and local levels, the Senate amended the bill to provide that the national strategy should be directed at 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," rather than at the specific underlying offenses delineated in title 18 and other portions of the United States Code.

Mr. Speaker, I also want to take this opportunity to clarify the legislative intent behind another provision of H.R. 1756. Section 2 of the legislation amends chapter 53 of title 31 of the United States Code to direct the Secretary of the Treasury to "regularly review enforcement efforts under this subchapter and other provisions of laws and, when appropriate, modify existing regulations or prescribe new regulations for purposes of preventing" money laundering and related financial crimes. On June 25, 1998, the distinguished chairman of the Committee on Commerce, Mr. BLILEY, wrote to Chairman LEACH to express the concern that "such a broad mandate could be interpreted to authorize the Secretary of the Treasury to review enforcement actions under the Federal securities laws or to modify regulations promulgated pursuant to the Federal securities laws, or to grant the Secretary of the Treasury new or additional authority to prescribe regulations applicable to entities that are regulated pursuant to the Federal securities laws."

In response, Chairman LEACH affirmed that it is not the Banking Committee's intent for the language in section 2 to grant the Secretary of the Treasury any new or additional authority over entities that are regulated pursuant to the Federal securities laws, or to require or encourage the Secretary of the Treasury to review enforcement actions under the Federal securities laws or to modify, or recommend the modification of, regulations promulgated under the Federal securities laws.

In closing, Mr. Speaker, let me emphasize that H.R. 1756 is an excellent example of the spirit of bipartisanship and comity that has historically characterized the Banking Committee's deliberations on antimoney laundering initiatives. The gentlewoman from New York Ms. VELÁZQUEZ, should be particularly commended for her hard work on this matter. Special recognition should also be accorded to Chairman LEACH and to the ranking minority member, Mr. LAFALCE for their efforts in moving this important bill through the Banking Committee. I also want to commend members of the Banking Oversight Subcommittee for their hard work on money laundering in this Congress. As chairman of the Oversight Subcommittee, I have made money laundering a central focus of the subcommittee's work because I see it as one of the most important responsibilities of the Banking and Financial Services Committee.

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

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

Mr. Speaker, I would like to begin by again thanking the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAFALCE), and the gentleman from Alabama (Mr. BACHUS) for all their work on this legislation. Also I would like to recognize the work that for the last four years my legislative director, Catherine Cruz Wojtasik, has been doing on this legislation.

This bill proves that crime fighting is a bipartisan issue. Today's Money Laundering and Financial Crimes Strategy Act is the same anti-money laundering legislation that passed the House last week. Technical changes were made by the Senate that will broaden the definition of money laundering. These changes are endorsed by the Treasury Department, the Justice Department, the FBI and the local district attorneys in New York City.

In the expanded definition we allow Federal, state and local law enforcement officials to keep up with the changing trends in money laundering. It will provide police officers and prosecutors with the tools that they need to effectively combat large and sophisticated crime syndicates.

The Money Laundering and Financial Crimes Strategy Act is an important step in helping communities fight drug traffickers that launder money in their neighborhood. I urge all Members to support this bill.

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

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

Mr. Speaker, I would like to say in conclusion that Catherine Cruz Wojtasik did work very hard on this bill. I think it shows that the gentleman from New York (Ms. VELÁZQUEZ) has assembled a good staff, and I would like to commend Ms. Cruz Wojtasik on her work on the bill.

□ 1345

Mr. Speaker, I apologize for that oversight.

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

The SPEAKER pro tempore (Mr. BRADY of Texas). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and concur in the Senate amendment to H.R. 1756.

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

A motion to reconsider was laid on the table.

BUDGET AGREEMENT IMPLEMENTS COMMONSENSE CONSERVATIVE VALUES

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

Mr. TALENT. Mr. Speaker, I am pleased to rise in support of the recently concluded budget agreement. In fact, the more I look at that budget agreement, the more I like it.

It begins to implement the Dollars to the Classroom principle, whereby we defund Federal bureaucracies and empower parents and teachers. It provides that with the Census, we are going to count people. We are not going to guess how many people are in the United States. It says we are going to stop child porn on the Internet.

We are going to reinvigorate the war on drugs. We are going to spend \$9.5 billion on the national defense, money that is vital to America's greatness. We are going to have the first ever IMF reforms, and all this on top of a balanced budget with a surplus, tax relief, and welfare reform.

It is an implementation of common-sense conservative values, Mr. Speaker. It looks like we are going to have support from the other side of the aisle. I hope we come back here as soon as possible and pass it.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

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

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

CONGRATULATING JOHN HUME, A WINNER OF THE NOBEL PEACE PRIZE

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

Mr. OBEY. Mr. Speaker, I simply want to take this time to note that the Nobel Prize for peace today was given to two Irish heroes named David Trimble and John Hume. I do not know Mr. Trimble, who is the leader of the Protestant groups in Northern Ireland seeking peace, but I do know John Hume. I have known him for a good many years, and I think that his selection today was an absolutely perfect choice.

John Hume is a person who, as a very young man, began to peacefully protest the fact that there was a systematic policy to deny employment to Catholic males in Northern Ireland. He began to lead peaceful marches out of the Catholic neighborhoods to try to peace-

fully protest that fact, in the spirit of Martin Luther King.

The Protestant forces reacted violently. He was beaten a number of times. At one point he laid down in front of a tank with his wife standing just a few feet away. She thought he was a dead man. Fortunately, the tank stopped.

He also experienced violence at the hands of Catholic forces in Northern Ireland, because he was insisting that whatever actions taken by Catholic forces be peaceful, so his reward was that they tried to assassinate him many times. His home was firebombed at least once, I believe twice, once with his family in it.

He even had the experience of being at a country roadside, at a stop sign, when a car plowed into him from behind at a high rate of speed. The car exploded. He walked out of the car without a scratch, and a week later collapsed from post-trauma stress reaction, with his heart in fibrillation, and almost died.

Today he has been one of, if not the leading voice in all of Ireland for peace, and he has been instrumental in bringing the IRA together in peace talks with their Protestant counterparts. I think it is safe to say that there would be no peace process in Ireland, were it not for John Hume.

I simply want to take this time to note on this side of the Atlantic that a true hero of our age has been nominated or has been named the recipient of the Nobel Prize for peace today, along with Mr. Trimble, who also has been heroic in trying to lead the Protestant forces in Northern Ireland to a peaceful resolution of their differences.

In all of the years of public life, I have never met a person as inspiring as John Hume. I have never met a person who has been willing to undergo more physical violence to his own person than John Hume, except perhaps for our colleague in this Chamber, the gentleman from Georgia (Mr. JOHN LEWIS).

It just seems to me that we should today take note of the fact that the Nobel committee made a superb choice. I congratulate John Hume, I congratulate his wife, Pat, who has been with him every inch of the way in helping him through a lifetime of work for peace.

If I were asked to name a single person in the Western World who epitomizes what Christian values are supposed to be, I would say that John Hume is that person. I was thrilled to see that he was one of the two winners of that Nobel Prize today.

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SKAGGS) is recognized for five minutes.

Mr. SKAGGS. Mr. Speaker, today I am introducing the Rocky Mountain National Park Wilderness Act of 1998. This legislation will provide important protection and management direction for some truly remarkable country, adding nearly 250,000 acres in the park to the National Wilderness Preservation System.

The bill is a revised version of one I introduced last year and similar measures I proposed in the 103rd and 104th Congresses. It also reflects previous proposals by former Senator Bill Armstrong and others.

Over the last several years, I've worked with the National Park Service and others to refine the boundaries of the areas proposed for wilderness designation. I've also consulted closely with many interested parties in Colorado, including local officials and both the Northern Colorado Water Conservancy District and the St. Vrain & Left Hand Ditch Water Conservancy District. These consultations have provided the basis for many of the new bill's provisions, particularly regarding the status of existing water facilities.

I had hoped that the consultations would result in a consensus that would make it possible to enact a Rocky Mountain National Park wilderness bill this year. Regrettably, complete consensus has not yet been achieved, and there's no longer sufficient time for action to be completed during this session. But I think it's important to introduce this bill today in order to provide a benchmark of the progress already made and to lay the foundation for what I hope will be a successful effort by others to complete the job in the new Congress that convenes next year.

Covering 94 percent of the park, the new wilderness will include Longs Peaks and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams, all untrammelled by human structures or passage. Indeed, examples of all the natural ecosystems that make up the splendor of Rocky Mountain National Park are included in this wilderness designation.

The features of these lands and waters that make Rocky Mountain National Park a true gem in our national parks system also make it an outstanding wilderness candidate.

As I mentioned, this new bill includes more precise wilderness boundaries and acreage numbers, greatly simplified water rights language, and provisions to confirm the continued operation of important water delivery systems located in, under, and near the park—including the Grand River Ditch, Long Draw Reservoir, Copeland Reservoir, and the portals of the Adams Tunnel, a key component of the Colorado-Big Thompson water project.

The wilderness boundaries are carefully located to also assure continued access for use of existing roadways, buildings and developed areas, privately owned land, and areas where additional facilities and roadwork will improve park management and visitor services.

This bill is based on National Park Service recommendations, prepared 24 years ago and presented to Congress by President Nixon. It seems to me that, in that time, we have sufficiently studied, considered, and refined those recommendations so that Congress can proceed with this legislation. I believe that this bill constitutes a fair and complete proposal, sufficiently providing for the legitimate needs of the public at large and all interested groups, and deserves to be enacted in this form.

It took more than a decade before we in the Colorado delegation were finally able, in 1993, to designate additional wilderness in our state's national forests. Soon, the potentially more complex question of wilderness designations of lands managed by the Bureau of Land Management must be addressed. Meanwhile, the time is ripe for finally resolving the status of the lands within Rocky Mountain National Park that are dealt with in this bill.

We all know that water rights are often a primary point of contention in the congressional debate over designating wilderness areas. The question of water rights for Rocky Mountain National Park wilderness is entirely different from many considered before, and is far simpler.

To begin with, it has long been recognized under the law of the United States and Colorado, including a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive federal reserved water rights arising from the creation of the national park itself.

Division One of the Colorado Water Court, which has jurisdiction over the portion of the park that is east of the continental divide, has already decided how extensive the water rights are in its portion of the park. In December, 1993, the court ruled that the park has reserved rights to all water within the park that was unappropriated at the time the park was created. As a result of this decision, in the eastern half of the park there literally is no more water for either the park or anybody else to claim. This is not, so favor as I have been able to find out, a controversial decision, because there is a widespread consensus that there should be no new water projects developed within Rocky Mountain National Park. And, since the park sits astride the continental divide, there's no higher land around from which streams flow in the park, so there is no possibility of any upstream diversions.

As for the western side of the park, the water court has not yet ruled on the extent of the park's existing water rights there, although it has affirmed that the park does have rights. With all other rights to water arising in the park and flowing west already claimed, as a practical matter under Colorado water law, this designation will not restrict any new water claims.

And it's important to emphasize that any wilderness water rights amount only to guarantees that water will continue to flow through and out of the park as it always has. This preserves the natural environment of the park, but it doesn't affect downstream water use. Once water leaves the park, it will continue to be available for diversion and use under Colorado law.

These legal and practical realities are reflected in the new bill by inclusion of a finding that the park already has reserved rights to substantial amounts of water, so that there is no need for any additional reservation of such right, and an explicit disclaimer that the bill effects any such reservation. The bill also includes language to confirm that its enactment will not adversely affect any existing water facilities.

Why should we designate wilderness in a national park? Isn't park protection the same as wilderness, or at least as good?

The wilderness designation will give an important additional level of protection to most of the park. Our national park system was cre-

ated, in part, to recognize and preserve prime examples of outstanding landscape. At Rocky Mountain National Park in particular, good Park Service management over the past 83 years has kept most of the park in a natural condition. And all the lands that are covered by this bill are currently being managed, in essence, to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains.

This kind of protection is especially important for a park like Rocky Mountain, which is relatively small by western standards. As surrounding land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape.

Further, Rocky Mountain National Park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year as does our first national park.

On the other hand, Congress' decision to designate these carefully selected portions of Rocky Mountain as wilderness will make other areas, now restricted under interim wilderness protection management, available for overdue improvements to park roads and visitor facilities.

This bill will protect some of our nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. And it will affirm our commitment to preserving the very features that make our State such a remarkable place to live.

I am attaching a fact sheet giving more details about the bill.

ROCKY MOUNTAIN NATIONAL PARK
WILDERNESS ACT OF 1998
WILDERNESS BOUNDARIES

The bill will designate the Rocky Mountain National Park Wilderness, which will include 94% of the park. The bill is based on the recommendations of President Nixon, with some revisions in boundaries to reflect acquisitions and other changes since that recommendation was submitted. The National Park Service has been managing lands recommended for wilderness in accordance with that recommendation, so the bill's enactment won't significantly change the management of the park.

The bill designates about 249,562 acres of new wilderness. In addition, about 1,125 acres would be designated as potential wilderness, to be managed as wilderness, when non-conforming uses end.

There are currently about 2,917 acres of wilderness (in the Indian Peaks area), that were included in the park in 1980 by Public Law 96-560; prior to that, they were part of the Arapaho and Roosevelt National Forests and were designated as wilderness in 1978 by Public Law 95-450.

The wilderness designated by the new bill is in four separate sections:

Mummy Range Unit, the northernmost section of wilderness, approximately 84,000 acres north of Fall River Road and east of

the Grand River ditch, includes large areas of alpine, sub-alpine-forest, wet-meadow, and montane-forest ecosystems. Dominant features are the Mummy Range and Specimen Mountain. This portion extends to park's north boundary, adjoining existing Comanche Peak Wilderness on the Roosevelt National Forest.

Trail Ridge Unit, a relatively small section of the wilderness, lies between Fall River Road and Trail Ridge Road, and includes approximately 6,310 acres. This section includes forested mountainside of lodgepole pine, Englemann spruce and sub-alpine fir, and the park's trademark expanse of alpine tundra and sub-alpine forest.

Never Summer Unit, another fairly small section west of the Grand River Ditch, which comprises approximately 9,824 acres, is generally above timberline, featuring steep slopes and peaks of the Never Summer Mountains, including 12 peaks reaching 12,000 feet in elevation. This area adjoins the existing Neota Wilderness on the Roosevelt National Forest and Never Summer Wilderness on the Routt National Forest.

Enos Mills Unit, the largest portion of the wilderness—approximately 149,408 acres—is south of Trail Ridge Road and generally bounded on the east, south, and west by the park boundary. This area contains examples of every ecosystem present in the park. The park's dramatic stretch of the Continental Divide, featuring Longs Peak (elevation 14,251 feet) and other peaks over 13,000 feet, dominate.

Former reservoir sites at Blue Bird, Sand Beach, and Pear lakes, previously breached and reclaimed, are included in wilderness as is a portion of the Indian Peaks Wilderness transferred to the park in 1980, when the boundary between the park and the Arapaho-Roosevelt National Forest was adjusted.

The bill also includes language to provide that if non-federal inholdings within the wilderness boundaries are acquired by the United States, they will become part of the wilderness and managed accordingly and that specified federal lands within the park will be managed as wilderness when current incompatible uses cease.

AREAS EXCLUDED FROM WILDERNESS DESIGNATION

The following areas are not included in the bill's wilderness designation:

Trail Ridge and other roads used for motorized travel; water storage and conveyance structures; buildings; and other developed areas are not included in wilderness.

Parcels of privately owned land or land subject to life estate agreements in the park. Water diversion structures (see below).

WATER

The new bill would NOT create a new federal reserved water right. Instead, it includes a finding that the park's existing federal reserved rights, as decided by the Colorado courts, are adequate and an explicit statement that the bill does not create any new federal reserved water right.

EXISTING WATER FACILITIES

Boundaries for the wilderness designated in the bill are drawn to exclude (among other things): existing water storage and water conveyance structures, assuring continued use of Grand River Ditch and its right-of-way; the east and west portals of the Adams Tunnel of the Colorado-Big Thompson Project (CBT); CBT gauging stations; Long Draw Reservoir; and lands owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir.

The bill includes provisions to make clear that its enactment will not impose new restrictions on already-allowed activities for the operation, maintenance, repair, or recon-

struction of the Adams Tunnel, which diverts water under Rocky Mountain National Park (including lands that would be designated as wilderness by the bill) or other CBT facilities, and that additional activities for these purposes will be allowed, should they be necessary to respond to emergencies.

A REPUBLICAN SURPLUS CONGRESS BRINGS GREAT BENEFITS FOR THE AMERICAN PEOPLE

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, unfortunately, it is the nature of politics that we never get everything we want. But when the American people support a general direction in which we want to go, small victories do become possible.

Yesterday's agreement between Congress and the White House on the remaining spending bills represent a victory for those seeking to take this country in the direction that the Republicans have been trying to go, the 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 a Republican Congress. This Congress can properly be called the surplus Congress. Just a short time ago, Congress was facing \$200 billion deficits as far as the eye could see. Anyone proposing to end that was immediately labeled as an extremist by liberal Members on the other side of the aisle.

Here we are, with a Federal budget that has a surplus at hand. Now, I know that there are a number of Democrats who fervently believe that the current budget surplus is due to President Clinton's 1993 tax increase, but they are wrong.

Federal revenues are up, way up, but I would suggest to my friends on the other side to examine the budget tables and take a look at where those revenues are coming from. I am fairly confident that they have not done that, because if they had, they would discover that strong job growth and the booming stock market are primarily responsible for those increased revenues, and not the Clinton tax hike.

The funny thing is that no matter how many times this is pointed out, the liberals continue to go on thinking that it was a tax hike, Clinton's tax hike, that put us on the right track, out of budget deficits. Not to belabor the point, but it is important to know the truth about this very important issue.

To those on the other side who are still not convinced, despite the fact that the budget tables are available for the whole world to see, they only need to consider the President's own budget a mere 2 years ago. In the 1996 budget, 3 years after the Clinton tax hike, it contained \$200 billion-a-year budget

deficits as far as the eye could see past the end of this century, into the next century.

It was not until a Republican Congress forced the President to accept a balanced budget that the surplus actually became a reality. The deficit Congress was transformed into a surplus Congress.

The primary reason why a balanced budget benefits the average person is because it makes lower interest rates. That means it is easier to buy a house and to make monthly mortgage payments. It means those credit card debts are a little easier to pay off. It means that young people who want to go on and further their education have an easier time paying off student loans. Most important of all, lower interest rates mean business can expand more easily and create new jobs, and job creation, economic growth, means higher revenues.

Mr. Speaker, this shows that the cuts on the capital gains taxes were important in a couple of ways. Federal revenues from capital gains realizations are way up, and low taxes on capital investments mean more capital invested.

Ronald Reagan cut the taxes on capital gains. This Republican Congress did it again. The results are that capital investments have soared, and liberals on left are scratching their heads, wondering why the economy is booming. It is not rocket science and it is not magic. The Republicans were elected in 1994 to change the course after 40 years of Democrat rule; 40 years in the direction of bigger government, higher taxes, and less accountability.

As we approach the final actions of this surplus Congress, I am glad that we have held fast to Republican principles of limited growth in the Federal Government, of tax relief, stronger schools, safer streets, a better military, a balanced budget, and a \$70 billion Federal surplus.

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

(Mr. TOWNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. EHLERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

COMMUNICATION FROM STAFF
MEMBER OF CHIEF ADMINISTRATIVE
OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from Kay Ford, Associate Administrator of the Office of Human Resources of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE
OFFICER, U.S. HOUSE OF REPRESENTATIVES,

Washington, DC, October 14, 1998.

Hon. NEWT GINGRICH,

Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office of the Chief Administrator has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by Rule L (50).

Sincerely,

KAY FORD,

Associate Administrator, Office
of Human Resources.

THE BUDGET AGREEMENT AND
THE ACHIEVEMENTS OF THE
105TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGRICH. Mr. Speaker, I want to talk about the budget agreement and the achievements of this Congress. This is probably the next to the last day that we will be in session, and it seems to me appropriate to look back, not just over the last 2 years, but over the last 4 years, because this is sort of the end of phase two of what has been a very dramatic change in policy.

Four years ago, for the first time in 40 years, since 1954, the American people asked a Republican leadership to take over the Congress. We came with a set of goals. We had campaigned on a Contract With America, where we said that we would balance the budget, reform welfare, cut taxes, strengthen defense. We worked very hard at that.

We had to learn a lot. No member of the Republican majority in the House had ever served in the majority as a Republican, except the late Bill Emerson, who was here as a page, a sophomore or junior in high school, when the Republicans were last in charge. So we did not know a great deal about the complexities of our system.

□ 1400

We passed bills in the House. In fact, we met our commitment under the Contract With America, and we passed all the bills except one that was in the Contract within the first 93 days. But then they went to the Senate, and we learned the hard way that the other body can be more complex and more difficult. And then even when we worked out agreements with the Sen-

ate, we discovered that under the Constitution with the President's power of the veto, working things out between conservative Republicans and a liberal Democrat can be very complex.

One of the reasons I am so proud of the budget negotiations of the last few weeks is that I think we took into account that complex constitutional provision and we established an opportunity for us to continue to move in a direction we believe in, while recognizing the power of the President's veto pen and recognizing that on some issues the other body does not fully agree with us. This occurs, I think, in a backdrop of frankly pretty remarkable successes.

Probably the most powerful single items we campaigned on in 1994 were reforming welfare and balancing the budget. And the track record is clear. In the last Congress, we passed welfare reform three times. It was vetoed twice, and the third time it was signed into law.

Today, because of that Republican welfare reform bill signed by a Democratic President in a bipartisan effort, there are 3½ million fewer people on welfare, 3½ million more people in the private sector. That means we have been liberating poor people from being trapped in public housing, living on food stamps, and Aid to Families and Dependent Children. We have been giving them the kind of training, the kind of job opportunities, we have opened up for them the opportunity to go to live a better life with a better income, to have a chance to climb the ladder of opportunity.

But there was an important secondary effect which had been felt by every State government, most city governments, and now by the Federal Government. And that is when we take 3½ million people who have been living on welfare, drawing money from the government, and put them out into the private sector where they are paying taxes, we change the cash flow of the government very dramatically.

This has helped State after State. I noticed it in Montana. It had a 50 percent decline. There are counties in Oklahoma that have had a 70 percent decline in welfare rolls. In New York City, Mayor Rudy Giuliani has announced that his goal is to have no one on welfare after the year 2000. Every able-bodied adult will either be working or being trained to work, but no one will be sitting passively receiving welfare.

These are very dramatic changes. That was the number one change of the first 2 years that the Republicans were in charge of the Congress in this cycle.

But in that period, as powerful and as important as welfare reform was, it did not meet all of our goals. We were not strengthening defense. We were stopping the liberals from cutting defense, but we were not strengthening it. We were not cutting taxes. We had not balanced the budget.

So, we came back and last year, in a very difficult, very complex negotia-

tion with the President, at the end of July we reached a bipartisan agreement. And it was historic. Last year, we saved Medicare. We passed the entitlement reforms to balance the budget, and we cut taxes, including a cut in the capital gains tax to continue economic growth, giving us what will soon be the longest peacetime expansion in American history. Including a cut in the death tax as a step towards abolishing the death tax, because we do not believe it is right to punish parents and grandparents when they work and save all their lives by having them taxed when they die. Including a \$500 per child tax credit, which we had committed to in the Contract With America, because we believed, and do believe now, that it is important for parents to have the money in their take-home pay so that parents are in a position that they can spend the money on their children. And that is why we thought a \$500 per child tax credit was a good idea.

I happened to be with Governor Terry Branstad at one point when the septuplets were born, and we were talking about what it meant to have \$500 a year tax credit when a family has that many children, and how much they need the money and, as I went into, parents all over America who have two or three children who might be working at a job where that extra \$1,500 a year is a big deal. We are grateful and glad that we could pass and get signed into law the \$500 per child tax credit.

We also passed educational tax breaks last year, which the President proposed and we adopted together, and on a bipartisan basis we did some things that were good for education, particularly at the college and vocational-technical level.

Because we saved Medicare without raising the FICA tax, which would have killed jobs; because we reformed the entitlements and saved \$600 billion; because we were able to cut spending on the domestic discretionary side, and there I commend the gentleman from Louisiana (Mr. BOB LIVINGSTON) for his hard work; because we were able to cut taxes to continue economic growth, the budget in the fiscal year that just ended, fiscal year 1998, is balanced for the first time since 1969.

Now that is a tremendous achievement. \$71 billion is the current projection. We will know the exact number in a couple more weeks when the Treasury reports. But the estimate now is that the budget was balanced not in 2002, when we promised we would balance it; not in 2005, which was the President's proposal; it is balanced in 1998, 4 years ahead of schedule.

And of the \$71 billion, every penny will be put aside, actually to pay down the debt as a step toward saving Social Security. Every penny, the largest surplus, I think, in American history. And the important thing is, it is being followed this year, and we are now in fiscal 1999, the fiscal years run from October to October, now in this fiscal year,

we will have another surplus. The current estimate is it will be at least \$60 billion on top of last year's \$71 billion.

In fact, because of our hard work over the last 4 years, because we reformed welfare, because we reformed the entitlements, because we cut domestic spending, because we cut taxes to increase economic growth, and because when we balance the budget we lower interest rates, because the Federal Government is the largest borrower, and when the Federal Government does not have to borrow, interest rates come down, the estimate is they come down by at least 2 full percentage points at the same stage of an economic cycle from where we are borrowing, here are the numbers that I think are truly historic:

This Congress, with Republican leadership working with a Democratic President, this Congress moved us from January 1995, when the projection was that we would borrow \$3.1 trillion over the next 11 years. The numbers are almost unimaginable. Let me repeat them. The projection when we took over, after the liberal Democrats had raised taxes and claimed it was deficit reduction, the projection was that our government would be borrowing \$3.1 trillion over the next 11 years.

That is \$3.1 trillion that our children and our grandchildren would spend all of their lives paying taxes to pay interest on that Federal debt. Instead today, because of the Republican reforms working with a Democratic President, because the Republican reforms worked, we are talking about a surplus of \$1.65 trillion. Let me repeat that number, because it is, again, big. A surplus of \$1.65 trillion.

That is why the House Republicans this year said we ought to consider a tax cut, because we believe it is very important to get that surplus back home so that Americans have it in their pocket. Because, frankly, the only reason we have a surplus is the American people go to work, pay their taxes, and send the money to Washington.

I was often asked, when it was announced that we had a balanced budget, and on September 30 and October 1, at the end of the fiscal year, there were a lot of people talking here in Washington and reporters would come up to me and say, "Well, President Clinton claims that he deserves credit for the balanced budget. What do you think?" And I think they thought we would get into a Republican-Democrat argument.

I said, "Wait a second. I think Republicans deserve 5 percent of the credit. I think the President deserves 5 percent of the credit. But I think 90 percent of the credit goes to working, taxpaying Americans who got up every day, went out and either created a job or went to a job. They paid their taxes. It is their money that created the surplus."

It was not the Republicans in Congress' taxes and it was not the President's taxes. We together do not pay enough to run this government for a

day or an hour. It was the country. Let us give the country some credit, which means it is the country's surplus.

We Republicans believe that there are two things that we should do with that surplus. We believe first that its highest priority is to save Social Security. And we believe we can create personal savings accounts for every person who pays the FICA tax so that they have money they control, that they will be able to have built up interest on a tax-free basis so over their working lifetime they have a base amount of money that is a part of the Social Security system.

We believe, second, every penny left over above that ought to go back to the American people as a tax cut. But we also believe that if we leave a trillion dollars sitting around Washington, D.C., liberals will figure out a way to spend it and we will have bigger government with more bureaucracies and we think that is wrong. We think that money belong to the American people, not to the Washington bureaucrats.

So, here we are today, having just put in the bank \$71 billion, with a projected \$60 billion to \$80 billion surplus this year and with the Federal Reserve yesterday lowering interest rates again, continuing the economic growth which continues the opportunity for us to do good things for Americans.

It was in that setting, having reformed welfare, cut taxes, balanced the budget, and saved Medicare that we went into this year's negotiations with the President. We had several very specific goals.

First, we wanted to begin to rebuild national defense. Second, we wanted to pass very strong anti-drug legislation. Third, we wanted to keep Internet pornography away from our children. Fourth, on education, we wanted to guarantee that spending decisions would be made at the local level.

These are very important steps. We also, frankly, were in a stalemate. The President refused to consider a tax cut and we refused to consider \$135 billion in increased taxes and fees that he had proposed. So, we blocked his tax increases, he blocked the Republican tax cuts, and that was sort of a stalemate.

We also knew that there were some practical problems. I had been traveling across the country. I knew that from Georgia to Louisiana to Texas, there were terrible weather conditions which had hurt family farms. I knew that in North Dakota and South Dakota and Montana there were unique problems. I knew that the drop in farm prices was causing American farmers a very great difficulty, because with the Asian economic problems we had lost a substantial number of markets that had been very important to American farmers. So, we knew there had to be emergency help for farming.

All of us knew, from the tragic embassy bombings this summer, that there were problems with our embassies and that we had to spend some extra emergency money to protect our

embassies and that that was a matter of national pride. That if we had people out there serving America in embassies around the world, we owed it to them to strengthen the embassies against terrorist attack and terrorist bombing.

We also knew that we had a year 2000 problem that was very real in terms of computers and being able to solve that, and that it would be irresponsible, irresponsible for us to not provide the resources to solve the problem of the year 2000 in government computing so that aircraft could land safely, so that Social Security checks could go out, so that the IRS could work, the INS could work, and all of the other things that we have been working on, including the FBI, national defense and a whole range of key areas. So, we knew that would be an emergency.

So, as we entered this negotiation, we continued a process of commitment to reform which had been a part of the way we had been working for the last 4 years. And sometimes let me say these reforms take time. We established first a commission on the Internal Revenue Service. The gentleman from Ohio (Mr. PORTMAN) cochaired that commission. They reported a need to dramatically reform the Internal Revenue Service.

Then we had hearings by the Committee on Ways and Means on the need to reform the Internal Revenue Service, and the Senate Finance Committee did an outstanding job on hearings, listening to horror stories about what was wrong with the Internal Revenue Service.

Then we had a bill produced, working in a bipartisan basis with the gentleman from Ohio (Mr. TRAFICANT), a Democrat who had spent years of his life dedicated to reforming the Internal Revenue Service. And, finally, we produced and passed by a large margin a Republican-led but bipartisan effort which the Democratic President signed. We proved, once again, that America could work, because we did change the Internal Revenue Service and we returned the burden of proof to the government and we protected individuals from government's intervention.

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Those are the kind of reforms that we entered this budget negotiation continuing to work for. We had a specific proposal, called Dollars to the Classroom, a proposal which Senator SLADE GORTON had been working on in the Senate and the gentleman from Pennsylvania (Mr. PITTS) had been working on over here.

It is a very simple idea. If we spend less money on bureaucracy in Washington, we can take that money and spend it in classrooms back home. Our model, the Republican model, was that local teachers, local parents, local students, in a local classroom, governed by a local school board, was the right place to solve education problems in America; that creating more Washington bureaucracies, with more effort in Washington, with more Washington red

tape, with more money spent in Washington, was not going to solve education, whether it was in Atlanta, Georgia, or Albany, New York, or Sacramento, California.

The trick was to get the money to the classroom. In fact, we passed in this House the initiative of the gentleman from Pennsylvania (Mr. PITTS), which guaranteed 95 percent of the money would go to the classroom.

I must say, with the leadership of the gentleman from Pennsylvania (Mr. GOODLING) and Senator SLADE GORTON, in the negotiations with the President over the last week, we did better than that. We took the President's proposal for new teachers, a proposal which was too narrow because it did not allow anyone to spend money on special education teachers; it was too Washington-based because it was going to have Washington red tape and a lot of the money was going to be eaten up in administration, and we changed it into a Dollars for the Classroom local support to hire teachers.

We changed it in a couple of very key ways. First of all, we said the local school board would make the decision, no new Federal bureaucracy, no new State bureaucracy, not a penny in the bill that was passed goes to pay for bureaucracy; all of it goes to the local school districts, the 14,000 school districts that make such a big difference in the United States.

Second, we said that the school district, the school board, could decide what kind of teachers they needed. They were not going to be trapped into the President's proposal of only first, second and third grade and only general teachers. If they needed special education teachers, they could get it. If they needed special aid teachers, they could get it. If they wanted to hire them for any grade level, they could choose.

So we had reestablished principles that we thought were very important. Yes, there will be teachers but they would be the teachers your community needed, picked by your school board and filling the kind of classes you think you need to solve your problems, and we included special education children and special education teachers in our proposal.

We thought it was a win-win. The President got to claim victory, but the fact is it is the American people who are better off and the children of America who are better off.

We insisted on the first increase in defense spending since 1985. For the last 13 years, we have been living off the Reagan buildup. President Reagan was committed to a strong American defense. We fought Desert Storm with President Reagan's military, and for years we have not had an increase; for years there has been a gradual decline in the amount that we have been investing in our military. Recently, the Joint Chiefs of Staff, the head of the Army, the Navy, the Air Force, the Marine Corps and the Chairman of the

Joint Chiefs, met with the President and said things had now declined from the President Reagan model, they had declined so much under President Clinton and Vice President GORE, the military had gotten so weak that the Joint Chiefs could no longer certify that the American military could lead around the world without risking dramatic casualties.

We Republicans have a very simple belief. We believe if a young man or a young woman has the moral courage, the patriotism, to join the American military, if they are willing to put on the uniform of the United States, then we, the citizens, owe it to these young men and women, that they have the best equipment, the best training and sufficient numbers to win decisively and with minimum loss of American life. That is our principle.

So I am proud to report to the House that we have built into this budget agreement the first increase in defense spending since 1985. It is \$9.5 billion towards defense intelligence and anti-drug interdiction and it is a very important building block to establishing America's commitment to leading the world, defending our country and making sure that our men and women in uniform have the best equipment, the best resources and the best training.

We also had an absolute commitment to saving our children from drugs. Here I want to commend the gentleman from Illinois (Mr. HASTERT), the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Florida (Mr. MCCOLLUM) because they worked together leading a task force on the anti-drug effort. They worked with General Barry McCaffrey, the drug czar. We passed three very strong bills, a community-based antidrug effort, drug prevention, to make sure children know they should not be using drugs, and blocking drug dealers interdicting at the border, going after the drug czars down in places like Colombia and Peru.

Frankly, we had some arguments with the Clinton administration. We are much more committed to interdiction than the Clinton administration is, and it is a policy argument. I am not saying that they are in any way bad people. They would not approach this as aggressively as we would. They would not spend the kind of money on interdiction we would. They were not prepared to do some of the things that we thought was essential.

We held our ground, and we said we are going to pass strong antidrug legislation. We said we are going to be committed to actually funding the anti-drug interdiction effort, and to his credit General Barry McCaffrey came up here, met with us and as a result we were able to write very strong antidrug legislation.

The gentleman from Florida (Mr. MCCOLLUM), who has worked on this for years, told me it is the most powerful antidrug legislation in congressional history. I think it is going to have a big impact. I think it was the right

thing to do, and I am proud that that is in this particular budget agreement.

We also had a totally different provision, one which Senator COATS of Indiana and the gentleman from Ohio (Mr. OXLEY) had been working on, one which said the Internet is a wonderful tool but children should not be exposed to pornography on the Internet; one which said that today all too often your child, if they learn how to use that computer, can be having access to pornography in a way which is totally inappropriate and that you ought to have an ability to make sure that that is not happening.

It is a very strong bill. Let me be clear about this. The bill that we put in, the anti-Internet pornography bill, is a strong child protection bill and I want to be clear that we have no, none, no reservations. We are not in any way embarrassed to say to people, you are darn right, we want to save our children. We think it is wonderful that kids are learning to use computers. We think it is vital for their future that they learn to use computers but they ought to do so in an environment that is safe for children.

This bill is in this agreement and I think it is a very powerful step forward in the right direction.

I could go on and talk about a wide range of issues. There are things that we did that were right. There were things the President got. There is no question under our constitution, when there is a liberal democrat as president and a conservative Republican Congress, when there are negotiations, if they are going to be successful, each side is going to have to work out agreements. No one is going to win everything, but I think what we have done is we have passed a very responsible agreement.

That money, which is set aside for emergencies, I think is legitimate and defensible. I do not want to go back and say I am not prepared to protect our embassies from terrorists. I do not want to go back and say to my folks in Atlanta and in Marietta and in Alpharetta that I am not prepared to make sure that our government has what it needs to solve the Year 2000 problem. I am not prepared to go back home and say that the farmers I have talked to, the fields I have looked at, the weather problems that are real, the price problems caused by Asia that are real, that I am going to walk off and write off American family farms.

I am not prepared to go back home and say that I am going to let young men and women in uniform have inadequate aircraft without spare parts in too few numbers with inadequate training so we are going to risk their lives if they are put in harm's way to defend America. I will not do that. So I am prepared to defend the emergency part of this.

The nonemergency parts, and I want to commend the Clinton administration, they came in with offsets, they provided a way to stay under the

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spending caps in the nonemergency parts. We sustained the budget agreement of last year. As I said, the surplus for this year, even with this bill, is going to be somewhere between \$60 billion and \$80 billion in surplus, not deficit, money that can be used to save Social Security and money that can be used for tax cuts.

We have a few tiny tax cuts, \$9 billion worth over the next 10 years, much too small. I wanted a lot more. This House passed \$80 billion in tax cuts measured over 5 years, about \$175 billion over 10 years. That was close to the right size, still not as big as I would have liked. The American people deserve to have the money back in their pockets. They are the ones who are working and paying the taxes. It is their surplus, but we did get an extension of the research and development tax credit, which is very important, because it represents a commitment that we Republicans are particularly proud of.

We believe in the Information Age it is important to invest in science. It is important to invest in research. We believe we are on the edge of tremendous breakthroughs in medicine. That is why this budget agreement includes tremendous increases in resources for the National Institutes of Health. Earlier we funded the National Science Foundation.

When you look at the potential breakthroughs that we are seeing in diabetes, that we are seeing in AIDS, that we are seeing in cancer, that we are seeing in heart disease, the work that we in this Congress have begun to push on Alzheimer's disease, the work we are doing on Parkinson's disease, the possibilities, for example, of dealing with prostate and breast cancer, I have a sister who is going to have her seventh anniversary as a breast cancer survivor on Halloween. I know when I talk to Robbie I know how it is important that we are doing the kind of research we are on breast cancer.

I lost both my father and my stepfather to lung cancer. My best friend I lost to pancreatic cancer when he was 49. I know how vital it is that we have the resources going into the National Institutes of Health, and I know for American business and job creation and the future of this country in the world market how vital it is that we also have money that is going through the R&D tax credit.

There is one other area that is very controversial that I want to mention because I want to be very up front about it. Yes, we have funding for the International Monetary Fund in this bill. Several of my good friends have said to me, I would like to vote yes when we have a chance on Tuesday but how do I go home and explain that?

I think there are two very profound explanations. First of all, when looking at the economic problems in Russia, looking at the economic problems in Indonesia, looking at concerns that have been expressed about Brazil, look-

ing at the concerns that are currently being expressed about Japan and Korea, I am not sure this is a very good time to take a big, gigantic gamble with the world economy.

I used to be a college teacher. The gentleman from Texas (Mr. ARMEY), the majority leader, used to be a professor of economics. He wrote textbooks on economics. He is a hard line conservative. It is one thing to be out in the classroom with a chalk board explaining theoretically what to do, but we now bear the responsibility, as the leadership of the House, and I am not prepared to take a river boat gamble and decide let us just eliminate the IMF funding and see how things work for the next year and, by the way, if the world economy crashes and we end up in the great depression, that will be an interesting experiment.

I think that is, frankly, irresponsible. We have to fund the IMF because we are the leader of the world. No one else can lead the world. No other country will invest in the IMF unless the U.S. does, and while I have big questions about the International Monetary Fund, while I think they are frankly not always following the right policies, it is clear that it would be a very, very large gamble to walk off, leave them without resources and then if there is a crisis not be able to deal with it.

On the other hand, as the gentleman from Texas (Mr. ARMEY) said, and I believe in a historic intervention, the gentleman from Texas (Mr. ARMEY) began a year ago to say the American people deserve to know what the IMF is doing with their money. He said this organization is more secret than the Federal Reserve. He said we cannot come to the elected people who represent America and say to them we are going to invest \$18 billion in the IMF and not know what is being done with it, not know what decisions they are making, not hold them accountable. He was very clear. He said no accountability, no money.

We met with Secretary Rubin, and I want to frankly put in a word of praise for Secretary Bob Rubin. He had been a businessman. He had been a deal maker. He understood how you had to sit in a room and say, all right, if I am going to get A, you are going to get B.

We said to him flatly, you want 18 billion phony dollars, then give us phony reforms. You want 18 billion real dollars, we want real reforms. To his credit, he said I get it.

Secretary Rubin, I think, did a tremendous job of sitting down with the gentleman from Texas (Mr. ARMEY), the majority leader, working out real reforms, and let me say how real they are. The Secretary of the Treasury and the chairman of the Federal Reserve both have to submit a report to Congress that they have convinced all 7 nations, that are the leaders of the IMF, that all 7 have to be committed to the Armeys reforms.

All seven have to sign up that they are going to insist that the IMF adopt the Armeys reforms. What do the Armeys reforms say? They say first of all when the IMF makes a loan, the minutes of that decision, the documents relating to that decision in a timely manner have to be made public. We get to find out what is happening with the money, why is it being done, and hold them accountable for it. It says, second, when a loan is being made to a country that has had a bad series of economic decisions, that country has to pay above the market rate at which the IMF is getting its money, I think the minimum is 300 basis points, 3 percent above the market rate, which is a substantial penalty for bad behavior, so we begin to reestablish moral hazard, but you do not have some nice, easy, cheap money bank over here, "Go ahead and run your country in a bad way and you can always get the money from the internal bureaucrats." We start to establish a real standard of real involvement and real oversight. Any student of the International Monetary Fund will tell you that a year ago, it would have been impossible to have imposed these kind of genuine, deep, real reforms. I think that DICK ARMEY deserves a lot of credit because he stood up when a lot of people who thought they were sophisticated attacked it. Now, he was surrounded by people like former Secretary of State and Treasury George Shultz. He did have support from people like Nobel prize winner Milton Friedman. But I think it says a lot for Dr. ARMEY, an economist in his own right, that we got this done.

So I can go home and say to my most conservative constituents, I am prepared to help support the world economy, I am prepared to make sure that we have the resources collectively so we do not have an international collapse, but I am prepared to do it only with real guaranteed reforms that make the IMF accountable to the American people and that for the first time ever establishes a legislative oversight board so that all the democracies will have elected legislators reviewing the IMF for the first time in history and that is an important step in the right direction towards dealing with the emerging world market.

Let me summarize. Four years ago, we campaigned at exactly this time and said there is a Contract With America and we are serious, we will keep our words. We passed welfare reform and it is working. We passed a bill to save Medicare without raising the FICA tax, and it is working. We passed a bill to balance the budget, and the budget is now in its second year of being balanced. And not barely tiny balanced by some sleight of hand but \$71 billion last year, and \$60 to \$80 billion this year in surplus, something most Americans did not think they would hear in their lifetime, and we are setting the stage to come back in January and begin to save Social Security.

We have a budget agreement which we will vote on Tuesday which is the best agreement you could get when you have a conservative Republican Congress and a liberal Democratic President sit down side by side and negotiate, and I think it is an agreement which is good for the American people with local control of education, with special education children and teachers being helped, with our military being strengthened, with the International Monetary Fund being reformed, very serious steps with a strong war on drugs, and with Internet pornography being blocked from our children.

I yield to my good friend from California.

Mr. HUNTER. I thank the Speaker for yielding. I was watching his remarks over the last several minutes. I want to thank him and all the others who worked for a strong national defense in this emergency supplemental. It is very, very critical. I would simply ask him to talk a little bit about the fact that the North Koreans now have an ICBM capability.

Mr. GINGRICH. The gentleman from California has been involved as a member of the Committee on National Security and chairman of a key subcommittee. Would he just share with the audience for a minute the kind of problems we are having with readiness and with equipment and personnel and with pilot retention, and why it is so vital that for the first time since 1985 we have begun to rebuild defense so that every pro-defense conservative will understand why they should vote "yes" next Tuesday for this agreement.

Mr. HUNTER. I thank the Speaker for the opportunity to talk a little bit about what has happened to defense under this administration. We are going to be about 800 pilots short in the Air Force this year. We are already about 18,000 sailors short in manning the ships. When I talk about the ships, it is not 600 ships anymore, it is only about 330 ships in the United States Navy. We are about \$1.6 billion short in basic ammunition for the men and women of the United States Army. We are about \$193 million short of basic ammunition for the United States Marine Corps. Our aircraft, which have a certain mission capability rate, that means if you have 10 airplanes in the hangar or 10 airplanes on the carrier deck, how many of those planes will be able to fly out if they are called for a mission. Our aircraft mission capability rate has fallen from about 72 percent on the average, Navy, Marine and Air Force, to about 61 or 62 percent, a massive fall in what we call mission capability.

Mr. GINGRICH. I want to make sure that our audience and Members all understand what we have just said. Four out of every 10 aircraft, in a smaller Air Force, in a smaller Navy, 4 out of every 10 aircraft are not today mission capable at a 100 percent rate. We have fewer aircraft, fewer pilots. It is not like this was from the Reagan buildup.

We have been sliding now for a decade. And in the smaller system, 4 out of every 10 aircraft are not capable, completely capable of their missions.

Mr. HUNTER. The Speaker is exactly right. That means out of 10 aircraft that are on the line when you call for them to do their mission operation to carry out their mission, only about 60 percent, a little over 60 percent of those aircraft are capable of doing it, and that is after we have cut our air wings from 24 to 13 fighter air wings. So we have roughly half the air power that we had during Desert Storm. And even those aircraft, those reduced squadrons, are becoming very unready.

Mr. GINGRICH. I think it is really important to slow down so people lock in their head how bad the deterioration under Clinton and GORE has been of our military. We have about half as many aircraft in the Air Force and 60 percent of those are mission ready.

Mr. HUNTER. That is exactly right.

Mr. GINGRICH. So we probably have about 35 to 40 percent as many aircraft that are mission ready as we would have had at the peak of the Reagan buildup.

Mr. HUNTER. That is exactly right. Let me mention something else that I know struck the Speaker and JERRY SOLOMON, chairman of the Committee on Rules and many others who are concerned about national defense. We have been looking at accident rates. I have one member on my staff who just cares about the people that fly aircraft, and he gives me the weekly accident rate. That means helicopters and aircraft that have just crashed during the year. We now have had 43 of them crash, at least according to my estimates and my reports, this year. That is almost more aircraft than we are building but it also claimed about 70 lives. The Navy reports that they have more crashes this year per thousand flying hours than they had last year, roughly twice as many. Now, last year we had what was considered to be a very good year in the Navy in terms of a safety record. But they mentioned when they came over and briefed the defense committees in this body and the other body that this is something that they are very concerned about. So at a time when we are trying to get pilots to do two things, one we are trying to get our experienced pilots to stay in and they are not staying in. The rate of leaving the services for senior pilots who could stay in, who could opt to stay in in the Marines is now 92 percent. That means 92 percent of them are leaving. Only 8 percent are staying who are eligible. But the way to instill morale and to instill a desire to stay in the service is to show that you are buying the absolute best aircraft for these people and that you are giving them all the training hours that they need, which we are not now doing, and that you are giving them all the spare parts that they need that they are not now doing.

This brings me back to my point. The Speaker and his negotiators got 9 bil-

lion extra dollars for national security, for this vital national security function which is inadequate right now, which is being abandoned. I know you did that at great pain, and I realize the President is half this process. And the President got some of the things that he wants in this bill. I would simply say to every conservative and every Republican or Democrat or independent who believes in a strong national defense for America is that the money that you got to restore these readiness accounts, the money that you got to restore our program for a national missile defense which we still do not have, even as North Korea builds an ICBM, the money that you got for the other problems with the military far outweighs any concessions, in my estimation, that were made to the Clinton administration.

Mr. GINGRICH. I thank my friend. Let me just close by building on what he just said. We came in with a contract with America in 1994. In 1995 and 1996 we passed balanced budget agreements which the President vetoed, we fought to balance the budget. We did get the President to sign welfare reform. In 1997 we became the first re-elected Republican Congress since 1928. At that time we insisted on saving Medicare, on balancing the budget and on cutting taxes. Those are the three great achievements of 1997. This year we began with reforms such as the Internal Revenue Service reform bill, which was a very important step in the right direction that we passed in June, that was signed into law. We began to work on ideas like dollars to the classroom to eliminate Federal bureaucracy and get the money back home to local schools and local teachers. Now we have a sound, solid, bipartisan budget agreement which frankly both sides agree to, which is good for America and which has a wide range of things.

Next year if we come back in the majority, we will save Social Security with a major bill using a large part of the surplus to save Social Security without cutting benefits or raising taxes, we will pass a very major tax cut, including, I hope, abolishing the death tax so that people no longer are punished if they work and save all their lives. We will also continue to strengthen defense, continue to work on winning the war on drugs, continue to reform education, and continue to move towards a more modern, more effective computer age government that costs less and provides better services and better defenses at less cost. I think all of this is possible. I think we can be very proud of this Congress. I think we can be very proud of this budget agreement. I hope on Tuesday we will have a resounding vote to make sure the American people know that we are working in a practical, commonsense way.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 136. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

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

S. 109. An act to provide Federal housing assistance to Native Hawaiians.

ON NATIONAL SECURITY

The SPEAKER pro tempore (Mr. BRADY of Texas). Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, I want to talk with my colleague the chairman of the R&D subcommittee the gentleman from Pennsylvania (Mr. WELDON) and talk a little bit to our colleagues and those that are listening about some of the background with respect to the defense requirements that we just talked about with the Speaker (Mr. GINGRICH). First, Mr. Speaker, let me talk about personnel shortages, because when we put together a defense budget, often the newspapers say the Pentagon got \$300 billion, or the Pentagon got \$250 billion or the Pentagon got this or got that. And the picture that they create is of just a big bureaucracy in Washington that takes up money, and that bureaucracy does not translate into real people who have real needs. Actually the Department of Defense is about 50 percent people. That means that not only the soldiers, the sailors, the airmen, the marines who serve this country, but also the many people who back them up. That means people who repair aircraft like those at North Island naval air rework depot in San Diego, California in my district or the people that repair the ships or the people that do the high-tech work or the teams that fly around the world as we project American military power to support a very complex military. Personnel is a very important part of our national defense. If you talk to folks like Commandant of the Marine Corps Chuck Krulak and others, you may come to the conclusion that actually they are the primary part of our national defense, they are the most important part, the good people, and they come from America's villages and towns and cities and farms and they serve in the American military often at great inconvenience and often at a pay scale that is much less than their civilian counterparts.

Let us talk about personnel shortages that we have today. The United States Air Force is going to be short almost 800 pilots, a little over 700 pilots for this fiscal year that is coming up. Now, when you train a pilot, you put

several million dollars minimum into his training, so we are losing not only those good people and all that experience but we are also losing the money that we put into their training.

□ 1445

We are going to be very short on pilots.

In the Navy we are going to be short 18,000 sailors and 1,400 recruits in this fiscal year. That means that when a guy comes back from a 3 or 4 or 5-month deployment, we have to send him out immediately to another deployment because there is nobody there to rotate with him, to fill his shoes and to give him a little family time.

Marine aviators have been traditionally our most loyal people with respect to re-upping, taking that next jump of 5 or 6 years or 4 years in the service and opting to do that instead of being in the private sector, and yet our Marine aviators are now leaving the service at a rate of 92 percent.

Even the Army, which has a limited air power but also has, obviously, a very large helicopter force attending its ground forces, is going to be 140 Apache pilots short in 1999. Now those Apache pilots you saw on CNN when they were doing such a great job on Saddam Hussein's tanks during Desert Storm. Those are the pilots that we will be lacking in this next year.

Now I talked a little bit about mission capable rates with the Speaker, and once again here are the mission capable rates, and this is a chart that shows how they are going downhill very quickly.

Mission capable is kind of like the Speaker described it. If you send out 10 aircraft or you have 10 aircraft on the line, how many of them can actually fly out and do their mission? Just like having four or five combines on your farm, and it is time to harvest the wheat, and the first thing you ask your foreman is how many of the combines are working. It may not be all the combines are working; maybe only half of them are working.

Well, we have gone from a mission capable rate that, for example, for the Air Force was 83.4 percent in 1991; that is when George Bush led us in Desert Storm; to today to about 74 percent. We have gone with the Marine Corps from 77 percent to about 61 percent, and with the Navy from 69 percent, almost 70 percent, to 61 percent. That means 6 out of 10 aircraft are able to actually get off the ground and perform their missions.

That is a good example of our declining readiness rates, and that means we have a lack of spare parts and we do not have enough components and enough people in some cases. That means mechanics and the people, the high-tech people that make these very complex weapons systems work, not enough people in the pipeline, not enough people on-station at that particular base to take care of those problems.

Let us go to equipment shortages.

We had almost a 600-ship Navy when Ronald Reagan left office. Today we are down to about 330 ships. We actually had about 546 ships in 1991. Today we are down to about 330. But we are losing a lot of those ships, we are retiring a lot of them. A lot of them are getting older, and, as you know, it takes a long time to build a ship. In fact, it was remarked the other day by one of our assistant secretaries for shipbuilding that actually when we started World War II, all the keels for the battleships had already been laid, meaning we had actually started to build these battleships knowing that there might be a problem. When FDR knew we would probably have a conflict with Adolf Hitler, he started a pretty good shipbuilding program in the late 1930's, and those ships got completed and got put to sea during World War II in the 1940s.

But the point is you have to start ships early. If you are going to field a ship in 1997, you need to start it in 1993 or 1994. Well, in this case we are building down to a 200-ship fleet by 2020. That means we are not replacing the ships in a 1-for-1 fashion. That means every time you retire three old ships, you only replace it with one young ship, one new ship. That means that we are going to have a 200-ship fleet by the year 2020 if we do not increase shipbuilding.

Ammunition shortages; we are \$1.7 billion short for the basic ammunition supply for the Army.

Now I would say that we have a couple of duties to the people that wear uniforms who still carry rifles in the field and still fire artillery and do those very things that are very, very difficult in this modern world where you have bio warfare, biological warfare, chemical warfare threatening them, surface-to-surface missiles threatening them. Well, one of the basic things you do for your soldiers and your marines is you give them enough ammo. We do not have enough ammunition for the so-called two regional contingency that we are supposed to plan for. That means if Saddam Hussein starts a fight in the Middle East, and North Korea takes advantage of that by coming down the peninsula, you have to have enough ammo to handle both those wars, both those contingencies.

We are short right now, we are short \$1.6 billion in basic ammunition.

Now that is not money for the Pentagon, that is money for people in the field who carry weapons in defense of this country who need to have ammo. There is nobody here who would send out a police force in a very difficult area without giving them ammunition for their guns, and yet we are preparing to do that with our people who wear the uniform in the Army and the Marine Corps.

Age and equipment; this is a pretty good example.

The CH-46 is kind of our workhorse helicopter in the U.S. Marine Corps. We

are trying to replace that. But the average CH-46, and if you look at the crashes that have taken place in the last 5 years, you are going to see a lot of these CH-46s there because a lot of them have crashed and taken the lives of the young Marines flying those airplanes and attending those airplanes as crewmen. But the average age of that CH-46 right here, about 40 years old.

We owe those people new equipment. They have a tough enough job as it is.

The assault vehicle; that is the amphibious vehicle that comes out. If you watched Saving Private Ryan, that is a vehicle that comes out, hits a beach and makes the assault from there; that is called an AAV. The average age of those vehicles is 26 years, so they are getting old, and we need to replace them with a new assault vehicle. We do not have money for it because this budget has been handed down to us by the so-called budget deal pressed by the Clinton administration to cut defense.

Now my Republican colleagues have added \$21 billion to the defense budget over the last 5 years, and I am very proud of that, and, as the chairman of the Military Procurement Subcommittee, I am really proud of the gentleman from South Carolina (Mr. SPENCE) who is our chairman of the full Committee on National Security, and the gentleman from Florida (Mr. YOUNG) who is chairman of the Subcommittee on National Security, because they tried to swim against a tide that was being handed down to them by the White House, and we put \$21 billion extra to try to meet some of these shortages.

But even after we put that in, the services finally came forth the other day, and they gave us a list of what they are short. They are \$80 billion short in what they call unfunded requirements. That means ships that we planned to build that we cannot afford to build, it means ammunition we cannot afford to buy. That means flying hours for our pilots, and we cannot afford to send them up because it is too expensive to fly the planes for those hours. That means spare parts and a lot of other things.

Well, the Speaker, when he put together this, our side's position on the negotiation on this emergency supplemental spending plan that we just made the deal with President Clinton on, argued for a strong national defense, and he said I have got to have extra dollars for defense. He said we have got to have extra dollars for intelligence.

We put \$2 billion into intelligence. That is so that when somebody is planning to blow up an American embassy, we have a network of people who are in key critical places in that particular country, wherever it might be, who have their ear to the ground with the terrorist networks. It was some of the state sponsored terrorist organizations, and they find out about the plan, for example, to blow up an embassy or to do something else in a terrorist fashion, and they relay it back to our peo-

ple here, and we are able to take action to keep it from ever happening in the first place. We need a strong intelligence force more than ever.

You know, the Soviet Union was big and it was strong, but it was very predictable in the so-called Cold War. We could see a lot of what they did, they moved in a very traditional fashion, and we knew where to go to get information.

Today we live in a world in which the CIA Director, Jim Woolsey, once said is full of poison snakes, although we have killed the big dragon of the so-called Soviet Union, and that is very true. There is a lot of small organizations that are terrorist organizations that want to kill Americans, and we need to have a good intelligence operation to cut them off at the pass. That means to find out what is going to happen before it happens and stop it. And to those ends, after a lot of behind-closed-doors briefings about the world situation, the Speaker fought for 2 billion extra dollars in intelligence funding.

We also fought hard for missile defense, and let me tell you what the problem is with missile defense.

The North Koreans have just launched a missile, went out over the Sea of Japan which surprised us. It surprised us just like the two nuclear blasts in India and Pakistan that our intelligence people did not know about, did not predict. We thought that the North Koreans would not achieve this ICBM capability for about 10 years. We thought that would not happen. But actually they have achieved it now. The missile that they launched, which is a so-called Taepo DONG I missile with three stages is capable of hitting parts of the United States. Now, if you couple that with the ongoing program that the Koreans, the North Koreans have followed, sometimes with greater exposure to us than other times, but nonetheless they have historically followed of trying to achieve nuclear capability and biological and chemical capability; that means the ability to throw a biological warhead with nerve gas in it, for example, that will kill civilians on contact; that program, married up with their missile program, will give them very soon the capability to reach some of the United States with missiles.

Now the problem with that is we have a military that is designed to stop tanks, it is designed to stop ships, it is designed to stop planes, it is designed to stop infantry. We have nothing, nothing that will stop an intercontinental ballistic missile from hitting a city in the United States, and that is a question I ask President Clinton's Secretary of Defense every time he appears before us: Could we stop a single incoming ballistic missile. And he always has to tell myself and other members of the National Security Committee, no, not one.

So we have to build a defense against incoming ballistic missiles. We live in the age of missiles. We have to understand that, we have to acknowledge it,

and we have to prepare for it. We do not at this point have a missile defense, but we need to have one, and the Speaker put almost a billion dollars into missile defense and got the Clinton administration to agree with it. That alone, with a lot of the things in this bill that I do not agree with that the Clinton administration pressed for, the President's agenda, the fact that he gave us that extra billion dollars for missile defense, that we got that, that alone is a compelling reason to vote for this emergency supplemental, because having a missile defense, of all the things in this package, is probably the one that I would deem the greatest emergency.

I want to close by going back to what we call the growing pay gap because this may tell you a little bit about what I started with. What I started to talk about, of course, was personnel, people. Why are they leaving the military after we put 1, 2, 3 or \$4 million into training a young man or a young woman to be a pilot? Why are they getting out? Why are our sailors leaving? Well, I will tell you why.

Since 1982, and I can remember being a Republican freshman in 1982, one of the first things that Ronald Reagan did was put in two bills that brought up our military to where they were level, they were even, with civilian pay, and that gave great morale to the people that were already in and it also gave a great incentive to young people that thought about joining to come into the military. Since then, and that is 1982 on this chart, you can see this big pink area which is now the difference between military people and civilians in the same type of work. So that means if you have got an electronics technician on the inside of the military, he is working in the military, and he looks outside and sees his friend who has the same schooling, same capability, that young person is making 13½ percent more than he is on the average. And so when you ask a young person to come into the military, and they look at that job level and the job description inside the uniformed services and the job description on the outside of the uniformed services, they come to the conclusion that it is best to stay on the outside, and that is what has been happening.

So we need to address this pay gap between the civilian sector and the uniformed sector, and we are going to be doing that.

□ 1500

Now, there are a couple of other things in the defense bill that are in the emergency supplemental before us, this big omnibus bill, that are defense-related.

We have the Y2K problem. We devoted some money to the Y2K problem. We have to solve that, because a lot of military activities are related to computers and could be badly damaged if we have a Y2K problem. That is this idea that in the Year 2000 many of the

computers are not predictable with respect to what they are going to do. So we are going to solve that Y2K problem. We have to do that in national security, as well as in the domestic area.

Also some of this money is devoted to paying for Bosnia. Let me tell you, that tells us where some of the money went that should have gone to pay, some of the money that should have gone to equipment, some of the money that should have gone to spare parts and training, and some of the money that should have gone to personnel retention bonuses. That money instead went, among other places, to Bosnia. So now we are paying for the money for the President's Bosnia operation, without taking it out of ammunition, without taking it out of training, without taking it out of readiness.

What we did in the old days, the President just said you military folks go look at your other areas, like training and people and ammunition, and pull some money out of those accounts, and we will use that money to go to Bosnia on. That is called taking it out of hide.

Well, we stopped that in this emergency supplemental, so even that money going to Bosnia does not directly help us with respect to modernization or pay rates or spare parts. At least it takes the pressure off the defense budget so we can buy ammunition, so we can pay our personnel more and give them some retention bonuses and we can buy those spare parts.

We spent about \$1 billion in this emergency supplemental on readiness. Most of that is going to go to parts. That means if you are working on a carrier and you need a certain part now for an aircraft, and a week later you may need another part, instead of having to fly that in with an airplane from some parts depot in the United States to halfway around the world, hopefully we will be able to buy enough of those spare parts so you have a couple of them on the shelf in the plane or on the ship, or, for example, have some of those components for the air crew that works that particular plane. So that will solve some of our readiness problems. So we have devoted over \$1 billion to that so-called readiness account in this emergency supplemental.

Let me just make the case again that there was a lot of negotiation that took place in this bill, but the important national security problems that the Speaker and his negotiating team took care of far outweigh any concessions that we might have had to make to big government and to the President.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. VELÁZQUEZ) to revise and extend their remarks and include extraneous material:)

Mr. OBEY, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. EHLERS, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2476. An act for the relief of Wei Jingsheng; to the Committee on the Judiciary.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2431. An act to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted in foreign countries on account of religion; to authorize United States actions in response to violations of religious freedom in foreign countries; to establish an Ambassador at Large for International Religious Freedom within the Department of State, a Commission on International Religious Freedom, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

H.J. Res. 136. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1892. An act to provide that a person closely related to a judge of a court exercising judicial power under article III of the United States Constitution (other than the Supreme Court) may not be appointed as a judge of the same court, and for other purposes.

S. 1976. An act to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday October 19, 1998, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

11677. A letter from the Secretary of Energy, transmitting the Department's "Report On Alternative System for Availability of Funds"; to the Committee on National Security.

11678. A letter from the AMD-Performance Evaluation & Records Management, Federal Communications Commission, transmitting the Commission's final rule— Amendment of Part 95 of the Commission's Rules to Provide Regulatory Flexibility in the 218-219 MHz Service [WT Docket No. 98-169 RM-8951] Amendment of Part 95 of the Commission's Rules to Allow Interactive Video and Data Service Licensees to Provide Mobile Services [WT Docket No. 95-47 RM-8467], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11679. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a letter providing information concerning the transfer of defense articles; to the Committee on International Relations.

11680. A letter from the Interim Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of the Financial Accounts and Operations of ANC 5B for Fiscal Years 1991 through 1997," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform and Oversight.

11681. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to Establish an Additional Manatee Sanctuary in Kings Bay, Crystal River, Florida (RIN: 1018-AE47) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11682. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled "Body Armor Penalty Enhancement Act of 1998" received October 15, 1998; to the Committee on the Judiciary.

11683. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Revenue Procedure 98-54] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 604. Resolution providing for consideration of the 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, and for consideration of the bill (S. 2133) an act to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance (Rept. 105-823). Referred to the House Calendar.

Mr. YOUNG of Alaska. Committee on Resources. Monumental Abuse: The Clinton Administration's Campaign of Misinformation

in the Establishment of the Grand Staircase-Escalante National Monument (Rept. 105-824). Referred to the Committee of the Whole House on the State of the Union.

H.R. 4377. Referral to the Committee on Commerce extended for a period ending not later than October 20, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas (for himself and Mr. MURTHA):

H.R. 4847. A bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; to the Committee on Resources.

By Mr. KENNEDY of Massachusetts (for himself and Ms. ROYBAL-ALLARD):

H.R. 4848. A bill to amend the Fair Credit Reporting Act to allow any consumer to receive a free credit report annually from any consumer reporting agency; to the Committee on Banking and Financial Services.

By Mr. PALLONE:

H.R. 4849. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish therapeutic equivalence requirements for generic drugs, and for other purposes; to the Committee on Commerce.

By Mr. SKAGGS:

H.R. 4850. A bill to designate as wilderness certain lands within Rocky Mountain National Park, in Colorado; to the Committee on Resources.

By Mr. LIVINGSTON:

H.J. Res. 136. A joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes; to the Committee on Appropriations.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1965. Referral to the Committees on Ways and Means and Commerce extended for a period ending not later than October 20, 1998.

H.R. 2748. Referral to the Committee on the Judiciary extended for a period ending not later than October 20, 1998.

H.R. 3511. Referral to the Committee on Commerce extended for a period ending not later than October 20, 1998.

H.R. 3828. Referral to the Committees on Veterans' Affairs and Commerce extended for a period ending not later than October 20, 1998.

H.R. 3829. Referral to the Committees on Government Reform and Oversight, the Judiciary, and National Security extended for a period ending not later than October 20, 1998.

H.R. 3844. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 20, 1998.

H.R. 4023. Referral to the Committees on Commerce and Transportation and Infrastructure extended for a period ending not later than October 20, 1998.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 121: Mr. SALMON.

H.R. 590: Mr. MATSUI.

H.R. 902: Mr. THUNE, Mr. BARTON of Texas, Mr. HILLEARY, Mr. RAMSTAD, and Mr. PETERSON of Pennsylvania.

H.R. 1401: Mr. BARRETT of Wisconsin.

H.R. 2537: Mr. SPENCE.

H.R. 2817: Mr. HALL of Ohio, Mr. RADANOVICH, Mr. TRAFICANT, and Mr. CUNNINGHAM.

H.R. 3779: Mr. PASTOR.

H.R. 3940: Ms. JACKSON-LEE of Texas.

H.R. 3946: Ms. LOFGREN.

H.R. 3956: Mr. DICKS.

H.R. 4036: Mr. BENTSEN and Mr. LAMPSON.

H.R. 4552: Mr. FILNER.

H.R. 4692: Ms. SLAUGHTER.

H.R. 4818: Mr. CLYBURN and Mrs. CLAYTON.

H.R. 4841: Mr. BLUNT.

H. Con. Res. 41: Mr. FRELINGHUYSEN.

H. Con. Res. 274: Mr. BROWN of California, Mrs. JOHNSON of Connecticut, and Ms. LOFGREN.

H. Con. Res. 347: Mr. PORTER, Mr. CUMMINGS, and Mr. TOWNS.

H. Res. 512: Mr. LUTHER.



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No. 148

Senate

(Legislative day of Friday, October 2, 1998)

The Senate met at 10 a.m., 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 have been faithful to help us when we have asked for Your guidance and strength. May we be as quick to praise You for what You have done to answer our prayers as we are to ask You to bless us in the future. We have come to You in crises and difficulties and uncertainties; and You have been on time and in time in Your interventions. Thank You for Your providential care in the development and now the last steps in the completion of the omnibus appropriations bill. We ask You, Gracious God, to guide and direct each step of the way in these last and final days.

We thank You that we are responsible to You and, therefore, accountable to You. You are Sovereign of this Nation, and we seek to know and do Your will. Remind us of the implications of Your righteousness and justice in all things. We consecrate ourselves with renewed dedication to You and to this great Nation we serve. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator JEFFORDS, is recognized.

SCHEDULE

Mr. JEFFORDS. Mr. President, this morning the Senate will begin a period of morning business until 11 a.m. Following morning business, the Senate

will recess until 1 p.m., when it is expected that the House will send over another temporary continuing resolution. After the CR is agreed to, the Senate is expected to recess until Monday, October 19, to await action by the House of Representatives on the omnibus appropriations bill. The House leadership has indicated a final vote on the omnibus bill may occur on Monday or Tuesday. All Senators will be notified of the voting schedule as soon as it becomes available.

I thank my colleagues for their attention.

Mr. President, I see no one seeking recognition, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

NOTICE

If the 105th Congress adjourns sine die on or before October 20, 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.

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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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S12659

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business until 11 a.m.

The distinguished Senator from Vermont is recognized.

MEDICARE HOME HEALTH FAIR PAYMENT ACT OF 1998

Mr. JEFFORDS. Mr. President, I am pleased to report to my colleagues that yesterday afternoon a tentative agreement on home health care was reached by negotiators from the House and the Senate. This agreement will throw a much needed lifeline to our Nation's senior citizens who rely on home health care to provide much needed health services within the surroundings of their homes.

Home health care is the cornerstone of the health care safety net for senior citizens. It spares them the dislocation of moving to a hospital or nursing home, and it spares the taxpayers from paying for such costly services when they are not really needed.

The administration has implemented reductions in home health care services that treat every agency exactly the same, regardless of whether the agency is efficient or wasteful. The result is that the most efficient agencies are being hit with cuts they cannot absorb. Vulnerable senior citizens in my State are on the brink—on the brink—of losing their vital services.

Under the proposal, payments to the older, low-cost home health agencies will be increased and an additional 15 percent across-the-board cut scheduled for next fall will be delayed for 6 months. That is the time when they say the proposed payments which will get us out of this mess will be available. Adoption of this bill will give home health agencies needed financial relief until a new prospective payment system is in place.

All we need now is for the administration to also agree to help our senior citizens who rely on home health care, as was wrapped into the omnibus bill yesterday. I call upon the President in the strongest way I possibly can to join us in saving hundreds and thousands of home health care services from being forced to cut back on critical services.

Today is a day of political spinning. The media will examine who won and who lost, what provisions are in and what provisions are out. We must take that time to make things right for senior citizens who need our help.

Over the last 8 months, I have been working as hard as I know how to find a solution for the crisis faced by our home health care agencies in Vermont. Our 13 home health agencies are model

agencies that provide high-quality, comprehensive home health care with a low price tag. However, under Medicare's new interim payment system, the payments to the agency are so low that Vermont seniors may be denied access to needed home health services. They are the lowest cost in the whole United States.

For the past 7 years, the average Medicare expenditures for home health care in Vermont have been the lowest in the Nation. However, rather than being rewarded for this cost-effective system, Vermont has been penalized by the implementation of the current interim payment system. In June 1998, Vermont's home health agencies projected the statewide impact of their current interim payment system was a loss of over \$4.5 million in Medicare revenues for the first year. These are nonprofit agencies in our little State. This represents a loss of over 11 percent on an annual base of \$40 million statewide.

Vermont is a good example of how the health care system can work to provide for high-quality care for Medicare beneficiaries. Home health agencies are a critical link in the kind of health system that extends care over a continuum of options and settings. New technology and advances in medical practice permit hospitals to discharge patients earlier. They give persons suffering with acute or chronic illness the opportunity to receive care and live their lives in familiar surroundings. Time and time again, Vermont's home health agencies have proven their value by providing quality, cost-effective services to these patients. Yet, time and time again, Federal policy seems to ensure that their good deeds will go punished.

The home health legislation is the product of a great deal of hard work by the majority leader, Senators ROTH and GRAMM, and Congressmen THOMAS and BILIRAKIS. I worked with them yesterday before we reached our conclusion. The signing of this bill will mark a victory for our State and also reflect a strong nationwide commitment to high-quality, cost-effective home health agencies such as those in Vermont.

I anguish as I wait today to know what will happen at the White House. I ask the President, call upon him, to make sure that they do not destroy this wonderful work that was accomplished yesterday to save our home health care system.

RECESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now stand in recess until 1 p.m. today.

There being no objection, the Senate, at 10:13 a.m., recessed until 12:59 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

UNANIMOUS CONSENT AGREEMENT—FURTHER CONTINUING APPROPRIATIONS FOR FY 1999

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate receives from the House a continuing resolution, and provided the language is identical to H.J. Res. 135, except for the date of Tuesday, October 20, at 12 midnight, it be considered agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H.J. Res. 136) was passed.

PRINTING OF A SENATE DOCUMENT

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 310, submitted earlier by Senators HELMS and BIDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 310) authorizing printing of background information on the Committee on Foreign Relations as a Senate document.

There being no objection, the Senate proceeded to consider the resolution.

Mr. COCHRAN. 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. 310) was agreed to, as follows:

S. RES. 310

Resolved,

SECTION 1. PRINTING OF BACKGROUND INFORMATION RELATING TO THE HISTORY OF THE UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS.

The Public Printer shall print—

(1) as a Senate document a compilation of materials, with illustrations, entitled "Background Information on the Committee on Foreign Relations, United States Senate (7th Revised Edition),

(2) in addition to the usual number, there shall be printed 500 copies of the document for the use of the committee, and

(3) the cost for printing this document shall not exceed \$5,825.00.

NATIVE HAWAIIAN HOUSING ASSISTANCE ACT OF 1998

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 713, S. 109.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 109) to provide Federal housing assistance to Native Hawaiians.

There being no objection, the Senate proceeded to consider the bill, which

had been reported from the Committee on Indian Affairs, 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 "Native American Housing Assistance and Self-Determination Amendments of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States has undertaken a responsibility to promote the general welfare of the United States by—

(A) employing its resources to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income; and

(B) developing effective partnerships with governmental and private entities to accomplish the objectives referred to in subparagraph (A);

(2) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii—Native Hawaiians;

(3) despite the intent of Congress in 1920 to address the housing needs of Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), some agencies of the Federal Government have taken the legal position that subsequently enacted Federal housing laws designed to address the housing needs of all eligible families in the United States could not be extended to address the needs for housing and infrastructure development on Hawaiian home lands (as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996, as added by section 3 of this Act) with the result that otherwise eligible Native Hawaiians residing on the Hawaiian home lands have been foreclosed from participating in Federal housing assistance programs available to all other eligible families in the United States;

(4) although Federal housing assistance programs have been administered on a racially neutral basis in the State of Hawaii, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States;

(5) among the Native American population of the United States, Native Hawaiians experience the highest percentage of housing problems in the United States, as the percentage—

(A) of housing problems in the Native Hawaiian population is 49 percent, as compared to—

(i) 44 percent for American Indian and Alaska Native households in Indian country; and

(ii) 27 percent for all other households in the United States; and

(B) overcrowding in the Native Hawaiian population is 36 percent as compared to 3 percent for all other households in the United States;

(6) among the Native Hawaiian population, the needs of Native Hawaiians, as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996, as added by section 3 of this Act, eligible to reside on the Hawaiian Home Lands are the most severe, as—

(A) the percentage of overcrowding in Native Hawaiian households on the Hawaiian Home Lands is 36 percent; and

(B) approximately 13,000 Native Hawaiians, which constitute 95 percent of the Native Hawaiians who are eligible to reside on the Hawaiian Home Lands, are in need of housing;

(7) applying the Department of Housing and Urban Development guidelines—

(A) 70.8 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes that fall below the median family income; and

(B) 50 percent of Native Hawaiians who either reside or who are eligible to reside on the Ha-

waiian Home Lands have incomes below 30 percent of the median family income; and

(8) 1/3 of those Native Hawaiians who are eligible to reside on the Hawaiian Home Lands pay more than 30 percent of their income for shelter, and 1/2 of those Native Hawaiians face overcrowding;

(9) the extraordinarily severe housing needs of Native Hawaiians demonstrate that Native Hawaiians who either reside on, or are eligible to reside on, Hawaiian Home Lands have been denied equal access to Federal low-income housing assistance programs available to other qualified residents of the United States, and that a more effective means of addressing their housing needs must be authorized;

(10) consistent with the recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and in order to address the continuing prevalence of extraordinarily severe housing needs among Native Hawaiians who either reside or are eligible to reside on the Hawaiian Home Lands, Congress finds it necessary to extend the Federal low-income housing assistance available to American Indians and Alaska Natives under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to those Native Hawaiians;

(11) under the treaty-making power of the United States, Congress had the authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and under clause 3 of section 8 of article I of the Constitution, the authority of Congress to address matters affecting the indigenous peoples of the United States includes the authority to address matters affecting Native Hawaiians;

(12) through treaties, Federal statutes, and rulings of the Federal courts, the United States has recognized and reaffirmed that—

(A) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

(B) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished;

(13) the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act of 1992 (106 Stat. 3434);

(G) the American Indian, Alaska Native and Native Hawaiian Culture and Arts Development Act (20 U.S.C. 4401 et seq.);

(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(14) in the area of housing, the United States has recognized and reaffirmed the political relationship with the Native Hawaiian people through—

(A) the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), which set aside approximately 200,000 acres of public lands that became known as Hawaiian Home Lands in the Territory of Hawaii that had been ceded to the United States for homesteading by Native Hawaiians in order to rehabilitate a landless and dying people;

(B) the enactment of the Act entitled "An Act to provide for the admission of the State of Ha-

waii into the Union", approved March 18, 1959 (73 Stat. 4)—

(i) by ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust, for the betterment of the conditions of Native Hawaiians, as that term is defined in section 801(15) of the Native American Housing Assistance and Self-Determination Act of 1996, as added by section 3 of this Act; and

(ii) by transferring what the United States considered to be a trust responsibility for the administration of Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), enacted by the legislature of the State of Hawaii affecting the rights of beneficiaries under the Act;

(C) the authorization of mortgage loans insured by the Federal Housing Administration for the purchase, construction, or refinancing of homes on Hawaiian Home Lands under the Act of June 27, 1934 (commonly referred to as the "National Housing Act" (42 Stat. 1246 et seq., chapter 847; 12 U.S.C. 1701 et seq.));

(D) authorizing Native Hawaiian representation on the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing under Public Law 101-235;

(E) the inclusion of Native Hawaiians in the definition under section 3764 of title 38, United States Code, applicable to subchapter V of chapter 37 of title 38, United States Code (relating to a housing loan program for Native American veterans); and

(F) the enactment of the Hawaiian Home Lands Recovery Act (109 Stat. 357; 48 U.S.C. 491, note prec.) which establishes a process for the conveyance of Federal lands to the Department of Hawaiian Home Lands that are equivalent in value to lands acquired by the United States from the Hawaiian Home Lands inventory.

SEC. 3. HOUSING ASSISTANCE.

The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) is amended by adding at the end the following:

"TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

"SEC. 801. DEFINITIONS.

"In this title:

"(1) DEPARTMENT OF HAWAIIAN HOME LANDS; DEPARTMENT.—The term 'Department of Hawaiian Home Lands' or 'Department' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

"(2) DIRECTOR.—The term 'Director' means the Director of the Department of Hawaiian Home Lands.

"(3) ELDERLY FAMILIES; NEAR-ELDERLY FAMILIES.—

"(A) IN GENERAL.—The term 'elderly family' or 'near-elderly family' means a family whose head (or his or her spouse), or whose sole member, is—

"(i) for an elderly family, an elderly person;

or

"(ii) for a near-elderly family, a near-elderly person.

"(B) CERTAIN FAMILIES INCLUDED.—The term 'elderly family' or 'near-elderly family' includes—

"(i) 2 or more elderly persons or near-elderly persons, as the case may be, living together; and

"(ii) 1 or more persons described in clause (i) living with 1 or more persons determined under the housing plan to be essential to their care or well-being.

"(4) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

"(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

“(B) are acquired pursuant to that Act.

“(5) HOUSING AREA.—The term ‘housing area’ means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this Act.

“(6) HOUSING ENTITY.—The term ‘housing entity’ means the Department of Hawaiian Home Lands.

“(7) HOUSING PLAN.—The term ‘housing plan’ means a plan developed by the Department of Hawaiian Home Lands.

“(8) MEDIAN INCOME.—The term ‘median income’ means, with respect to an area that is a Hawaiian housing area, the greater of—

“(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

“(B) the median income for the State of Hawaii.

“(9) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ has the meaning given the term ‘Native Hawaiian’ in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

“SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

“(a) GRANT AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make a grant under this title to the Department of Hawaiian Home Lands to carry out affordable housing activities for Native Hawaiian families on or near Hawaiian Home Lands.

“(b) PLAN REQUIREMENT.—

“(1) IN GENERAL.—The Secretary may make a grant under this title to the Department of Hawaiian Home Lands for a fiscal year only if—

“(A) the Director has submitted to the Secretary a housing plan for that fiscal year; and

“(B) the Secretary has determined under section 804 that the housing plan complies with the requirements of section 803.

“(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in part, if the Secretary finds that the Department of Hawaiian Home Lands has not complied or cannot comply with those requirements due to circumstances beyond the control of the Department of Hawaiian Home Lands.

“(c) USE OF AFFORDABLE HOUSING ACTIVITIES UNDER PLAN.—Except as provided in subsection (e), amounts provided under a grant under this section may be used only for affordable housing activities under this title that are consistent with a housing plan approved under section 804.

“(d) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—The Secretary shall, by regulation, authorize the Department of Hawaiian Home Lands to use a percentage of any grant amounts received under this title for any reasonable administrative and planning expenses of the Department relating to carrying out this title and activities assisted with those amounts.

“(2) ADMINISTRATIVE AND PLANNING EXPENSES.—The administrative and planning expenses referred to in paragraph (1) include—

“(A) costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title; and

“(B) expenses incurred in preparing a housing plan under section 803.

“(e) PUBLIC-PRIVATE PARTNERSHIPS.—The Director shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing a housing plan that has been approved by the Secretary under section 803.

“(f) APPLICABILITY OF OTHER PROVISIONS.—

“(1) IN GENERAL.—The Secretary shall be guided by the relevant program requirements of titles I, II, and IV in the implementation of housing assistance programs for Native Hawaiians under this title.

“(2) EXCEPTION.—The Secretary may make exceptions to, or modifications of, program requirements for Native American housing assist-

ance set forth in titles I, II, and IV as necessary and appropriate to meet the unique situation and housing needs of Native Hawaiians.

“SEC. 803. HOUSING PLAN.

“(a) PLAN SUBMISSION.—The Secretary shall—

“(1) require the Director to submit a housing plan under this section for each fiscal year; and

“(2) provide for the review of each plan submitted under paragraph (1).

“(b) 5-YEAR PLAN.—Each housing plan under this section shall—

“(1) be in a form prescribed by the Secretary; and

“(2) contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

“(A) MISSION STATEMENT.—A general statement of the mission of the Department of Hawaiian Home Lands to serve the needs of the low-income families to be served by the Department.

“(B) GOAL AND OBJECTIVES.—A statement of the goals and objectives of the Department of Hawaiian Home Lands to enable the Department to serve the needs identified in subparagraph (A) during the period.

“(C) ACTIVITIES PLANS.—An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the Department to meet its mission, goals, and objectives.

“(c) 1-YEAR PLAN.—A housing plan under this section shall—

“(1) be in a form prescribed by the Secretary; and

“(2) contain the following information relating to the fiscal year for which the assistance under this title is to be made available:

“(A) GOALS AND OBJECTIVES.—A statement of the goals and objectives to be accomplished during the period covered by the plan.

“(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income families served by the Department and the means by which those needs will be addressed during the period covered by the plan, including—

“(i) a description of the estimated housing needs and the need for assistance for the low-income families to be served by the Department, including a description of the manner in which the geographical distribution of assistance is consistent with—

“(I) the geographical needs of those families; and

“(II) needs for various categories of housing assistance; and

“(ii) a description of the estimated housing needs for all families to be served by the Department.

“(C) FINANCIAL RESOURCES.—An operating budget for the Department of Hawaiian Home Lands, in a form prescribed by the Secretary, that includes—

“(i) an identification and a description of the financial resources reasonably available to the Department to carry out the purposes of this title, including an explanation of the manner in which amounts made available will be used to leverage additional resources; and

“(ii) the uses to which the resources described in clause (i) will be committed, including—

“(I) eligible and required affordable housing activities; and

“(II) administrative expenses.

“(D) AFFORDABLE HOUSING RESOURCES.—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

“(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing; and

“(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use

grant amounts to be provided under this title for—

“(I) rental assistance;

“(II) the production of new units;

“(III) the acquisition of existing units; or

“(IV) the rehabilitation of units;

“(iii) a description of the structure, coordination, and means of cooperation between the Department of Hawaiian Home Lands and any other governmental entities in the development, submission, or implementation of housing plans, including a description of—

“(I) the involvement of private, public, and nonprofit organizations and institutions;

“(II) the use of loan guarantees under section 184A of the Housing and Community Development Act of 1992; and

“(III) other housing assistance provided by the United States, including loans, grants, and mortgage insurance;

“(iv) a description of the manner in which the plan will address the needs identified pursuant to subparagraph (C);

“(v) a description of—

“(I) any existing or anticipated homeownership programs and rental programs to be carried out during the period covered by the plan; and

“(II) the requirements and assistance available under the programs referred to in subclause (I);

“(vi) a description of—

“(I) any existing or anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period covered by the plan; and

“(II) the requirements and assistance available under the programs referred to in subclause (I);

“(vii) a description of—

“(I) all other existing or anticipated housing assistance provided by the Department of Hawaiian Home Lands during the period covered by the plan, including—

“(aa) transitional housing;

“(bb) homeless housing;

“(cc) college housing; and

“(dd) supportive services housing; and

“(II) the requirements and assistance available under such programs;

“(viii)(I) a description of any housing to be demolished or disposed of;

“(II) a timetable for that demolition or disposition; and

“(III) any other information required by the Secretary with respect to that demolition or disposition;

“(ix) a description of the manner in which the Department of Hawaiian Home Lands will coordinate with welfare agencies in the State of Hawaii to ensure that residents of the affordable housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

“(x) a description of the requirements established by the Department of Hawaiian Home Lands to—

“(I) promote the safety of residents of the affordable housing;

“(II) facilitate the undertaking of crime prevention measures;

“(III) allow resident input and involvement, including the establishment of resident organizations; and

“(IV) allow for the coordination of crime prevention activities between the Department and local law enforcement officials; and

“(xi) a description of the entities that will carry out the activities under the plan, including the organizational capacity and key personnel of the entities.

“(E) CERTIFICATION OF COMPLIANCE.—Evidence of compliance that shall include, as appropriate—

“(i) a certification that the Department of Hawaiian Home Lands will comply with—

“(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.)

in carrying out this title, to the extent that such title is applicable; and

“(II) other applicable Federal statutes;

“(ii) a certification that the Department will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this title, in compliance with such requirements as may be established by the Secretary;

“(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title;

“(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or home-buyer payments are determined, for housing assisted with grant amounts provided under this title; and

“(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this title.

“(d) APPLICABILITY OF CIVIL RIGHTS STATUTES.—

“(1) IN GENERAL.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) apply to assistance provided under this title, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of assistance under this title—

“(A) to the Department of Hawaiian Home Lands on the basis that the Department served Native Hawaiians; or

“(B) to an eligible family on the basis that the family is a Native Hawaiian family.

“(2) CIVIL RIGHTS.—Program eligibility under this title may be restricted to Native Hawaiians. Subject to the preceding sentence, no person may be discriminated against on the basis of race, color, national origin, religion, sex, familial status, or disability.

“(e) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands shall, to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

“**SEC. 804. REVIEW OF PLANS.**

“(a) REVIEW AND NOTICE.—

“(1) REVIEW.—

“(A) IN GENERAL.—The Secretary shall conduct a review of a housing plan submitted to the Secretary under section 803 to ensure that the plan complies with the requirements of that section.

“(B) LIMITATION.—The Secretary shall have the discretion to review a plan referred to in subparagraph (A) only to the extent that the Secretary considers that the review is necessary.

“(2) NOTICE.—

“(A) IN GENERAL.—Not later than 60 days after receiving a plan under section 803, the Secretary shall notify the Director of the Department of Hawaiian Home Lands whether the plan complies with the requirements under that section.

“(B) EFFECT OF FAILURE OF SECRETARY TO TAKE ACTION.—For purposes of this title, if the Secretary does not notify the Director, as required under this subsection and subsection (b), upon the expiration of the 60-day period described in subparagraph (A)—

“(i) the plan shall be considered to have been determined to comply with the requirements under section 803; and

“(ii) the Director shall be considered to have been notified of compliance.

“(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan submitted under section 803 does not comply with the requirements of that section, the Secretary shall specify in the notice under subsection (a)—

“(1) the reasons for noncompliance; and

“(2) any modifications necessary for the plan to meet the requirements of section 803.

“(c) REVIEW.—

“(1) IN GENERAL.—After the Director of the Department of Hawaiian Home Lands submits a housing plan under section 803, or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make a determination under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

“(A) set forth the information required by section 803 to be contained in the housing plan;

“(B) are consistent with information and data available to the Secretary; and

“(C) are not prohibited by or inconsistent with any provision of this Act or any other applicable law.

“(2) INCOMPLETE PLANS.—If the Secretary determines under this subsection that any of the appropriate certifications required under section 803(c)(2)(E) are not included in a plan, the plan shall be considered to be incomplete.

“(d) UPDATES TO PLAN.—

“(1) IN GENERAL.—Subject to paragraph (2), after a plan under section 803 has been submitted for a fiscal year, the Director of the Department of Hawaiian Home Lands may comply with the provisions of that section for any succeeding fiscal year (with respect to information included for the 5-year period under section 803(b) or for the 1-year period under section 803(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

“(2) COMPLETE PLANS.—The Director shall submit a complete plan under section 803 not later than 4 years after submitting an initial plan under that section, and not less frequently than every 4 years thereafter.

“(e) EFFECTIVE DATE.—This section and section 803 shall take effect on the date provided by the Secretary pursuant to section 807(a) to provide for timely submission and review of the housing plan as necessary for the provision of assistance under this title for fiscal year 2000.

“**SEC. 805. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.**

“(a) PROGRAM INCOME.—

“(1) AUTHORITY TO RETAIN.—The Department of Hawaiian Home Lands may retain any program income that is realized from any grant amounts received by the Department under this title if—

“(A) that income was realized after the initial disbursement of the grant amounts received by the Department; and

“(B) the Director agrees to use the program income for affordable housing activities in accordance with the provisions of this title.

“(2) PROHIBITION OF REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for the Department of Hawaiian Home Lands based solely on—

“(A) whether the Department retains program income under paragraph (1); or

“(B) the amount of any such program income retained.

“(3) EXCLUSION OF AMOUNTS.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the Department.

“(b) LABOR STANDARDS.—

“(1) IN GENERAL.—Any contract or agreement for assistance, sale, or lease pursuant to this title shall contain—

“(A) a provision requiring that an amount not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and

“(B) a provision that an amount not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Act commonly known as the ‘Davis-Bacon Act’ (46 Stat. 1494, chapter 411; 40 U.S.C. 276a et seq.) shall be paid to all laborers and mechanics employed in the development of the affordable housing involved.

“(2) EXCEPTIONS.—Paragraph (1) and provisions relating to wages required under paragraph (1) in any contract or agreement for assistance, sale, or lease under this title, shall not apply to any individual who performs the services for which the individual volunteered and who is not otherwise employed at any time in the construction work and received no compensation or is paid expenses, reasonable benefits, or a nominal fee for those services.

“**SEC. 806. ENVIRONMENTAL REVIEW.**

“(a) IN GENERAL.—

“(1) RELEASE OF FUNDS.—

“(A) IN GENERAL.—The Secretary may carry out the alternative environmental protection procedures described in subparagraph (B) in order to ensure—

“(i) that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title; and

“(ii) to the public undiminished protection of the environment.

“(B) ALTERNATIVE ENVIRONMENTAL PROTECTION PROCEDURE.—In lieu of applying environmental protection procedures otherwise applicable, the Secretary may by regulation provide for the release of funds for specific projects to the Department of Hawaiian Home Lands if the Director of the Department assumes all of the responsibilities for environmental review, decision-making, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake those projects as Federal projects.

“(2) REGULATIONS.—

“(A) IN GENERAL.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

“(B) CONTENTS.—The regulations issued under this paragraph shall—

“(i) provide for the monitoring of the environmental reviews performed under this section;

“(ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and

“(iii) provide for the suspension or termination of the assumption of responsibilities under this section.

“(3) EFFECT ON ASSUMED RESPONSIBILITY.—The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by the Department of Hawaiian Home Lands for grant amounts with respect to any specific release of funds.

“(b) PROCEDURE.—

“(1) IN GENERAL.—The Secretary shall authorize the release of funds subject to the procedures under this section only if, not less than 15 days before that approval and before any commitment of funds to such projects, the Director of the Department of Hawaiian Home Lands submits to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c).

“(2) EFFECT OF APPROVAL.—The approval of the Secretary of a certification described in paragraph (1) shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and such other provisions of law as the regulations of the Secretary specify to the extent that those responsibilities relate to the release of funds for projects that are covered by that certification.

“(c) CERTIFICATION.—A certification under the procedures under this section shall—

“(1) be in a form acceptable to the Secretary;

“(2) be executed by the Director of the Department of Hawaiian Home Lands;

“(3) specify that the Department of Hawaiian Home Lands has fully carried out its responsibilities as described under subsection (a); and

“(4) specify that the Director—

“(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each provision of law specified in regulations issued by the Secretary to the extent that those laws apply by reason of subsection (a); and

“(B) is authorized and consents on behalf of the Department of Hawaiian Home Lands and the Director accepts the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Director of the Department of Hawaiian Home Lands as such an official.

“SEC. 807. REGULATIONS.

“The Secretary shall issue final regulations necessary to carry out this title not later than June 1, 1999.

“SEC. 808. EFFECTIVE DATE.

“Except as otherwise expressly provided in this title, this title shall take effect on June 1, 1999.

“SEC. 809. AFFORDABLE HOUSING ACTIVITIES.

“(a) NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.—

“(1) PRIMARY OBJECTIVE.—The national objectives of this title are—

“(A) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income Native Hawaiian families;

“(B) to ensure better access to private mortgage markets and to promote self-sufficiency of low-income Native Hawaiian families;

“(C) to coordinate activities to provide housing for low-income Native Hawaiian families with Federal, State and local activities to further economic and community development;

“(D) to plan for and integrate infrastructure resources on the Hawaiian Home Lands with housing development; and

“(E) to—

“(i) promote the development of private capital markets; and

“(ii) allow the markets referred to in clause (i) to operate and grow, thereby benefiting Native Hawaiian communities.

“(2) ELIGIBLE FAMILIES.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), assistance for eligible housing activities under this title shall be limited to low-income Native Hawaiian families.

“(B) EXCEPTION TO LOW-INCOME REQUIREMENT.—

“(i) IN GENERAL.—The Director may provide assistance for homeownership activities under—

“(I) section 810(b);

“(II) model activities under section 810(f); or

“(III) loan guarantee activities under section 184A of the Housing and Community Development Act of 1992 to Native Hawaiian families who are not low-income families, to the extent that the Secretary approves the activities under that section to address a need for housing for those families that cannot be reasonably met without that assistance.

“(ii) LIMITATIONS.—The Secretary shall establish limitations on the amount of assistance that

may be provided under this title for activities for families that are not low-income families.

“(C) OTHER FAMILIES.—Notwithstanding paragraph (1), the Director may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title to a family that is not composed of Native Hawaiians if—

“(i) the Department determines that the presence of the family in the housing involved is essential to the well-being of Native Hawaiian families; and

“(ii) the need for housing for the family cannot be reasonably met without the assistance.

“(D) PREFERENCE.—

“(i) IN GENERAL.—A housing plan submitted under section 803 may authorize a preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title to be provided, to the extent practicable, to families that are eligible to reside on the Hawaiian Home Lands.

“(ii) APPLICATION.—In any case in which a housing plan provides for preference described in clause (i), the Director shall ensure that housing activities that are assisted with grant amounts under this title are subject to that preference.

“(E) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands, shall to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

“SEC. 810. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

“(a) IN GENERAL.—Affordable housing activities under this section are activities conducted in accordance with the requirements of section 811 to—

“(1) develop or to support affordable housing for rental or homeownership; or

“(2) provide housing services with respect to affordable housing, through the activities described in subsection (b).

“(b) ACTIVITIES.—The activities described in this subsection are the following:

“(1) DEVELOPMENT.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include—

“(A) real property acquisition;

“(B) site improvement;

“(C) the development of utilities and utility services;

“(D) conversion;

“(E) demolition;

“(F) financing;

“(G) administration and planning; and

“(H) other related activities.

“(2) HOUSING SERVICES.—The provision of housing-related services for affordable housing, including—

“(A) housing counseling in connection with rental or homeownership assistance;

“(B) the establishment and support of resident organizations and resident management corporations;

“(C) energy auditing;

“(D) activities related to the provision of self-sufficiency and other services; and

“(E) other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in other housing activities assisted pursuant to this section.

“(3) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including—

“(A) the preparation of work specifications;

“(B) loan processing;

“(C) inspections;

“(D) tenant selection;

“(E) management of tenant-based rental assistance; and

“(F) management of affordable housing projects.

“(4) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

“(5) MODEL ACTIVITIES.—Housing activities under model programs that are—

“(A) designed to carry out the purposes of this title; and

“(B) specifically approved by the Secretary as appropriate for the purpose referred to in subparagraph (A).

“SEC. 811. PROGRAM REQUIREMENTS.

“(a) RENTS.—

“(1) ESTABLISHMENT.—Subject to paragraph (2), as a condition to receiving grant amounts under this title, the Director shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this title, including methods by which such rents and homebuyer payments are determined.

“(2) MAXIMUM RENT.—In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this title, the monthly rent or homebuyer payment (as applicable) for that dwelling unit may not exceed 30 percent of the monthly adjusted income of that family.

“(b) MAINTENANCE AND EFFICIENT OPERATION.—

“(1) IN GENERAL.—The Director shall, using amounts of any grants received under this title, reserve and use for operating under section 810 such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

“(2) DISPOSAL OF CERTAIN HOUSING.—This subsection may not be construed to prevent the Director, or any entity funded by the Department, from demolishing or disposing of housing, pursuant to regulations established by the Secretary.

“(c) INSURANCE COVERAGE.—As a condition to receiving grant amounts under this title, the Director shall require adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this title.

“(d) ELIGIBILITY FOR ADMISSION.—As a condition to receiving grant amounts under this title, the Director shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title.

“(e) MANAGEMENT AND MAINTENANCE.—As a condition to receiving grant amounts under this title, the Director shall develop policies governing the management and maintenance of housing assisted with grant amounts under this title.

“SEC. 812. TYPES OF INVESTMENTS.

“(a) IN GENERAL.—Subject to section 811 and an applicable housing plan approved under section 803, the Director shall have—

“(1) the discretion to use grant amounts for affordable housing activities through the use of—

“(A) equity investments;

“(B) interest-bearing loans or advances;

“(C) noninterest-bearing loans or advances;

“(D) interest subsidies;

“(E) the leveraging of private investments; or

“(F) any other form of assistance that the Secretary determines to be consistent with the purposes of this title; and

“(2) the right to establish the terms of assistance provided with funds referred to in paragraph (1).

“(b) INVESTMENTS.—The Director of the Department of Hawaiian Home Lands may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary.

“SEC. 813. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

“(a) IN GENERAL.—Housing shall qualify for affordable housing for purposes of this title only if—

“(1) each dwelling unit in the housing—

“(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of the initial occupancy of that family of that unit; and

“(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

“(2) each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for—

“(A) the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership; or

“(B) such other period as the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if that action—

“(i) recognizes any contractual or legal rights of any public agency, nonprofit sponsor, or other person or entity to take an action that would—

“(I) avoid termination of low-income affordability, in the case of foreclosure; or

“(II) transfer ownership in lieu of foreclosure; and

“(ii) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

“(b) EXCEPTION.—Notwithstanding subsection (a), housing assisted pursuant to section 809(a)(2)(B) shall be considered affordable housing for purposes of this title.

“SEC. 814. LEASE REQUIREMENTS AND TENANT SELECTION.

“(a) LEASES.—Except to the extent otherwise provided by or inconsistent with the laws of the State of Hawaii, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the Director, owner, or manager shall use leases that—

“(1) do not contain unreasonable terms and conditions;

“(2) require the Director, owner, or manager to maintain the housing in compliance with applicable housing codes and quality standards;

“(3) require the Director, owner, or manager to give adequate written notice of termination of the lease, which shall be the period of time required under applicable State or local law;

“(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State or local law, a resident shall be informed of the opportunity, before any hearing or trial, to examine any relevant documents, record, or regulations directly related to the eviction or termination;

“(5) require that the Director, owner, or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

“(6) provide that the Director, owner, and manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

“(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the Department, owner, or manager;

“(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

“(C) is criminal activity (including drug-related criminal activity) on or off the premises.

“(b) TENANT OR HOMEBUYER SELECTION.—As a condition to receiving grant amounts under this title, the Director shall adopt and use written tenant and homebuyer selection policies and criteria that—

“(1) are consistent with the purpose of providing housing for low-income families;

“(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

“(3) provide for—

“(A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in an applicable housing plan approved under section 803; and

“(B) the prompt notification in writing to any rejected applicant of the grounds for that rejection.

“SEC. 815. REPAYMENT.

“If the Department of Hawaiian Home Lands uses grant amounts to provide affordable housing under activities under this title and, at any time during the useful life of the housing, the housing does not comply with the requirement under section 813(a)(2), the Secretary shall—

“(1) reduce future grant payments on behalf of the Department by an amount equal to the grant amounts used for that housing (under the authority of section 818(a)(1)(B)); or

“(2) require repayment to the Secretary of any amount equal to those grant amounts.

“SEC. 816. ANNUAL ALLOCATION.

“For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 817 to the Department of Hawaiian Home Lands if the Department complies with the requirements under this title for a grant under this title.

“SEC. 817. ALLOCATION FORMULA.

“(a) ESTABLISHMENT.—The Secretary shall, by regulation issued not later than the expiration of the 6-month period beginning on the date of enactment of the Native American Housing Assistance and Self-Determination Amendments of 1998, in the manner provided under section 807, establish a formula to provide for the allocation of amounts available for a fiscal year for block grants under this title in accordance with the requirements of this section.

“(b) FACTORS FOR DETERMINATION OF NEED.—The formula under subsection (a) shall be based on factors that reflect the needs for assistance for affordable housing activities, including—

“(1) the number of low-income dwelling units owned or operated at the time pursuant to a contract between the Director and the Secretary;

“(2) the extent of poverty and economic distress and the number of Native Hawaiian families eligible to reside on the Hawaiian Home Lands; and

“(3) any other objectively measurable conditions that the Secretary and the Director may specify.

“(c) OTHER FACTORS FOR CONSIDERATION.—In establishing the formula under subsection (a), the Secretary shall consider the relative administrative capacities of the Department of Hawaiian Home Lands and other challenges faced by the Department, including—

“(1) geographic distribution within Hawaiian Home Lands; and

“(2) technical capacity.

“(d) EFFECTIVE DATE.—This section shall take effect on the date of enactment of the Native American Housing Assistance and Self-Determination Amendments of 1998.

“SEC. 818. REMEDIES FOR NONCOMPLIANCE.

“(a) ACTIONS BY SECRETARY AFFECTING GRANT AMOUNTS.—

“(1) IN GENERAL.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for a hearing that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary shall—

“(A) terminate payments under this title to the Department;

“(B) reduce payments under this title to the Department by an amount equal to the amount

of such payments that were not expended in accordance with this title; or

“(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

“(2) ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue that action until the Secretary determines that the failure by the Department to comply with the provision has been remedied by the Department and the Department is in compliance with that provision.

“(b) NONCOMPLIANCE BECAUSE OF A TECHNICAL INCAPACITY.—The Secretary may provide technical assistance for the Department, either directly or indirectly, that is designed to increase the capability and capacity of the Director of the Department to administer assistance provided under this title in compliance with the requirements under this title if the Secretary makes a finding under subsection (a), but determines that the failure of the Department to comply substantially with the provisions of this title—

“(1) is not a pattern or practice of activities constituting willful noncompliance; and

“(2) is a result of the limited capability or capacity of the Department of Hawaiian Home Lands.

“(c) REFERRAL FOR CIVIL ACTION.—

“(1) AUTHORITY.—In lieu of, or in addition to, any action that the Secretary may take under subsection (a), if the Secretary has reason to believe that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

“(2) CIVIL ACTION.—Upon receiving a referral under paragraph (1), the Attorney General may bring a civil action in any United States district court of appropriate jurisdiction for such relief as may be appropriate, including an action—

“(A) to recover the amount of the assistance furnished under this title that was not expended in accordance with this title; or

“(B) for mandatory or injunctive relief.

“(d) REVIEW.—

“(1) IN GENERAL.—If the Director receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act, the Director—

“(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the Ninth Circuit, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

“(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

“(2) PROCEDURE.—

“(A) IN GENERAL.—The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

“(B) OBJECTIONS.—No objection to the action of the Secretary shall be considered by the court unless the Department has registered the objection before the Secretary.

“(3) DISPOSITION.—

“(A) COURT PROCEEDINGS.—

“(i) JURISDICTION OF COURT.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set the action aside in whole or in part.

“(ii) FINDINGS OF FACT.—If supported by substantial evidence on the record considered as a whole, the findings of fact by the Secretary shall be conclusive.

“(iii) ADDITION.—The court may order evidence, in addition to the evidence submitted for review under this subsection, to be taken by the Secretary, and to be made part of the record.

“(B) SECRETARY.—

“(i) IN GENERAL.—The Secretary, by reason of the additional evidence referred to in subparagraph (A) and filed with the court—

“(I) may—

“(aa) modify the findings of fact of the Secretary; or

“(bb) make new findings; and

“(II) shall file—

“(aa) such modified or new findings; and

“(bb) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

“(ii) FINDINGS.—The findings referred to in clause (i)(II)(bb) shall, with respect to a question of fact, be considered to be conclusive if those findings are—

“(I) supported by substantial evidence on the record; and

“(II) considered as a whole.

“(4) FINALITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), upon the filing of the record under this subsection with the court—

“(i) the jurisdiction of the court shall be exclusive; and

“(ii) the judgment of the court shall be final.

“(B) REVIEW BY SUPREME COURT.—A judgment under subparagraph (A) shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in section 1254 of title 28, United States Code.

“SEC. 819. MONITORING OF COMPLIANCE.

“(a) ENFORCEABLE AGREEMENTS.—

“(1) IN GENERAL.—The Director, through binding contractual agreements with owners or other authorized entities, shall ensure long-term compliance with the provisions of this title.

“(2) MEASURES.—The measures referred to in paragraph (1) shall provide for—

“(A) to the extent allowable by Federal and State law, the enforcement of the provisions of this title by the Department and the Secretary; and

“(B) remedies for breach of the provisions referred to in paragraph (1).

“(b) PERIODIC MONITORING.—

“(1) IN GENERAL.—Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title.

“(2) REVIEW.—Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

“(3) RESULTS.—The results of each review under paragraph (1) shall be—

“(A) included in a performance report of the Director submitted to the Secretary under section 820; and

“(B) made available to the public.

“(c) PERFORMANCE MEASURES.—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this title.

“SEC. 820. PERFORMANCE REPORTS.

“(a) REQUIREMENT.—For each fiscal year, the Director shall—

“(1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 803; and

“(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

“(b) CONTENT.—Each report submitted under this section for a fiscal year shall—

“(1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;

“(2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;

“(3) indicate the programmatic accomplishments of the Department; and

“(4) describe the manner in which the Department would change its housing plan submitted under section 803 as a result of its experiences.

“(c) SUBMISSIONS.—The Secretary shall—

“(1) establish a date for submission of each report under this section;

“(2) review each such report; and

“(3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this title.

“(d) PUBLIC AVAILABILITY.—

“(1) COMMENTS BY BENEFICIARIES.—In preparing a report under this section, the Director shall make the report publicly available to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

“(2) SUMMARY OF COMMENTS.—The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

“SEC. 821. REVIEW AND AUDIT BY SECRETARY.

“(a) ANNUAL REVIEW.—

“(1) IN GENERAL.—The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

“(A) the Director has—

“(i) carried out eligible activities under this title in a timely manner;

“(ii) carried out and made certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws; and

“(iii) a continuing capacity to carry out the eligible activities in a timely manner;

“(B) the Director has complied with the housing plan submitted by the Director under section 803; and

“(C) the performance reports of the Department under section 821 are accurate.

“(2) ONSITE VISITS.—Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

“(b) REPORT BY SECRETARY.—The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

“(c) EFFECT OF REVIEWS.—The Secretary may make appropriate adjustments in the amount of annual grants under this title in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

“SEC. 822. GENERAL ACCOUNTING OFFICE AUDITS.

“To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this title relate to amounts provided under this title, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining

to such financial transactions and necessary to facilitate the audit.

“SEC. 823. REPORTS TO CONGRESS.

“(a) IN GENERAL.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to the Congress a report that contains—

“(1) a description of the progress made in accomplishing the objectives of this title;

“(2) a summary of the use of funds available under this title during the preceding fiscal year; and

“(3) a description of the aggregate outstanding loan guarantees under section 184A of the Housing and Community Development Act of 1992.

“(b) RELATED REPORTS.—The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a).

“SEC. 824. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this title such sums as may be necessary for each of fiscal years 1999, 2000, 2001, 2002 and 2003.”.

SEC. 4. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Subtitle E of title I of the Housing and Community Development Act of 1992 is amended by inserting after section 184 (12 U.S.C. 1715z–13a) the following:

“SEC. 184A. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

“(a) DEFINITIONS.—In this section:

“(1) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term ‘Department of Hawaiian Home Lands’ means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, or private nonprofit or for-profit organizations experienced in the planning and development of affordable housing for Native Hawaiians.

“(3) FAMILY.—The term ‘family’ means 1 or more persons maintaining a household, as the Secretary shall by regulation provide.

“(4) GUARANTEE FUND.—The term ‘Guarantee Fund’ means the Native Hawaiian Housing Loan Guarantee Fund established under subsection (i) of this section.

“(5) HAWAIIAN HOME LANDS.—The term ‘Hawaiian Home Lands’ means lands that—

“(A) have the status of Hawaiian Home Lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

“(B) are acquired pursuant to that Act.

“(6) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ has the meaning given the term ‘native Hawaiian’ in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

“(7) OFFICE OF HAWAIIAN AFFAIRS.—The term ‘Office of Hawaiian Affairs’ means the entity of that name established under the constitution of the State of Hawaii.

“(b) AUTHORITY.—To provide access to sources of private financing to Native Hawaiian families who otherwise could not acquire housing financing because of the unique legal status of the Hawaiian Home Lands or as a result of a lack of access to private financial markets, the Secretary may guarantee an amount not to exceed 100 percent of the unpaid principal and interest that is due on an eligible loan under subsection (b).

“(c) ELIGIBLE LOANS.—Under this section, a loan is an eligible loan if that loan meets the following requirements:

“(1) ELIGIBLE BORROWERS.—The loan is made only to a borrower who—

“(A) is a Native Hawaiian family;
“(B) the Department of Hawaiian Home Lands;

“(C) the Office of Hawaiian Affairs; or
“(D) a private nonprofit organization experienced in the planning and development of affordable housing for Native Hawaiians.

“(2) ELIGIBLE HOUSING.—

“(A) IN GENERAL.—The loan will be used to construct, acquire, or rehabilitate not more than 4-family dwellings that are standard housing and are located on Hawaiian Home Lands for which a housing plan described in subparagraph (B) applies.

“(B) HOUSING PLAN.—A housing plan described in this subparagraph is a housing plan that—

“(i) has been submitted and approved by the Secretary under section 803 of the Native American Housing Assistance and Self-Determination Amendments of 1998; and

“(ii) provides for the use of loan guarantees under this section to provide affordable homeownership housing on Hawaiian Home Lands.

“(3) SECURITY.—The loan may be secured by any collateral authorized under applicable Federal law or State law.

“(4) LENDERS.—

“(A) IN GENERAL.—The loan shall be made only by a lender approved by, and meeting qualifications established by, the Secretary, including any lender described in subparagraph (B), except that a loan otherwise insured or guaranteed by an agency of the Federal Government or made by the Department of Hawaiian Home Lands from amounts borrowed from the United States shall not be eligible for a guarantee under this section.

“(B) APPROVAL.—The following lenders shall be considered to be lenders that have been approved by the Secretary:

“(i) Any mortgagee approved by the Secretary for participation in the single family mortgage insurance program under title II of the National Housing Act (12 U.S.C.A. 1707 et seq.).

“(ii) Any lender that makes housing loans under chapter 37 of title 38, United States Code, that are automatically guaranteed under section 3702(d) of title 38, United States Code.

“(iii) Any lender approved by the Secretary of Agriculture to make guaranteed loans for single family housing under the Housing Act of 1949 (42 U.S.C.A. 1441 et seq.).

“(iv) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government.

“(5) TERMS.—The loan shall—

“(A) be made for a term not exceeding 30 years;

“(B) bear interest (exclusive of the guarantee fee under subsection (d) and service charges, if any) at a rate agreed upon by the borrower and the lender and determined by the Secretary to be reasonable, but not to exceed the rate generally charged in the area (as determined by the Secretary) for home mortgage loans not guaranteed or insured by any agency or instrumentality of the Federal Government;

“(C) involve a principal obligation not exceeding—

“(i) 97.75 percent of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75 percent if the value of the property is \$50,000 or less); or

“(ii) the amount approved by the Secretary under this section; and

“(D) involve a payment on account of the property—

“(i) in cash or its equivalent; or

“(ii) through the value of any improvements to the property made through the skilled or unskilled labor of the borrower, as the Secretary shall provide.

“(d) CERTIFICATE OF GUARANTEE.—

“(1) APPROVAL PROCESS.—

“(A) IN GENERAL.—Before the Secretary approves any loan for guarantee under this section, the lender shall submit the application for the loan to the Secretary for examination.

“(B) APPROVAL.—If the Secretary approves the application submitted under subparagraph (A), the Secretary shall issue a certificate under this subsection as evidence of the loan guarantee approved.

“(2) STANDARD FOR APPROVAL.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

“(3) EFFECT.—

“(A) IN GENERAL.—A certificate of guarantee issued under this subsection by the Secretary shall be conclusive evidence of the eligibility of the loan for guarantee under this section and the amount of that guarantee.

“(B) EVIDENCE.—The evidence referred to in subparagraph (A) shall be incontestable in the hands of the bearer.

“(C) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for the obligations made by the Secretary under this section.

“(4) FRAUD AND MISREPRESENTATION.—This subsection may not be construed—

“(A) to preclude the Secretary from establishing defenses against the original lender based on fraud or material misrepresentation; or

“(B) to bar the Secretary from establishing by regulations that are on the date of issuance or disbursement, whichever is earlier, partial defenses to the amount payable on the guarantee.

“(e) GUARANTEE FEE.—

“(1) IN GENERAL.—The Secretary shall fix and collect a guarantee fee for the guarantee of a loan under this section, which may not exceed the amount equal to 1 percent of the principal obligation of the loan.

“(2) PAYMENT.—The fee under this subsection shall—

“(A) be paid by the lender at time of issuance of the guarantee; and

“(B) be adequate, in the determination of the Secretary, to cover expenses and probable losses.

“(3) DEPOSIT.—The Secretary shall deposit any fees collected under this subsection in the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

“(f) LIABILITY UNDER GUARANTEE.—The liability under a guarantee provided under this section shall decrease or increase on a pro rata basis according to any decrease or increase in the amount of the unpaid obligation under the provisions of the loan agreement involved.

“(g) TRANSFER AND ASSUMPTION.—Notwithstanding any other provision of law, any loan guaranteed under this section, including the security given for the loan, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the Federal Government or of any State or the District of Columbia.

“(h) DISQUALIFICATION OF LENDERS AND CIVIL MONEY PENALTIES.—

“(1) IN GENERAL.—

“(A) GROUNDS FOR ACTION.—If the Secretary determines that any lender or holder of a guarantee certificate under subsection (c)—

“(i) has failed—

“(I) to maintain adequate accounting records;

“(II) to service adequately loans guaranteed under this section; or

“(III) to exercise proper credit or underwriting judgment; or

“(ii) has engaged in practices otherwise detrimental to the interest of a borrower or the United States,

the Secretary may take action under subparagraph (B).

“(B) ACTIONS.—Upon a determination by the Secretary that a holder of a guarantee certificate under subsection (c) has failed to carry out an activity described in subparagraph (A)(i) or has engaged in practices described in subparagraph (A)(ii), the Secretary may—

“(i) refuse, either temporarily or permanently, to guarantee any further loans made by such lender or holder;

“(ii) bar such lender or holder from acquiring additional loans guaranteed under this section; and

“(iii) require that such lender or holder assume not less than 10 percent of any loss on further loans made or held by the lender or holder that are guaranteed under this section.

“(2) CIVIL MONEY PENALTIES FOR INTENTIONAL VIOLATIONS.—

“(A) IN GENERAL.—The Secretary may impose a civil monetary penalty on a lender or holder of a guarantee certificate under subsection (d) if the Secretary determines that the holder or lender has intentionally failed—

“(i) to maintain adequate accounting records;

“(ii) to adequately service loans guaranteed under this section; or

“(iii) to exercise proper credit or underwriting judgment.

“(B) PENALTIES.—A civil monetary penalty imposed under this paragraph shall be imposed in the manner and be in an amount provided under section 536 of the National Housing Act (12 U.S.C.A. 1735f-1) with respect to mortgagees and lenders under that Act.

“(3) PAYMENT ON LOANS MADE IN GOOD FAITH.—Notwithstanding paragraphs (1) and (2), if a loan was made in good faith, the Secretary may not refuse to pay a lender or holder of a valid guarantee on that loan, without regard to whether the lender or holder is barred under this subsection.

“(i) PAYMENT UNDER GUARANTEE.—

“(1) LENDER OPTIONS.—

“(A) IN GENERAL.—

“(i) NOTIFICATION.—If a borrower on a loan guaranteed under this section defaults on the loan, the holder of the guarantee certificate shall provide written notice of the default to the Secretary.

“(ii) PAYMENT.—Upon providing the notice required under clause (i), the holder of the guarantee certificate shall be entitled to payment under the guarantee (subject to the provisions of this section) and may proceed to obtain payment in 1 of the following manners:

“(I) FORECLOSURE.—

“(aa) IN GENERAL.—The holder of the certificate may initiate foreclosure proceedings (after providing written notice of that action to the Secretary).

“(bb) PAYMENT.—Upon a final order by the court authorizing foreclosure and submission to the Secretary of a claim for payment under the guarantee, the Secretary shall pay to the holder of the certificate the pro rata portion of the amount guaranteed (as determined pursuant to subsection (f)) plus reasonable fees and expenses as approved by the Secretary.

“(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

“(II) NO FORECLOSURE.—

“(aa) IN GENERAL.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interest of the United States.

“(bb) PAYMENT.—Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (f)).

“(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

“(B) REQUIREMENTS.—Before any payment under a guarantee is made under subparagraph

(A), the holder of the guarantee shall exhaust all reasonable possibilities of collection. Upon payment, in whole or in part, to the holder, the note or judgment evidencing the debt shall be assigned to the United States and the holder shall have no further claim against the borrower or the United States. The Secretary shall then take such action to collect as the Secretary determines to be appropriate.

“(2) LIMITATIONS ON LIQUIDATION.—

“(A) IN GENERAL.—If a borrower defaults on a loan guaranteed under this section that involves a security interest in restricted Hawaiian Home Land property, the mortgagee or the Secretary shall only pursue liquidation after offering to transfer the account to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

“(B) LIMITATION.—If, after action is taken under subparagraph (A), the mortgagee or the Secretary subsequently proceeds to liquidate the account, the mortgagee or the Secretary shall not sell, transfer, or otherwise dispose of or alienate the property described in subparagraph (A) except to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

“(j) HAWAIIAN HOUSING LOAN GUARANTEE FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Hawaiian Housing Loan Guarantee Fund for the purpose of providing loan guarantees under this section.

“(2) CREDITS.—The Guarantee Fund shall be credited with—

“(A) any amount, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and any collections and proceeds therefrom;

“(B) any amounts appropriated pursuant to paragraph (7);

“(C) any guarantee fees collected under subsection (d); and

“(D) any interest or earnings on amounts invested under paragraph (4).

“(3) USE.—Amounts in the Guarantee Fund shall be available, to the extent provided in appropriations Acts, for—

“(A) fulfilling any obligations of the Secretary with respect to loans guaranteed under this section, including the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans;

“(B) paying taxes, insurance, prior liens, expenses necessary to make fiscal adjustment in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed under this section or held by the Secretary;

“(C) acquiring such security property at foreclosure sales or otherwise;

“(D) paying administrative expenses in connection with this section; and

“(E) reasonable and necessary costs of rehabilitation and repair to properties that the Secretary holds or owns pursuant to this section.

“(4) INVESTMENT.—Any amounts in the Guarantee Fund determined by the Secretary to be in excess of amounts currently required at the time of the determination to carry out this section may be invested in obligations of the United States.

“(5) LIMITATION ON COMMITMENTS TO GUARANTEE LOANS AND MORTGAGES.—

“(A) REQUIREMENT OF APPROPRIATIONS.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year to the extent, or in such amounts as, are or have been provided in appropriations Acts, without regard to the fiscal year for which such amounts were appropriated.

“(B) LIMITATIONS ON COSTS OF GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year only to the extent that amounts in the Guarantee Fund are or have been made available in appropri-

ations Acts to cover the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loan guarantees for such fiscal year. Any amounts appropriated pursuant to this subparagraph shall remain available until expended.

“(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section for each of fiscal years 1999, 2000, 2001, 2002, and 2003 with an aggregate outstanding principal amount not exceeding \$100,000,000 for each such fiscal year.

“(6) LIABILITIES.—All liabilities and obligations of the assets credited to the Guarantee Fund under paragraph (2)(A) shall be liabilities and obligations of the Guarantee Fund.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Guarantee Fund to carry out this section such sums as may be necessary for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

“(k) REQUIREMENTS FOR STANDARD HOUSING.—

“(1) IN GENERAL.—The Secretary shall, by regulation, establish housing safety and quality standards to be applied for use under this section.

“(2) STANDARDS.—The standards referred to in paragraph (1) shall—

“(A) provide sufficient flexibility to permit the use of various designs and materials in housing acquired with loans guaranteed under this section; and

“(B) require each dwelling unit in any housing acquired in the manner described in subparagraph (A) to—

“(i) be decent, safe, sanitary, and modest in size and design;

“(ii) conform with applicable general construction standards for the region in which the housing is located;

“(iii) contain a plumbing system that—

“(I) uses a properly installed system of piping;

“(II) includes a kitchen sink and a partitioned bathroom with lavatory, toilet, and bath or shower; and

“(III) uses water supply, plumbing, and sewage disposal systems that conform to any minimum standards established by the applicable county or State;

“(iv) contain an electrical system using wiring and equipment properly installed to safely supply electrical energy for adequate lighting and for operation of appliances that conforms to any appropriate county, State, or national code;

“(v) be not less than the size provided under the applicable locally adopted standards for size of dwelling units, except that the Secretary, upon request of the Department of Hawaiian Home Lands may waive the size requirements under this paragraph; and

“(vi) conform with the energy performance requirements for new construction established by the Secretary under section 526(a) of the National Housing Act (12 U.S.C.A. 1735f-4), unless the Secretary determines that the requirements are not applicable.

“(l) APPLICABILITY OF CIVIL RIGHTS STATUTES.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) apply to a guarantee provided under this subsection, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of the guarantee to an eligible entity on the basis that the entity serves Native Hawaiian families or is a Native Hawaiian family.”

Mr. COCHRAN. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements re-

lating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee substitute was agreed to.

The bill (S. 109), as amended, was considered read the third time and passed.

IDEA FUNDING

Mr. LOTT. Mr. President I would like to make a few brief comments about the IDEA program within this bill, a program that I think is imperative to our nation's biomedical research capability. I would also like to engage in a brief dialog with the Minority Leader, Senator DASCHLE, on this important issue.

The National Institutes of Health Institutional Development Award program—known as the IDEA program—builds additional research capacity and is an important part of our effort to better treat, cure and prevent disease by addressing the undue geographic concentration of research funds. IDEA works to increase our nation's biomedical research capability by broadening our country's research base. IDEA funds biomedical research in states that have not participated substantially in NIH research programs.

Mr. President, many scientists are concerned about the extreme geographic concentration of NIH research funds. In Fiscal Year 1995, for example, the NIH made \$9.3 billion in extramural awards. Mr. President, the 24 states that participate in the IDEA program received just 5.2 percent of those funds. Let me repeat: in FY95, the last year for which we have complete figures, the NIH awarded funds across this nation totaling \$9.3 billion. But all the researchers in the 24 IDEA states combined received only \$487 million of that. On the other hand, one state alone received nearly three times the total amount of those 24 states combined. The top 5 states received nearly one-half the NIH funds.

Let me be clear, Mr. President, that the concern here is not one of a parochial nature. Nobody is saying that the NIH ought to distribute funding evenly by states. But at a time when we are seeing substantial increases in the NIH research budget, we need to increase the capacity of every region of the country—not just of a handful of states.

IDEA has potential to be an important part of our efforts to build our biomedical research capacity, but it has not received the level of funding it needs to truly be effective. The FY99 NIH budget request was \$14.76 billion. Of that amount—well over \$14 billion—the NIH requested just \$5.2 million for the IDEA program. The bill before us includes \$10 million for IDEA, which is a start—but in my view not enough to accomplish the goal for which the program was intended. I thank the Chairman of the Subcommittee, Senator

SPECTER, for the support he has given IDeA thus far, but I believe we can and should do more next year.

Mr. President, I would ask the Minority Leader, Senator DASCHLE, if he would like to add anything to what I have said.

Mr. DASCHLE. Mr. President, I thank the Majority Leader for his comments, and I share the Senator's concern about the concentration of NIH funds. I, too, ask if next year we can't find more than \$10 million for this program—\$10 million that will be split among researchers in 24 states.

I would also like to explain briefly why I believe IDeA ought to be funded at a much higher level. Mr. President, IDeA funds only merit-based, peer reviewed research that meets NIH research objectives. Let me state that another way: IDeA funds only good science, and it is in no way an earmarked program specific to a specific disease or disease-related issue. Researchers from the 24 IDeA states can submit proposals to any one of a number of existing NIH funding mechanisms, and those proposals are then peer-reviewed and funding decisions are made based on merit.

Mr. President, I think the statistics the Majority Leader mentioned regarding the extreme geographic concentration of NIH research funds are eye-opening. I think many members of the Senate would be surprised to learn that nearly one-half of NIH extramural funds go to just five states, and that 24 IDeA states combined received just over 5% of NIH extramural funding in FY95. In fact, the Majority leader and I were joined by 24 of our colleagues in the Senate in sending a letter to the Subcommittee Chairman, Senator SPECTER, supporting \$100 million for IDeA in FY99.

To put that request in perspective, Mr. President, the final FY99 Labor, Health and Human Services and Education appropriation before us increases NIH funding by \$2 billion. In other words, a \$100 million IDeA program would have designated five percent of one year's increase for this program which funds competitive, peer-reviewed research in 24 states. The conferees did include \$10 million for IDeA—an increase from the FY98 funding level of \$5 million—and I thank Senator SPECTER for his support. Because this program is so important, I will continue to encourage the Chairman to increase IDeA funding next year and in the years that follow.

Mr. LOTT. I thank the Minority Leader for his remarks, and I look forward continuing to work with him to significantly increase IDeA funding next year.

THE ECONOMIC DEVELOPMENT ADMINISTRATION REFORM ACT

Mr. STEVENS. I would like to ask the Chairman and Ranking Member of the Committee on Environment and Public Works a question regarding S.

2364, the Economic Development Administration Reform Act, which passed the Senate on Monday. As they are aware, the State of Alaska, while rich in resources, also has communities that suffer serious economic distress. EDA assistance can make a difference to many of these communities. Thus I am pleased to support the efforts of my friends to reauthorize this important agency; and indeed, I am a cosponsor of this bill.

Let me ask specifically about an issue that is very important to Alaskans, especially those in Southeast Alaska. Under this bill, EDA programs are available to aid distressed communities with both public works and economic adjustment assistance. In Southeast Alaska, many communities have faced economic adjustment problems, such as high unemployment, as a result of Federal regulatory changes with regard to timber harvests. If these communities meet the definition of "distressed" as outlined in the bill, would a situation such as theirs qualify as eligible for EDA assistance?

Mr. CHAFEE. Yes, we expect it would. The situation the Senator describes is exactly the type of situation that we would expect could be addressed by EDA. In fact, I would direct the senator's attention to the bill's new Section 2(a)(1), which specifically references areas that are affected by Federal actions. The language notes as possible distressed areas those that suffer dislocation as a result of "certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality)."

Mr. BAUCUS. I agree. In fact, many areas of the country, including Montana, face similar situations. We included that phrase intentionally to ensure that such distress may be addressed by EDA programs. It is our view, and it is a view shared by EDA officials, that such communities should be eligible to apply for EDA aid.

Mr. STEVENS. With regard to the criteria used to determine eligibility, Section 301(a)(3) refers to communities that experience special needs arising from severe unemployment or economic adjustment problems resulting from changes in economic conditions. Could my colleagues tell me whether EDA has flexibility in applying this criterion to areas—such as these timber-affected Alaskan communities—that are requesting EDA assistance?

Mr. CHAFEE. Section 301(a) sets the basic eligibility requirements for economically distressed areas. These criteria are intended to ensure that EDA assistance is targeted to truly distressed communities. The third criterion, which you mention, is intended to allow the necessary flexibility to address other situations of serious distress that, for a number of reasons, may not fulfill the first two criteria but that clearly would be considered by the Secretary and Congress as deserving of assistance. Thus, the bill before

us provides the Secretary with sufficient flexibility in this regard.

Mr. BAUCUS. Again, I agree. We recognized that flexibility is required to ensure that EDA may address the varied causes and types of economic distress nationwide. Therefore, in his efforts to ensure that EDA assistance go to the communities of greatest distress, the Secretary is allowed some flexibility in making determinations for awards of assistance under this Act.

Mr. STEVENS. I thank my colleagues for making these important clarifications.

LINDA MORGAN AND THE SURFACE TRANSPORTATION BOARD

Mr. FORD. Mr. President, in the closing days of the 105th Congress, it appears that S. 1802, a bill to reauthorize the Surface Transportation Board, may not be enacted into law. I hope that the STB is not penalized in any way for the failure of Congress to enact S. 1802. In fact, I want my colleagues to know that Linda Morgan, the current chairman of the STB, is well respected within the Senate on both sides of the aisle. She was a valued member of the staff of the Senate Committee on Commerce, Science, and Transportation for several years. The work ethic, honesty and balance that she demonstrated as a member of the Committee's professional staff have been evidenced also at the STB.

Linda Morgan and her staff have handled a significant number of complex matters in a timely, thorough manner despite very limited resources. Just one example of the Board's evenhanded approach is the exhaustive review of the acquisition of Conrail by CSX and Norfolk Southern. This transaction will yield significant competitive and environmental benefits, not only in Kentucky but throughout the Eastern United States. The Board's evenhanded, professional approach in reviewing this major transaction and assessing the public benefits is indicative of the excellent work that Chairman Morgan and the Board have done since its creation.

As a result, I support S. 1802 and hope that the bill could still become law before the conclusion of the 105th Congress. Also, I urge the Administration to renominate Ms. Morgan for an additional term as Chairman of the STB. She is a proven, well-qualified public servant, and she has earned the opportunity to complete the work that she has started.

PROVIDING INFORMATION ABOUT THE SENATE

Mr. WARNER. Mr. President, today, an enhanced Virtual Tour of the United States was published on the U.S. Senate web server. This enhanced tour uses state-of-the-art technology to combine high quality graphics with still pictures to provide information about historical events, rooms, and works of art in the Senate.

The Virtual Tour provides people from all over the country, and indeed from around the world, an opportunity to visit the U.S. Senate via the World Wide Web. Information provided can be used to learn more about the U.S. Capitol, as well as to plan for tours of the Senate.

From panoramic views of the Senate Chamber to a zoomed-in focus on the President's chair in the Old Senate Chamber, visitors to the Virtual Tour will experience the history of the Capitol Building and its famous rooms, as well as the richness of our country's heritage through artwork, statues, and sculptures that reflect the diversity of our Nation. The Virtual Tour currently has four rooms of the Senate available: the Senate Chamber, the Old Senate Chamber, the Old Supreme Court, and the President's room. Descriptions of important events associated with each room are provided with the graphics. Additional rooms are planned to be added on a monthly basis.

I encourage my fellow Senators to let their constituents know about the Virtual Tour. This is a resource meant to be shared with the public and enjoyed by all.

Finally, I would like to thank the following staff from the offices of the Senate Committee on Rules and Administration, the Senate Sergeant at Arms, the Secretary of the Senate, the Clerk of the House, and the Architect of the Capitol for their hard work and effort in planning, developing, and making the Virtual Tour of the Senate a reality: Cheri Allen, Chuck Badal, Richard Baker, Trent Coleman, Michael Dunn, Lisa Farmer, Wayne Firth, Charlie Kaiman, Betty Koed, Christopher Lee, Megan Lucas, Thomas Meenan, Heather Moore, Steve Payne, Brian Raines, Diane Skvarla, Ray Strong, Scott Strong, David Wall, and Wendy Wolff.

HUNGER IN AMERICA

Mr. GRAMS. Mr. President, I rise today to discuss the important issue of hunger in America. We often hear about hunger as a global problem affecting many people every day. Many in our own country warn us of a growing hunger problem in America.

One of my Minnesota constituents, Dr. Joseph Ioffe, is a former Russian professor of economics and challenges this thinking from his first hand knowledge of hunger in Russia. He has written an editorial that suggests our real problem is one that involves the quality of diet for low-income families rather than starvation.

Mr. President, I ask unanimous consent that Dr. Ioffe's article be printed in the RECORD.

IS THERE REALLY HUNGER IN AMERICA

(By Joseph Ioffe)

Another day, another letter in my mailbox from public organizations fighting hunger in America. And every letter is overloaded with general statements and emotional appeals but lacks facts and specifics.

Here is one from Larry Jones, president of Feed The Children, an Oklahoma City-based organization: "I am writing on behalf of a very special group that faces death every hour of every day of the year. It is the 15 million hungry children in the United States. Every 53 minutes a hungry child dies." A horrible picture—it looks like Rwanda or North Korea. Hard to believe that the U.S. government is providing food aid to many other countries while letting millions of its own people starve to death.

So I wrote a letter to Jones, asking him for specifics and, in particular, to furnish the names and addresses, at random, of children who died from starvation, say, last year. As it appeared from Jones' response, he personally had never witnessed such cases, never kept any records of the victims of hunger, but relied on statistics from other organizations.

After all, he said, his mission was not in studying facts about hunger but raising money for children who, he believed, were starving in the U.S.—which he has been doing for years by hitting mailboxes all around the country.

So I decided to go to the source Jones referred to. In a publication by the Children's Defense Fund, a Washington, DC-based public organization, I found the numbers but defined differently: 15 million children living in poverty . . . every 53 minutes a child dies from poverty. . . . It appeared that Jones did not just borrow the statistics from CDF but adjusted it to the purpose of his own understanding.

Poverty does not necessarily mean hunger. In the U.S. the poverty lines is set up fairly high. Suffice it to say that a family living at the poverty level in America has a higher income than the median income of the same size family in 150 other countries throughout the world including Eastern Europe and the former Soviet Union.

But let us put aside the difference between hunger and poverty. The point is that the CDF "death from poverty" statistics were unfounded as well. The official mortality statistics are based on the records of hospitals, and do not operate with such cause of death as "poverty."

So any responsible statement about children dying from poverty is supposed to be supported and substantiated by special studies establishing the link between medical and social causes. Nothing like that could be found in the CDF publications. Small wonder that my requests for information of this kind was just ignored by CDF.

And here is another letter, this one from Christine Vladimiroff, president of Second Harvest, a food bank network based in Chicago; "Tonight millions of Americans won't get enough to eat . . ." Again, no specifics about numbers, not the slightest attempt to prove that is real. Instead, attached to the letter was a picture of the Statute of Liberty holding the "Will work for food" poster, it was ridiculous.

Those men and women with such posters on the busy city streets, idlers and drifters, don't care about work and food at all. They are just playing a trick on compassionate motorists. At the red light, the motorists reach out for their pocket-books and hand out a dollar or two to the "hungry" guys. None of them has ever accepted any offer to work. But their day's "work" with the poster usually brings in \$100 or more and the money is being spent, right away, for drugs and alcohol.

As for food, they get it at the soup kitchens. In the 30's soup kitchens served real hungry people, victims of the bad economic situation. Nowadays in America they are mostly a feeding place for people of anti-social behavior like idlers, drifters, drug abusers

and alcoholics. Now the old saying, "he who does not work, does not eat." is out of date.

So is there hunger in America. It is common knowledge that the U.S. is the world leader in food production, that the food prices, in relation to the wages, are the lowest, that the food stamps program combined with free distribution of basic nutritional products from the state reserves for the low-income families provides a safeguard against any threat of hunger in America. Nobody is starving in this country, and, moreover, nobody is dying from starvation.

The real problem is not feeding the hungry but improving the quality of the daily diet of the low-income families, extending their diet beyond a certain number of plain products and bringing it, gradually, to the modern nutritional standards. That is where the efforts of the charitable organizations should be directed.

Those ambitious activities who are trying to impress the public with sensations and high drama, talking about millions of starving Americans facing death, don't do any good to the country.

BAILEY "USE OR CARRY" FIREARMS BILL, S. 191

Mr. DEWINE. Mr. President, I rise to hail the passage last night of the Bailey Fix Act, also known as the use or carry bill, after two Congresses. This legislation will provide enhanced mandatory minimum penalties for those criminals who use guns while trafficking in drugs or in the commission of violent crimes. When the Supreme Court handed down its decision in Bailey versus United States in 1995, the Court dealt a serious blow to law enforcement. Prior to that decision, drug traffickers who "used or carried" firearms during or in relation to their drug trafficking crimes were subject to mandatory minimums of five years under Section 924(c) of Title 18. With this decision, the Court significantly limited prosecutors' ability to put gun-using, drug trafficking criminals away.

In Bailey, the Supreme Court, in a unanimous decision, announced that in order to receive the sentence enhancement for using or carrying a firearm during a violent or drug trafficking crime under Title 18 U.S.C. 924(c), the criminal must "actively employ" a firearm. This decision severely restricted an important tool used by federal prosecutors to put gun-using drug criminals behind bars. According to the U.S. Sentencing Commission, there were 9,182 defendants sentenced nationwide from 1991 to 1995 under 924(c). The Commission notes that the vast majority, about 75% of these cases are drug trafficking and bank robbery cases. Since the Bailey decision, the number of federal cases involving a 924(c) enhancement has declined by about 17%.

The question before this Congress for almost four years, two Senate hearings, and seven bills was how to restore this crime fighting tool. Across the political spectrum there is a consensus about the problem. There is also a consensus, I believe, that the purpose of this "use or carry" provision is twofold; to punish criminals who use guns,

and to be a deterrent to would-be criminals not to use a gun. So, 924(c) comes with a message: "If you mix guns and drugs, or guns and violence, we're going to come after you—and the price will be high."

The final bill attempts to address the issue: "Where do we draw the line in constructive possession cases?" How do we address those situations when the gun is not in the direct possession of the criminal when either the crime is committed or he is caught for the crime.

This legislation, however, is meant to embrace not only instances of brandishing, firing or displaying a firearm during a crime of violence or drug trafficking offense, but also to those situations where a defendant kept a firearm available to provide security for the transaction, its fruit or proceeds, or was otherwise emboldened by its presence in the commission of the offense. Many of these instances, frankly, are simply an issue of proof. To that extent we must acknowledge our limitations in addressing a solution.

This bill would change the wording of Section 924(c) to add to "uses, carries" "in furtherance of the crime, possesses a firearm." The original S. 191 did not contain this "in furtherance language" that modifies "possesses."

[In pertinent part, Section 924(c) would read:

". . . 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 a 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 . . ."]

The purpose of adding the "in furtherance" language is to assure that someone who possesses a gun that has nothing to do with the crime does not fall under 924(c). I believe that the "in furtherance" language is a slightly higher standard that encompasses "during and in relation to" language, by requiring an indication of helping forward, promote, or advance a crime. This provision applies equally to the individual simply exercising his or her right to own a firearm, as well as the prosecutor who would bring a 924(c) action where there is, arguably, an insufficient nexus between the crime and the gun.

This bill will:

Provide for a mandatory minimum sentence of five years for anyone who uses, carries or possesses a firearm during a crime of violence or drug trafficking offense;

Provide a seven year sentence for "brandishing" by making known the presence of a firearm during the commission of a crime.

Raise the penalty to ten years if the gun is discharged.

Mr. President, I have always believed that that this is an eminently fixable problem. Our prosecutors need full use of this provision now, and it is my hope

and my belief that this legislation will accomplish that purpose.

I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CRIME PREVENTION AND PRIVACY COMPACT OF THE NATIONAL CRIMINAL HISTORY ACCESS AND CHILD PROTECTION ACT SECTION-BY-SECTION ANALYSIS

Section 211.—This section provides the short title of the Act.

Section 212.—This section sets forth the congressional findings upon which the Act is predicated. The section reflects congressional determinations that both the FBI and the states maintain fingerprint-based criminal history records and exchange them for criminal justice purposes and also, to the extent authorized by federal law and the laws of the various states, use the information contained in these records for certain non-criminal justice purposes. Although this system has operated for years on a reciprocal, voluntary basis, the exchange of records for noncriminal justice purposes has been hampered by the fact that the laws and policies of the states governing the noncriminal justice use of criminal history records and the procedures by which they are exchanged vary widely. A compact will establish a uniform standard for the interstate and federal-state exchange of criminal history records for noncriminal justice purposes, while permitting each state to continue to enforce its own record dissemination laws within its own borders. A compact will also facilitate the interstate and federal-state exchange of information by clarifying the obligations and responsibilities of the respective parties, streamlining the processing of background search applications and eliminating record maintenance duplication at the federal and state levels. Finally, the compact will provide a mechanism for establishing and enforcing uniform standards governing record accuracy and protecting the confidentiality and privacy interests of record subjects.

Section 213.—This section sets out definitions of key terms used in this subtitle. Definitions of key terms used in the compact are set out in Article I of the compact.

Section 214.—This section formally enacts the compact into federal law, makes the United States a party, and consents to entry into the Compact by the States.

Section 215.—This section outlines the effect of the Compact's enactment on certain other laws. First, subsection (a) provides that the Compact is deemed to have no effect on the FBI's obligations and responsibilities under the Privacy Act. The Privacy Act became effective in 1975, and can generally be characterized as a federal code of fair information practices regarding individuals. The Privacy Act regulates the collection, maintenance, use, and dissemination of personal information by the federal government. This Section makes clear that the Compact will neither expand nor diminish the obligations imposed on the FBI by the Privacy Act. All requirements relating to collection, disclosure and administrative matters remain in effect, including standards relating to notice, accuracy and security measures.

Second, enactment of the Compact will neither expand nor diminish the responsibility of the FBI and the state criminal history record repositories to permit access, direct or otherwise, to criminal history records under the authority of certain other federal laws (enumerated in subsection (b)(1)). These laws include the following:

The Security Clearance Information Act (Section 9101 of Title 5, United States Code)

requires state and local criminal justice agencies to release criminal history record information to certain federal agencies for national security background checks.

The Brady Handgun Violence Prevention Act prescribes a waiting period before the purchase of a handgun may be consummated in order for a criminal history records check on the purchaser to be completed, and also establishes a national instant background check system to facilitate criminal history checks of firearms purchasers. Under this system, licensed firearms dealers are authorized access to the national instant background check system for purposes of complying with the background check requirement.

The National Child Protection Act of 1993 (42 U.S.C. § 5119a) authorizes states with appropriate state statutes to access and review state and federal criminal history records through the national criminal history background check system for the purpose of determining whether care providers for children, the elderly and the disabled have criminal histories bearing upon their fitness to assume such responsibilities.

The Violent Crime Control and Law Enforcement Act of 1994 authorizes federal and state civil courts to have access to FBI databases containing criminal history records, missing person records and court protection orders for use in connection with stalking and domestic violence cases.

The United States Housing Act of 1937, as amended by the Housing Opportunity Program Extension Act of 1996, authorizes public housing authorities to obtain federal and state criminal conviction records relating to public housing applicants or tenants for purposes of applicant screening, lease enforcement and eviction.

The Native American Housing Assistance and Self-Determination Act authorizes Indian tribes or tribally designated housing entities to obtain federal and state conviction records relating to applicants for or tenants of federally assisted housing for purposes of applicant screening, lease enforcement and eviction. Nothing in the Compact would alter any rights of access provided under these laws.

Subsection (b)(2) provides that the compact shall not affect any direct access to federal criminal history records authorized by law. Under existing legal authority, the FBI has provided direct terminal access to certain federal agencies, including the Office of Management and Budget and the Immigration and Naturalization Service, to facilitate the processing of large numbers of background search requests by these agencies for such purposes as federal employment, immigration and naturalization matters, and the issuance of security clearances. This access will not be affected by the compact.

Subsection (c) provides that the Compact's enactment will not affect the FBI's authority to use its criminal history records for noncriminal justice purposes under Public Law 92-544—the State, Justice, Commerce Appropriations Act of 1973. This law restored the Bureau's authority to exchange its identification records with the states and certain other organizations or entities, such as federally chartered or insured banking institutions, for employment and licensing purposes, after a federal district court had declared the FBI's practice of doing so to be without foundation. (See *Menard v. Mitchell*, 328 F. Supp. 718 (D.D.C. 1971).

Subsection (d) provides that the Council created by the Compact to facilitate its administration is deemed not to be a federal advisory committee as defined under the Federal Advisory Committee Act. This provision is necessary since nonfederal employees will sit on the Compact Council together

with federal personnel and the Council may from time to time be called upon to provide the Director of the FBI or the Attorney General with collective advice on the administration of the Compact. Without this stipulation, such features might cause the Council to be considered an advisory committee within the meaning of the Federal Advisory Committee Act. Even though the Council will not be considered an advisory committee for purposes of the Act, it will hold public meetings.

Similarly, to avoid any question on the subject, Subsection (e) provides that members of the Compact Council will not be deemed to be federal employees or officers by virtue of their Council membership for any purpose other than to effect the Compact. Thus, state officials and other nonfederal personnel who are appointed to the Council will be considered federal officials only to the extent of their roles as Council members. They will not be entitled to compensation or benefits accruing to federal employees or officers, but they could receive reimbursement from federal funds for travel and subsistence expenses incurred in attending council meetings.

Section 216.—This Section admonishes all federal personnel to enforce the Compact and to cooperate in its implementation. It also directs the U.S. Attorney General to take such action as may be necessary to implement the Compact within the federal government, including the promulgation of regulations.

Section 217.—This is the core of the subtitle and sets forth the text of the Compact:

OVERVIEW

This briefly describes what the Compact is and how it is meant to work. Under the Compact, the FBI and the states agree to maintain their respective databases of criminal history records and to make them available to Compact parties for authorized purposes by means of an electronic information sharing system established cooperatively by the federal government and the states.

ARTICLE I—DEFINITIONS

This article sets out definitions for key terms used in the Compact. Most of the definitions are substantially identical to definitions commonly used in federal and state laws and regulations relating to criminal history records and need no explanation. However, the following definitions merit comment:

(20) Positive identification

This term refers, in brief, to association of a person with his or her criminal history record through a comparison of fingerprints or other equally reliable biometric identification techniques. Such techniques eliminate or substantially reduce the risks of associating a person with someone else's record or failing to find a record of a person who uses a false name. At present, the method of establishing positive identification in use in criminal justice agencies throughout the United States is based upon comparison of fingerprint patterns, which are essentially unique and unchanging and thus provide a highly reliable basis for identification. It is anticipated that this method of positive identification will remain in use for many years to come, particularly since federal and state agencies are investing substantial amounts of money to acquire automated fingerprint identification equipment and related devices which facilitate the capturing and transmission of fingerprint images and provide searching and matching methods that are efficient and highly accurate. However, there are other biometric identification techniques, including retinal scanning, voice-print analysis and DNA typing, which

might be adapted for criminal record identification purposes. The wording of the definition contemplates that at some future time the Compact Council might authorize the use of one or more of these techniques for establishing positive identification, if it determines that the reliability of such technique(s) is at least equal to the reliability of fingerprint comparison.

(21) Sealed record information

Article IV, paragraph (b), permits the FBI and state criminal history record repositories to delete sealed record information when responding to an interstate record request pursuant to the Compact. Thus, the definition of "sealed" becomes important, particularly since state sealing laws vary considerably, ranging from laws that are quite restrictive in their application to others that are very broad. The definition set out here is intended to be a narrow one in keeping with a basic tenet of the Compact—that state repositories shall release as much information as possible for interstate exchange purposes, with issues concerning the use of particular information for particular purposes to be decided under the laws of the receiving states. Consistent with the definition, an adult record, or a portion of it, may be considered sealed only if its release for noncriminal justice purposes has been prohibited by a court order or by action of a designated official or board, such as a State Attorney General or a Criminal Record Privacy Board, acting pursuant to a federal or state law. Further, to qualify under the definition, a court order, whether issued in response to a petition or on the court's own motion, must apply only to a particular record subject or subjects referred to by name in the order. So-called "blanket" court orders applicable to multiple unnamed record subjects who fall into particular classifications or circumstances, such as first-time non-serious drug offenders, do not fit the definition. Similarly, sealing orders issued by designated officials or boards acting pursuant to statutory authority meet the definition only if such orders are issued in response to petitions filed by individual record subjects who are referred to by name in the orders. So-called "automatic" sealing laws, which restrict the noncriminal justice use of the records of certain defined classes of individuals, such as first-time offenders who successfully complete probation terms, do not satisfy the definition, because they do not require the filing of individual petitions and the issuance of individualized sealing orders.

Concerning juvenile records, each state is free to adopt whatever definition of sealing it prefers.

ARTICLE II—PURPOSES

Five purposes are listed: creation of a legal framework for establishment of the Compact; delineation of the FBI's obligations under the Compact; delineation of the obligations of party states; creation of a Compact Council to monitor system operations and promulgate necessary rules and procedures; and, establishment of an obligation by the parties to adhere to the Compact and its related rules and standards.

ARTICLE III—RESPONSIBILITIES OF COMPACT PARTIES

This article details FBI and state responsibilities under the Compact and provides for the appointment of Compact Officers by the FBI and by party states. Compact officers shall have primary responsibility for ensuring the proper administration of the Compact within their jurisdictions.

The FBI is required to provide criminal history records maintained in its automated database for noncriminal justice purposes

described in Article IV of the Compact. These responses will include federal criminal history records and, to the extent that the FBI has such data in its files, information from non-Compact States and information from Compact States relating to records which such states cannot provide through the III System. The FBI is also responsible for providing and maintaining the centralized system and equipment necessary for the Compact's success and ensuring that requests made for criminal justice purposes will have priority over requests made for noncriminal justice purposes.

State responsibilities are similar. Each Party State must grant other states access to its III system-indexed criminal history records for authorized noncriminal justice purposes and must submit to the FBI fingerprint records and subject identification information that are necessary to maintain the national indices. Each state must comply with duly established system rules, procedures, and standards. Finally, each state is responsible for providing and maintaining the telecommunications links and equipment necessary to support system operations within that state.

Administration of Compact provisions will not be permitted to reduce the level of service available to authorized criminal justice and noncriminal justice users on the effective date of the Compact.

ARTICLE IV—AUTHORIZED RECORD DISCLOSURES

This article requires the FBI, to the extent authorized by the Privacy Act, and the state criminal history record repositories to provide criminal history records to one another for use by governmental or nongovernmental agencies for noncriminal justice purposes that are authorized by federal statute, by federal executive order, or by a state statute that has been approved by the U.S. Attorney General. Compact parties will be required to provide criminal history records to other compact parties for noncriminal justice uses that are authorized by law in the requesting jurisdiction even though the law of the responding jurisdiction does not authorize such uses within its borders. Further, the responding party must provide all of the criminal history record information it holds on the individual who is the subject of the request (deleting only sealed record information) and the law of the requesting jurisdiction will determine how much of the information will actually be released to the noncriminal justice agency on behalf of which the request was made. This approach provides a uniform dissemination standard for interstate exchanges, while permitting each compact party to enforce its own record dissemination laws within its borders.

To provide uniformity of interpretation, state laws authorizing noncriminal justice uses of criminal history records under this article must be reviewed by the U.S. Attorney General to ensure that the laws explicitly authorize searches of the national indices.

Records provided through the III System pursuant to the Compact may be used only by authorized officials for authorized purposes. Compact officers must establish procedures to ensure compliance with this limitation as well as procedures to ensure that criminal history record information provided for noncriminal justice purposes is current and accurate and is protected from unauthorized release. Further, procedures must be established to ensure that records received from other compact parties are screened to ensure that only legally authorized information is released. For example, if the law of the receiving jurisdiction provides that only conviction records may be released for a particular noncriminal justice purpose,

all other entries, such as acquittal or dismissal notations or arrest notations with no accompanying disposition notation, must be deleted.

ARTICLE V—RECORD REQUEST PROCEDURES

This article provides that direct access to the National Identification Index and the National Fingerprint File for purposes of conducting criminal history record searches for noncriminal justice purposes shall be limited to the FBI and the state criminal history record repositories. A noncriminal justice agency authorized to obtain national searches pursuant to an approved state statute must submit the search application through the state repository in the state in which the agency is located. A state repository receiving a search application directly from a noncriminal justice agency in another state may process the application through its own criminal history record system, if it has legal authority to do so, but it may not conduct a search of the national indices on behalf of such an out-of-state agency nor may it obtain out-of-state or federal records for such an agency through the III System.

Noncriminal justice agencies authorized to obtain national record checks under federal law or federal executive order, including federal agencies, federally chartered or insured financial institutions and certain securities and commodities establishments, must submit search applications through the FBI or, if the repository consents to process the application, through the state repository in the state in which the agency is located.

All noncriminal justice search applications submitted to the FBI or to the state repositories must be accompanied by fingerprints or some other approved form of positive identification. If a state repository positively identifies the subject of such a search application as having a III System-indexed record maintained by another state repository or the FBI, the state repository shall be entitled to obtain such records from such other state repositories or the FBI. If a state repository cannot positively identify the subject of a noncriminal justice search application, the repository shall forward the application, together with fingerprints or other approved identifying information, to the FBI. If the FBI positively identifies the search application subject as having a III System-indexed record or records, it shall notify the state repository which submitted the application and that repository shall be entitled to obtain any III System-indexed record or records relating to the search subject maintained by any other state repository on the FBI.

The FBI and state repositories may charge fees for processing noncriminal justice search applications, but may not charge fees for providing criminal history records by electronic means in response to authorized III System record requests.

ARTICLE VI—ESTABLISHMENT OF COMPACT COUNCIL

This article establishes a Compact Council to promulgate rules and procedures governing the use of the III System for noncriminal justice purposes. Such rules cannot conflict with the FBI's administration of the III System for criminal justice purposes. Issues concerning whether particular rules or procedures promulgated by the Council conflict with FBI authority under this article shall be adjudicated pursuant to Article XI.

The Council shall consist of 15 members from compact states and federal and local criminal justice and noncriminal justice agencies. All members shall be appointed by the U.S. Attorney General. Council members shall elect a Council Chairman and Vice Chairman, both of whom shall be compact of-

ficers unless there are no compact officers on the Council who are willing to serve, in which case at-large members may be elected to these offices.

The 15 Council members include nine members who must be state compact officers or state repository administrators, four at-large members representing federal, state and local criminal justice and noncriminal justice interests, one member from the FBI's advisory policy board on criminal justice information services and one member who is an FBI employee. Although, as noted, all members will be appointed by the U.S. Attorney General, they will be nominated by other persons, as specified in the Compact. If the Attorney General declines to appoint any person so nominated, the Attorney General shall request another nomination from the person or persons who nominated the rejected person. Similarly, if a Council membership vacancy occurs, for any reason, the Attorney General shall request a replacement nomination from the person or persons who made the original nomination.

Persons who are appointed to the Council who are not already federal officials or employees shall, by virtue of their appointment by the Attorney General, become federal officials to the extent of their duties and responsibilities as Council members. They shall, therefore, have authority to participate in the development and issuance of rules and procedures, and to participate in other actions within the scope of their duties as Council members, which may be binding upon federal officers and employees or otherwise affect federal interests.

The Council shall be located for administrative purposes within the FBI and shall have authority to request relevant assistance and information from the FBI. Although the Council will not be considered a Federal Advisory Committee (see Section 215(d)), it will hold public meetings and will publish its rules and procedures in the Federal Register and make them available for public inspection and copying at a Council office within the FBI.

ARTICLE VII—RATIFICATION OF COMPACT

This article states that the Compact will become effective immediately upon its execution by two or more states and the United States Government and will have the full force and effect of law within the ratifying jurisdictions. Each state will follow its own laws in effecting ratification.

ARTICLE VIII—MISCELLANEOUS PROVISIONS

This article makes clear that administration of the Compact shall not interfere with the authority of the FBI Director over the management and control of the FBI's collection and dissemination of criminal history records for any purpose other than noncriminal justice. Similarly, nothing in the Compact diminishes a state's obligations and authority under Public Law 92-544 regarding the dissemination or use of criminal history record information (see analysis of Section 214, above). The Compact does not require the FBI to obligate or expend funds beyond its appropriations.

ARTICLE IX—RENUNCIATION

This article provides that a state wishing to end its obligations by renouncing the Compact shall do so in the same manner by which it ratified the Compact and shall provide six months' advance notice to other compact parties.

ARTICLE X—SEVERABILITY

This article provides that the remaining provisions of the Compact shall not be affected if a particular provision is found to be in violation of the Federal Constitution or the constitution of a party state. Similarly, a finding in one state that a portion of the

Compact is legally objectionable will have no effect on the viability of the Compact in other Party States.

ARTICLE XI—ADJUDICATION OF DISPUTES

This article vests initial authority in the Compact Council to interpret its own rules and standards and to resolve disputes among parties to the Compact. Decisions are to be rendered upon a majority vote of Council members after a hearing on the issue. Any Compact party may appeal any such Council decision to the U.S. Attorney General and thereafter may file suit in the appropriate United States district court. Any suit concerning the compact filed in any state court shall be removed to the appropriate federal district court.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Rules and Administration, with an amendment in the nature of a substitute:

S. 2288. A bill to provide for the reform and continuing legislative oversight of the production, procurement, dissemination, and permanent public access of the Government's publications, and for other purposes (Rept. No. 105-413).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO:

S. 2640. A bill to extend the authorization for the Upper Delaware Citizens Advisory Council; 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. HELMS (for himself and Mr. BIDEN):

S. Res. 310. A resolution authorizing the printing of background information on the Committee on Foreign Relations as a Senate document; considered and agreed to.

ADDITIONAL COSPONSORS

S. 2128

At the request of Mr. STEVENS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2128, a bill to clarify the authority of the Director of the Federal Bureau of Investigation regarding the collection of fees to process certain identification records and name checks, and for other purposes.

S. 2283

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 2283, a bill to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

S. 2566

At the request of Ms. LANDRIEU, the name of the Senator from Missouri

(Mr. BOND) was added as a cosponsor of S. 2566, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

SENATE RESOLUTION 285

At the request of Mr. LUGAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of Senate Resolution 285, a resolution expressing the sense of the Senate that all necessary steps should be taken to ensure the elections to be held in Gabon in December of 1998 are free and fair.

SENATE RESOLUTION 310—AUTHORIZING PRINTING OF BACKGROUND INFORMATION ON THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS (for himself and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 310

Resolved,

SECTION 1. PRINTING OF BACKGROUND INFORMATION RELATING TO THE HISTORY OF THE UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS.

The Public Printer shall print—

(1) as a Senate document a compilation of materials, with illustrations, entitled "Background Information on the Committee on Foreign Relations, United States Senate (7th Revised Edition),

(2) in addition to the usual number, there shall be printed 500 copies of the document for the use of the committee, and

(3) the cost for printing this document shall not exceed \$5,825.00.

ADDITIONAL STATEMENTS

RESIDENCY FOR VOVA MALOFIENKO

• Mr. LAUTENBERG. Mr. President, I rise today to express my pleasure that legislation providing permanent residency in the United States for 13-year-old Vova Malofienko and his family, residents of Short Hills, NJ, passed the Senate. Vova Malofienko has leukemia from his having lived 30 miles from the Chernobyl nuclear reactor in Ukraine during and after the infamous disaster. His leukemia is in remission only because of the emergency medical treatment he's received in the United States.

Were Vova forced to return to Ukraine, the United States would be placing an innocent child near the front of the line on death row. Vova was one of eight children of Chernobyl

who came to the United States in 1990—and when the seven others later returned to Ukraine, they died one by one because of inadequate cancer treatment. Not a child survived.

On behalf of the Malofienkos, I thank my colleagues for their invaluable support of this legislation. We are a compassionate nation that has opened its heart to Vova and his family, who came in dire medical need.

Mr. President, I would like to take this opportunity to tell my colleagues a bit more about Vova and his family. Vladimir "Vova" Malofienko was born on June 29, 1984 in Chernigov, Ukraine. His mother, Olga Matsko, was born on September 29, 1959 in Piratin, Ukraine, and his father, Alexander Malofienko, was born on December 25, 1957 in Chernigov, Ukraine.

Vova was only 2 when the Chernobyl reactor exploded in 1986 and exposed him to radiation. He was diagnosed with leukemia in June 1990 at age 6. Vova and his mother came to the United States later in 1990 on a B-1 visitor's visa so that Vova could attend a cancer treatment camp for children, sponsored by the Children of Chernobyl Relief Fund. Vova was invited to stay in the United States to receive more extensive treatment and chemotherapy. In November of 1992, Vova's cancer went into remission. Vova's father, Alexander Malofienko joined the family in 1992, also on a B-1 visa.

Vova and his family have wanted to remain in the United States because of the extraordinary health concerns facing Vova. Regrettably, as I mentioned earlier, Vova is the only survivor from a group of eight children of Chernobyl who came to the United States together in 1990. The seven other children returned to Ukraine and have since died. Now that Vova is in remission, it would indeed be tragic to return him to an environment which would once again endanger his life. The air, food, and water in Ukraine are contaminated with radiation that people residing there for several years have grown accustomed to, but which could be perilous to Vova's weakened immune system.

Furthermore, treatment available in Ukraine is not as sophisticated and up to date as treatment available in the United States. Before Vova came to the United States, no aggressive treatment for his leukemia had been provided. Although Vova completed his chemotherapy in 1992, he continues to need medical follow-up on a consistent basis, including physical examinations, lab work and radiological examinations to assure early detection and prompt and appropriate therapy in the unfortunate event the leukemia recurs.

According to Dr. Peri Kamalakar, Director of the Valerie Fund Children's Center at Newark Beth Israel hospital, where Vova has received care, Vova's cancer is considered high risk with a threat of relapse. He is also at risk to develop significant later complications secondary to the intensive chemo-

therapy he received, including heart problems and secondary cancers. Another significant risk is relapse in the bone marrow, testis, or central nervous system. Dr. Kamalakar has concluded that Vova's chance for a permanent cure is considerably better if he stays in the United States.

I am pleased that this bill has passed today. It is now up to the House of Representatives to send this bill to the President and allow Vova and his family to remain in the United States. Finally, I would like to thank all of the Senators, from both sides of the aisle, who were involved in negotiations on these private relief bills. •

LIEUTENANT GENERAL CAROL MUTTER

• Mr. KEMPTHORNE. Mr. President, I rise today to honor a fine Marine Corps Officer, Lieutenant General Carol Mutter, the Deputy Chief of Staff for Manpower and Reserve Affairs, Headquarters Marine Corps, Washington, D.C.

General Mutter, a native daughter of Colorado, will soon retire from active duty following a long and distinguished career as an officer of Marines. A graduate of the University of Northern Colorado, in Greeley, CO she joined the Marine Corps in 1966 and completed the Woman Officer Basic Course in 1967. She was then trained as a data processing officer and assigned to data processing installations in Quantico, VA and Camp Pendleton, CA. In 1971, she returned to Quantico as a platoon commander and instructor for women officer candidates and basic course lieutenants.

Over the years, Carol has made significant accomplishments both as a Marine officer and as a woman. As a Colonel, in July 1988 she joined the U.S. Space Command, J-3 (Operations) Directorate in Colorado Springs where she became the first woman to gain qualification as a Space Director. After initially serving as a Command Center Crew Commander/Space Director she became the Division Chief responsible for the operation of the Commander in Chief's Command Center. In June 1992, she transferred to Okinawa for a second tour, this time as the first woman of general/flag officer rank to command a major deployable tactical command, the 3d Force Service Support Group, Third Marine Expeditionary Force, U.S. Marine Forces Pacific. Finally, upon advancement to Lieutenant General (the first woman in the Marine Corps to attain this rank) on September 1, 1996, she assumed her current duties.

Throughout her services as a Marine, she worked continually to improve herself through furthering her professional military education and earning a M.A. degree in National Security and Strategic Studies from the Naval War College at Newport, RI and honorary doctorate degrees from Salve Regina College, also in Newport, RI and another

honorary doctorate from UNC. In addition to the Naval War College at Newport, RI, General Mutter also attended the Amphibious Warfare School and the Marine Corps Command and Staff College, both at Quantico, VA.

We know the officers and men and women of the Marine Corps, from the Commandant on down, will sorely miss the service of Lieutenant General Mutter as she departs the Marine Corps. Among her many awards and recognitions are the Defense Superior Service Medal, the Navy Commendation Medal, and the Navy Achievement Medal—worthy recognition for days, months and years of selfless dedication. The Marine Corps loss will be Indiana's gain as she settles in her new home in the Indianapolis area. We offer the warmest wishes to Carol and her husband Jim as they embark upon their new endeavors.

God Bless and good luck to a truly wonderful woman. Lieutenant General Mutter is truly a great American patriot and an inspiration to all.●

TRIBUTE TO AMERICA'S YOUNG ATHLETES

● Mr. CONRAD. Mr. President, I rise to recognize the tremendous accomplishment of a number of young American athletes. Specifically, I want to bring to the attention of the United States Senate the accomplishment of the 1998 United States All-Star High School Junior National Ultimate Frisbee Team at the recently completed Ultimate Frisbee World Championship Tournament.

Mr. President, High School Ultimate Frisbee, or "Ultimate," players from all over our great land competed for positions on the U.S. team. Competition was fierce and the United States fielded a team of nineteen young men and one young woman at the tournament which was played at the beautiful National Sports Center in Blaine, Minnesota at the end of August. Blaine is a suburb on the northern edge of the Twin Cities.

"Ultimate" is a fast growing, non-contact, sport. It resembles the fast-paced action of soccer and the thrill of American football. First developed at Columbia High School in Mapelwood, NJ, in 1968, Ultimate Frisbee is now played around the world. Teams representing many nations, including Canada, Great Britain, Germany, and Sweden, came to the World Championships. I must note for the RECORD, Mr. President, that the junior World Championships have been dominated by Sweden. The Swedish team entered the 1998 World Championships with a string of World Championships dating back to 1983, interrupted only by the 1992 tournament victory of Taiwan, ROC. In light of their impressive record, Sweden understandably was seeded first, Germany second, the U.S. third. Yes, Mr. President, our team entered the world tournament as an underdog. This was particularly apt in light of the fact that several of the teams had not only practiced together, but had also played

together in numerous other tournaments. In fact, several of the competing teams were even sponsored by their governments. Not so for Team USA! Our American ambassadors bought their own uniforms, paid their own ways to Minnesota and covered the expenses associated with two weeks at the National Sports Center. Even our coaches had to volunteer!

I am pleased to report that not only did the American team represent our Nation with a great deal of enthusiasm, but they also quickly coalesced into a real team. This was essential. With less than a week of practices under its belt, the U.S. team, which had never played together before, would face the stiffest Ultimate Frisbee competition in the world.

To make a long story short, Mr. President, the U.S. Team proceeded through the first round (10 games) of the tournament undefeated, handing defending Champs Sweden their first two defeats in 6 years and soundly defeating all other competitors, including second seed Germany. Going into the semifinals, Team USA emerged as the decided favorite. It then decisively defeated Great Britain in the semifinal. On Saturday, August 22, in a game begun in a driving rain storm, Team USA won the championship game against defending Champion Sweden. Yes, Mr. President, the U.S. team prevailed. The U.S. All-Star High School Ultimate Frisbee Team won the gold medal.

Suffice it to say, we celebrate the great athleticism and victories of these young American athletes. We also have good cause to be proud of their great spirit as well. Spirit is very highly prized in "Ultimate," which does not field referees. To its credit, in "Ultimate," great spirit is often as prized as a great victory. In this effort, our young American athletes demonstrated that good spirit and good play are wholly compatible.

Mr. President, I rise to commend the members of the U.S. Junior National Team. Let me name each of the players and their home towns: Harper Alexander of Atlanta, Georgia; Jody Avirgan of Silver Spring, Maryland; Philip Burkhardt of Seattle, Washington; Sam Chatterton-Kirchmeier of Seattle, Washington; Jeremy Cram of Seattle, Washington; Bryan Edwards of Seattle, Washington; Jules Hirschhorn of Amherst, Massachusetts; Pauline Lauterbach of Atlanta, Georgia; Zach Morrison of Newton, Massachusetts; Kyle Neeson of West Newton, Massachusetts; Josh Nugent of Amherst, Massachusetts; Sam O'Brien of St. Paul, Minnesota; Isaiah Robinson of Leverett, Massachusetts; Brian Rogers of Amherst, Massachusetts; Jeremy Schwartz of Scarsdale, New York; Matt Shamey of Leverett, Massachusetts; Michael Shiel of Chicago, Illinois; Jason Simpson of Decatur, Georgia; Ben Van Heuvelen of Bethesda, Maryland; and Garrett Westlake of Nashville, Tennessee. These are truly world class athletes deserving of recognition.

Team USA was led to victory by an impressive world class coaching staff.

The Head Coach, Tiina Booth, has created and nurtured the Ultimate Frisbee program at Amherst Regional High School in Amherst, Massachusetts. Her Assistant Coaches were Dave "Mo" Moscoe of Boulder Creek, California, and Mike Baccarini, who coaches the Ultimate Frisbee Teams of Paideia High School near Atlanta, Georgia. Mr. President, I want to commend the coaches as well for their inspiration, hard work and tremendous contribution to the effort.

In short, Mr. President, please join me in congratulating the members and coaches of the U.S. Junior National Ultimate Frisbee Team on their victory. We are proud of you and the Gold Medals you have won for our country!●

ORDERS FOR MONDAY, OCTOBER 19, 1998

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Monday, October 19, for a pro forma session only. I further ask that the Senate then stand in recess until 10 a.m. on Tuesday, October 20, and that the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COCHRAN. I further ask consent that there 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. COCHRAN. Mr. President, for the information of all Senators, the Senate will reconvene on Monday at 10 a.m. for a pro forma session only. Therefore, there will be no rollcall votes during Monday's session of the Senate. The Senate will then reconvene on Tuesday at 10 a.m. and begin a period of morning business until 11 a.m. Following morning business, the Senate is expected to begin debate on the omnibus appropriations bill. If a rollcall vote is requested on passage of the omnibus bill, that vote would occur no earlier than 5 p.m. on Tuesday. Once again, Members will be notified as to the exact voting schedule when it becomes available.

RECESS UNTIL 10 A.M. MONDAY, OCTOBER 19, 1998

Mr. COCHRAN. 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 1:02 p.m., recessed until Monday, October 19, 1998, at 10 a.m.

EXTENSIONS OF REMARKS

H.R. 901, THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. YOUNG of Alaska. Mr. Speaker, I rise to once again address the issue of international land reserves, particularly World Heritage Sites. I find it necessary to emphasize, for the benefit of those who continue to claim otherwise, that these reserves are designated with little or no input from the public or local government. They are very unpopular.

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. This list was compiled by the Department with the assistance of an "inside" non-governmental organization, the U.S. National Committee of the International Council on Monuments and Sites (US/ICOMOS). US/ICOMOS is also a principal advisor to the United Nations on the listing of cultural properties as World Heritage Sites. Twenty-two of the sites on the shopping list have been designated World Heritage Sites.

Congress is the ultimate decision-maker in managing public lands. The clear and direct approval of Congress and the input of local citizens and public officials must be required before land can be designated for inclusion in international land reserves. Let's maintain sovereign control over lands in the United States.

I wish to include in the RECORD the detailed descriptions of the cultural properties on the Department of Interior's list of future choices for World Heritage Sites. The complete list and other information on this important issue can be found on the Committee on Resources website at: <http://www.house.gov/105cong/issues.htm>.

INDICATIVE INVENTORY OF POTENTIAL FUTURE U.S. NOMINATIONS TO THE WORLD HERITAGE LIST—CULTURAL PROPERTIES

PREHISTORY AND LIVING COMMUNITIES (FORMERLY ARCHAEOLOGY)

Post-Contract Aboriginal

Taos Pueblo, New Mexico (36 deg. 25' N.; 105 deg. 40' W.). A center of Indian culture since the 17th century, the pueblo of Taos, still active today, symbolizes Indian resistance to external rule. The mission of San Geronimo, one of the earliest in New Mexico, was built near Taos Pueblo in the early 17th century. Criteria: (v) An outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change.

Post-Contract Aboriginal/Developed Agriculture

Pecos National Monument, New Mexico (35 deg. 35' N.; 105 deg. 45' W.). This site was occupied since before A.D. 900 up until the 19th century. The archaeological excavations of the area led to the development of a cultural sequence which in turn enabled the compara-

tive dating of southwestern U.S. sites. This classification is the cornerstone of the understanding of Southwestern archaeology. In addition to the archaeology at Pecos, there are the foundations of a Spanish mission, the ruins of an 18th-century church, and numerous Pueblo Indian structural remains, including restored kivas. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Developed Agriculture

Mountville Site, Alabama (33 deg. 0' N.; 87 deg. 40' W.). This is probably the site described by De Soto in his Mississippian expedition. This site demonstrates the Mesoamerican influence on the culture of the Southeast. It is a "ceremonial" site with over twenty extant mounds and burial areas. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Casa Grande National Monument, Arizona (33 deg. 0' N.; 111 deg. 30' W.). Casa Grande is a four-story tower of packed earthen walls built over 600 years ago by the agricultural Indians of the Gila River Valley. The site also contains important Hohokam Indian remains dating from about 900 A.D. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Hohokam Pima National Monument, Arizona (32 deg. 55' N.; 111 deg. 30' W.). Hohokam Pima is part of the site of Snaketown, which was continuously inhabited by the Hohokam/Pima cultures for over 2,000 years. This site contains essentially all phases of Hohokam cultural development from the earliest villages established around 400 B.C. up to A.D. 1450. Subsequently this same site was occupied by the Pima from the time of contact with the Spanish until around 1940. The Hohokam Pima site clearly demonstrates the Mesoamerican influence in the Southwestern U.S. The site is located on a Pima reservation. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Ocmulgee National Monument, Georgia (32 deg. 50' N.; 83 deg. 40' W.). The large mounds and surrounding villages at Ocmulgee demonstrate the cultural evolution of the Indian mound-builder civilization in the southern U.S. Criteria: (iii) Bears an exception testimony to a civilization which has disappeared.

Poverty Point, Louisiana (32 deg. 40' N.; 91 deg. 25' W.). An archaeological site that flourished from 1,000-600 B.C. It contains a geometric earthwork complex, consisting of 11.2 miles of raised terraces arranged in six concentric octagons, and Poverty Point Mound, a bird-shaped ceremonial structure. Criteria: (iii) Bears an exception testimony to a civilization which has disappeared.

Chaco Culture National Historical Park, New Mexico (36 deg. 10' N.; 108 deg. 0' W.). This property bears testimony to the first five periods of the Chacoan variant and one period of the Mesa Verdean variant of the Pueblo civilization. Chaco Canyon is a large canyon which contains approximately 1100 ruins including 13 major Pueblo Indian villages. These villages consist of 3-5 story buildings which often contain over 1,000 rooms. The ceremonial complex consisting of the large villages is dated between A.D. 1,110 and 1,300 and clearly demonstrates the cultural links between the Mesoamerican cultures and the Pueblo Indians of the Southwestern U.S. Criteria: (ii) Exerted great influence, over a

span of time and within a cultural area of the world, on developments in town-planning; and (iii) bears a unique testimony to a civilization which has disappeared.

Mound City Group National Monument, Ohio (39 deg. 25' N.; 83 deg. 1' W.). Twenty-three burial mounds of Hopewell Indians (200 B.C.-A.D. 500) have yielded vast quantities of artifacts that give insights into the ceremonial customs of the Hopewell people. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Archaic/Paleo-Indian

Cape Krusenstern Archaeological District, Alaska (67 deg. 0' N.; 164 deg. 0' W.). Cape Krusenstern consists of a series of marine beach ridges (and nearby hills) which contain evidence of nearly every major cultural period in Arctic prehistory and history. This area is very near the probable route taken by man's first crossing into North America and is still inhabited today. Due to land subsidence along the coast a unique stratigraphy has formed which allows a complete dating sequence in an area where few dates are available. Each ridge represents approximately a 200-year time span for a total of approximately 8,000 years. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Ventana Cave, Arizona (32 deg. 25' N.; 112 deg. 15' W.). Ventana Cave offers a unique history of the hunter/gatherer cultural development and continuity. This site has been occupied continuously from 200 B.C. until the present. Excavations here solidified the stratigraphic sequence dates, and made a significant contribution to knowledge of the development of Hohokam culture in this area. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Paleo-Indian

Lindenmeir Site, Colorado (40 deg. 55'; 105 deg. 10' W.). This site was one of the earliest Folsom sites to be excavated by archaeologists and was instrumental in establishing man's presence in North America at its current early date. The site consists of a kill site marked by numerous bison bones and a camp a short distance away. This is one of the few early man sites where both site types were found, and it gives a more complete picture of the early hunters' life and cultural adaptation. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Hawaiian

Pu'uhonua O Honaunau National Historical Park, Hawaii (19 deg. 25' N.; 155 deg. 55' W.) This area (formerly known as City of Refuge National Historical Park) includes sacred ground, where vanquished Hawaiian warriors, noncombatants, and kapu breakers were granted refuge from secular authority. Prehistoric housesites, royal fishponds, and spectacular shore scenery are features of the park. Criteria: (v) An outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change.

European Exploration and Colonial Settlement

La Fortaleza-San Juan National Historical Site, Puerto Rico (18 deg. 28' N.; 66 deg. 10' W.). Spanish defenses at San Juan guarded their sea lanes to the Caribbean; at this site they founded one of their earliest colonies in the Americas. La Fortaleza, the first fortification of San Juan (built 1533-40), has

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

been the residence of the island's governors since the 1620s. The massive masonry citadel of El Morro was begun in 1591. Criteria: (iv) An outstanding example of a type of structure which illustrates a significant stage in history; and (vi) directly and tangibly associated with events of outstanding universal significance.

San Xavier Del Bac, Arizona (32 deg. 10' N.; 111 deg. 0' W.). One of the finest Spanish colonial churches in the United States, having a richly ornamented baroque interior. (Comparative national and international study will be necessary before the United States would consider nominating property representative of this important international development. For example, the California and Texas mission systems would be examined.) Criteria: (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Savannah Historic District, Georgia. The first settlement in the English colony of Georgia, which was founded with philanthropic intent, Savannah has retained much of James Oglethorpe's original city plan and possesses many structures of architectural merit. Criteria: (ii) Has exerted great influence, over a span of time, or within a cultural area of the world, on developments in town-planning; and (vi) directly and tangibly associated with events or with ideas of outstanding universal significance.

Architecture: Early United States

Monticello, Charlottesville, Virginia (38 deg. 0' N.; 78 deg. 30' W.). Thomas Jefferson, the third American President, was a popularizer of the Classic Revival architectural style. In Monticello, his mansion, he combined elements of Roman, Palladian, and 18th-century French design with features expressing his extraordinary personal inventiveness. Criteria: (i) A unique artistic achievement, a masterpiece of the creative genius; and (ii) has exerted great influence, over a span of time and within a cultural area of the world, on developments in architecture.

University of Virginia Historic District, Charlottesville, Virginia (38 deg. 0' N.; 78 deg. 30' W.). Includes original classrooms and professors' quarters housed in pavilions aligned on both sides of an elongated terraced court, as well as the doomed Rotunda, a scaled-down version of the Pantheon which was the focal point of Thomas Jefferson's design. Jefferson envisioned a community of scholars living and studying in an architecturally unified complex of buildings. Criteria: (i) A unique artistic achievement, a masterpiece of the creative genius; and (ii) has exerted great influence, over a span of time and within a cultural area of the world, on developments in architecture.

Architecture: Modern U.S.

Consideration will be given to the nomination of a "thematic" Chicago School district, including some of the properties listed in this grouping.

Auditorium Building, Chicago, Illinois (41 deg. 51' 87 deg. 40' W.). Constructed in 1889, this building is one of the most important works by Chicago School architects Dankmar Adler and Louis Sullivan. Criteria: (i) A unique artistic achievement, a masterpiece of creative genius; and (ii) has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Carson, Pirie, Scott and Company Store, Chicago, Illinois (41 deg. 52' N.; 87 deg. 40' W.). A commercial establishment designed by Louis Sullivan in an original and practical form, Carson, Pirie, Scott and Company was his last large commercial commission. An iron and steel framework supports the structure, which is most notable for its

elaborate ironwork ornament on the first and second floor facades. Sullivan's designs combine organic and geometric shapes in intricate and delicate patterns, in a type of ornament that is the hallmark of his work. The addition was by Daniel H. Burnham in 1904-6. Criteria: (i) A unique artistic achievement, a masterpiece of creative genius; and (ii) has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Leiter II Buiding, Chicago, Illinois (41 deg. 52' N.; 87 deg. 40' W.). Constructed in 1889-91, this building is the masterwork of architect William Le Baron Jenny. One of the earliest surviving examples of the Chicago School curtain wall proto-skyscraper. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Marquette Building, Chicago, Illinois (41 deg. 52' N.; 87 deg. 40' W.). Architects William Holabird and Martin Roche make their first decisive statement on a new concept in building—steel framing. Constructed 1893-4. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Reliance Building, Chicago, Illinois (41 deg. 52' N.; 87 deg. 40' W.). This building (1890-5) by Daniel Burnham and John Root is a key monument of the "Chicago School." It has a steel framework and is covered with terra cotta sheathing except on the granite first floor. Windows form continuous bands and are "Chicago windows" large single, fixed panes of glass which fill an entire bay except for narrow, movable, double hung sash in the project bays. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Rookery Building, Chicago, Illinois (41 deg. 52' N.; 87 deg. 40' W.). One of the last great masonry structures of the 19th century, designed by Daniel Burnham and John W. Root. Constructed in 1886-88, The Rookery is a transitional structure which presaged the modern steel frame office building. It combines skeletal cast-iron columns and spandrel beams supporting masonry with granite and brick and terra cotta. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

South Dearborn Street-Printing House Row North Historic District, Chicago, Illinois (41 deg. 52' N.; 87 deg. 40' W.). This commercial district contains landmark structures in the development of skyscraper construction and some of the finest achievements of the "Chicago School" of architects: The Manhattan Building by William Le Baron Jenny, the first complete steel skeleton building, with wind bracing; the Daniel Burnham-designed Fisher Building, an early curtain-wall structure; the Old Colony Building by Holabird and Roche, using Corydon Purdy's wind bracing system; and the Monadnock Building, by Burnham and Root (north section) and Holabird and Roche (south section), one of the largest masonry bearing-wall structures ever built. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Prudential (Guaranty) Building, Buffalo, New York (42 deg. 50' N.; 78 deg. 50' W.). The last collaborative effort of Dankmar Adler and Louis Sullivan, the 13-story Prudential, constructed in 1895, is a triumph of early skyscraper design. It links two skyscraper periods and departs from the earlier commercial use of elaborate ornamentation in favor of an emphatically vertical appearance. Although appearing rectangular in shape, it is actually U-shaped due to light

corridors above the first floor. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Wainwright Building, St. Louis, Missouri (38 deg. 40' N.; 90 deg. 10' W.). Significant prototype of the modern office building, constructed in 1890-91. This building represents deliberate attempt to create an historical form expressive of the new mass of the multistory office block. For Sullivan, the potential aesthetic quality of the tall building lay in its unusual height. To emphasize this height to the maximum degree, he devised a system of closely ranked, pier-like verticals that give the street elevations their forceful thrust. Criteria: (i) Represents a unique artistic achievement, a masterpiece of the creative genius; and (ii) has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Architecture: Wright School

A single, or thematic, nomination representative of this group will be considered.

Frank Lloyd Wright Home and Studio, Illinois (41 deg. 52' N.; 87 deg. 50' W.). Wright lived and practiced here, in the Shingle-style home he built for his family, during the "First Golden Age" of his long career. Constructed 1889-98. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Unity Temple, Oak Park, Illinois (41 deg. 52' N.; 87 deg. 50' W.). Wright designed the Temple with a rooftop skylight, rather than a steeple. Constructed in 1906 of poured concrete, the Temple is basically a concrete cube with stark and largely unornamented interior walls. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Robie House, Chicago, Illinois (41 deg. 52' N.; 87 deg. 40' W.). This brick house, with its low horizontal emphasis, was designed by Wright in his "Prairie" style, utilizing an open plan focused on a large central chimney mass. He continued inside walls to the exterior to tie the surrounding landscape to the house. Constructed 1907-9. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Taliesin, Wisconsin (43 deg. 10' N.; 90 deg. 10' W.). The second great center of Wright's activity, this combination of home, workshop, laboratory, and retreat consists of several groupings of structures designed individually to suit their different uses. It is the summer home and studio of the Taliesin Fellowship. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

FallingWater, Pennsylvania (39 deg. 55' N.; 90 deg. 25' W.). One of the most famous of Frank Lloyd Wright's designs, regarded by many as his masterwork. Criteria: (i) A unique artistic achievement, a masterpiece of the creative genius.

Engineering

Brooklyn Bridge, New York (40 deg. 42' N.; 73 deg. 57' W.). Built by John A. and Washington A. Roebling, the Brooklyn Bridge was one of the world's first wire cable suspension bridges. The technical problems faced in its construction were solved by solutions that established precedents in bridge building. The cables themselves are supported by two massive Gothic pylons, each with two pointed arches. The main span is 1595 feet. Criteria: (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Eads Bridge, Illinois-St. Louis, Missouri (38 deg. 40' N.; 90 deg. 10' W.). The first major

bridge in the world in which steel was employed in the principal members. The secondary members and the tubes enveloping the steel staves forming the arch ribs are of wrought iron. Criteria: (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Washington Monument, District of Columbia (38 deg. 52' N.; 77 deg. 02' W.). The hollow shaft, free of exterior decoration, is the tallest free-standing masonry structure in the world (555 feet). It commemorates the achievements of George Washington, first President of the United States. Criteria: (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Science and Industry

McCormick Farm and Workshop, Virginia (37 deg. 40' N.; 79 deg. 35' W.). of the inventions that revolutionized agriculture during the first half of the 19th century, the mechanical reaper (1834), was probably the most important. The well-preserved farmhouse and workshop of Cyrus McCormick, its inventor, are included within this property. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Original Bell Telephone Laboratories, New York (40 deg. 45' N.; 74 deg. 0' W.). From 1898 to 1967, America's largest industrial research laboratory, responsible for numerous contributions to pure science and pioneering work in telecommunications technology. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

General Electric Research Laboratory, Schenectady, New York (42 deg. 50' N.; 73 deg. 55' W.). A three-building complex recognized as the first industrial research facility in the United States. Since its construction in 1900, work at the laboratory has made many contributions to scientific knowledge, especially in the areas of physics and chemistry. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Goddard Rocket Launching Site, Massachusetts (42 deg. 12' N.; 71 deg. 50' W.). At this site, on March 16, 1926, Dr. Robert H. Goddard launched the World's first liquid propellant rocket, an event that set the course for future developments in rocketry. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Lowell Observatory, Arizona (35 deg. 12' N.; 111 deg. 40' W.). Astronomical research conducted at this observatory, founded by Dr. Percival Lowell, has greatly enhanced man's knowledge of the Universe. Most significant of the observatory's discoveries was the first observable evidence of the expanding universe, made by Dr. V. M. Slipher in 1912. The observatory is also noted for intensive studies of Mars, the discovery of Pluto, and research in zodiacal light and sunspot phenomena. The 24-inch Lowell refracting telescope, installed in 1896, is in operation in its original housing. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Pupin Physics Laboratories, Columbia University, New York (40 deg. 45' N.; 73 deg. 58' W.). Enrico Fermi conducted his initial experiments on the fission of uranium in these laboratories. In addition, the uranium atom was split here on January 25, 1939, 10 days after the world's first splitting in Copenhagen. The cyclotron control room contains the table which held the instruments used on that night. The United States would consider nominating this site only if the Copenhagen location is no longer extant. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Trinity site, New Mexico (33 deg. 45' N.; 106 deg. 25' W.). The world's first nuclear device

was exploded here in July 1945. Criteria: (vi) Directly and tangibly associated with an event of outstanding universal significance.

Humanitarian Endeavor and Social Reform

New Harmony Historic District, Indiana (38 deg. 08' N.; 87 deg. 55' W.). Founded by the Rappite religious sect in 1815, New Harmony was purchased in 1825 by British visionary and socialist reformer Robert Owen, who sought to alleviate evils spawned by the factory system. Some 35 structures from the Rappite-Harmonist period survive. This property will be compared to Owenite remains in the United Kingdom and to other communal societies in the U.S. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Chapel Hall, Gallaudet College, District of Columbia. This large Gothic Revival structure (1867-70) is the earliest major building at the college, the only institution of higher learning specifically devoted to the education of the deaf. Criteria: (vi) Directly and tangibly associated with events or ideas of outstanding universal significance.

Warm Springs Historic District, Georgia (32 deg. 50' N.; 84 deg. 40' W.). The National Foundation for Infantile Paralysis, which grew out of the Warm Springs Foundation established by Franklin D. Roosevelt, became one of the leading charitable institutions of the 20th century. Warm Springs Hospital was the major international center for the treatment of infantile paralysis (polio); the research that led to the development of the preventive vaccines had its roots here. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

International Affairs

Alutian Islands Unit of the Alaska Maritime National Wildlife Refuge (Fur Seal Rookeries), Alaska (57 deg. 30' N.; 170 deg. 30' W.). Originally frequented by the native peoples of Alaska, these islands have lured Russian, British, French, Spanish, and American fur hunters since the 18th century. The seal herds have several times been threatened with extinction due to indiscriminate hunting, but a notable 1911 convention between the United States, the United Kingdom, Russia (USSR), and Japan has provided them with international protection and management. Today's flourishing herds illustrate the international application of conservation principles. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Statue of Liberty National Monument, New Jersey-New York (40 deg. 37' N.; 74 deg. 03' W.). French historian Edouard Laboulaye suggested the presentation of this statue to the United States, commemorating the alliance of France and the United States during the American Revolution. The copper colossus was designed by Frederic Auguste Bartholdi and erected according to plans by Gustave Eiffel. The national monument also includes Ellis Island, the depot through which many millions of immigrants and emigrants passed. Criteria: (iv) An outstanding example of type of structure which illustrates a significant stage in history, and (vi) directly and tangibly associated with events of outstanding universal significance.

ARMENIAN GENOCIDE

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. RADANOVICH. Mr. Speaker, on May 15, 1996, this testimony on the Armenian Genocide was submitted to the House Committee on International Relations by Levon

Marashlian, Professor of History at Glendale Community College, California:

Mr. Chairman, members of the committee, thank you for this opportunity to speak before you on an issue which is intimately tied to American History and directly related to the welfare of Turkey and to the success of the United States policy in a region of the world which is critically important economically and strategically.

In 1919, a political body called The National Congress of Turkey confirmed the overwhelming American evidence that the Armenians of the Ottoman Empire were victims of a mass destruction during World War I. The National Congress of Turkey declared that the "guilt" of the Turkish officials who "conceived and deliberately carried out this infernal policy of extermination and robbery is patent," those officials "rank among the greatest criminals of humanity."

The official Turkish gazette *Takvimi Vekayi* published the verdict of the post-war Ottoman trials of those officials. The Turkish court ruled that the intention of the Ottoman leaders was "the organization and execution" of the "crime of massacre."

German Ambassador Johann Bernstorff, whose country was allied with Turkey, wrote about "Armenia where the Turks have been systematically trying to exterminate the Christian population." Raphael Lemkin, who coined the word genocide in 1944, specifically cited the "genocide of the Armenians."

Those who today deny the Armenian Genocide are resorting to academically unsound revisionism, in order to prevent the moral act of remembering this crime against humanity. In the process, the deniers are doing a disservice to the majority of today's Turkish people. By keeping the wounds open with their stonewalling tactics, by making it necessary to have hearings like this, they force the Turkish people to continue wearing like an albatross the negative image earned by a circle of officials who ruled eight decades ago.

A consideration of House Con. Res. 47, which remembers "the genocide perpetrated by the governments of the Ottoman Empire from 1915 to 1923," would provide a good opportunity to draw a distinction between the guilty and the innocent Turks, to remember also the Turks of decency who opposed their government's policy of inhumanity.

At a time today when so many people in our society too often shirk their individual responsibility to make personal choices based on principles and values, it is a good lesson for us to recall the years when American witnesses and Turkish civilians made the personal choice to resist a wrong and save human lives, when a few Turkish officials even chose to object, even though doing so could have endangered their own lives.

One was an Ottoman Senator, Ahmed Riza. In December 1915 he courageously condemned the policy to destroy and deport Turkey's two million Armenian citizens and expropriate their assets, which authorities were carrying out under the cover of a legislative fig leaf euphemistically called the Abandoned Properties Law.

"It is unlawful to designate" Armenian properties as abandoned, declared Senator Riza, because they did not leave their properties voluntarily. They were "forcibly" removed from their homes and exiled. "Now the government is selling" their possessions. "Nobody can sell my property if I am unwilling to sell it. This is atrocious. Grab my arm, eject me from my village, then sell my goods and properties? Such a thing can never be permissible. Neither the conscience of the Ottomans nor the law can allow it."

Mr. Chairman, during a debate on the Senate floor in February 1990, your colleague Robert Dole championed another resolution commemorating the Armenian Genocide (S.J. Res. 212), and declared, "it's finally time for us to do what is right. Right. We pride ourselves in America" for "doing what's right, not what's expedient."

In this case, doing what is right does not exact a big price. The frequently heard argument that a commemorative resolution will harm American-Turkish relations is not credible. It ignores the fact that the relationship is much more in Turkey's favor than America's. Not doing what is right, on the other hand, is tantamount to rejecting mountains of documents in our National Archives, testimonies that refute the denial arguments generated in Ankara and, most disturbingly, promoted in prestigious academic circles here in America.

This denial recently spurred over 100 prominent scholars and intellectuals, including Raul Hilberg, John Updike, Norman Mailer, Kurt Vonnegut, and Arthur Miller, to sign a petition denouncing the "intellectually and morally corrupt . . . manipulation of American institutions" and the "fraudulent scholarship supported by the Turkish government and carried out in American Universities."

A typical example of the powerful evidence in the US Archives is a cable to the State Department from Ambassador Henry Morgenthau: "Persecution of Armenians assuming unprecedented proportions. Reports from widely scattered districts indicate systematic attempts to uproot peaceful Armenian populations and through arbitrary arrests" and "terrible tortures," to implement "wholesale expulsions and deportations from one end of the Empire to the other," frequently accompanied by "rape, pillage, and murder, turning into massacre . . ."

And the persecutions continued even after World War I ended in 1918. "It was like an endless chain," reported Edith Woods, an American nurse, in 1922. "The children would often be dead before I had taken their names. Forty to fifty of the older women died each day. . . . Their mouths were masses of sores, and their teeth were dropping out. And their feet, those poor feet, bleeding feet. . . . Deportation is sure death—and a far more horrible death than massacre. Unless one sees these things it is difficult to believe that such monstrous cruelty and barbarity exist in the world."

Ms. Woods' testimony ripped to shreds the web of denial being woven by Turkish officials in the early 1920's. She also exposed the new atmosphere of insensitivity at the American Embassy in Istanbul which contradicted the overwhelming sentiment of American public opinion and the spirit of Congressional resolutions in favor of Armenians that were passed during those days. This American woman made the personal choice to speak up against the response at her own Embassy, a policy imposed by acting ambassador Admiral Mark Bristol, who, driven obsessively by commercial interests, was colluding in a cover-up crafted by Turkish authorities.

Allen Dulles, the State Department's Near East Division chief (and later CIA Director), found it hard to keep things under wraps as Bristol requested. "Confidentially the State Department is in a bind," Dulles cautioned in April 1922.

Our task would be simple if the reports of the atrocities could be declared untrue or even exaggerated but the evidence, alas, is irrefutable and the Secretary of State wants to avoid giving the impression that while the United States is willing to intervene actively to protect its commercial interests, it is not willing to move on behalf of the Christian minorities.

And the evidence mounted. In May 1922, four American relief workers, Major Forrest D. Yowell of Washington DC, Dr. Mark Ward of New York, Dr. Ruth Parmalee of Boston, and Isabel Harely of Rhode Island, were all expelled from their posts in Turkey because they too chose to do what is right, they protested the ongoing persecutions. Major Yowell said Armenians in his district were "in a state of virtual slavery," with "no rights in the courts."

Dr. Ward quoted Turkish officials. One Turk declared: "We have been too easy in the past. We shall do a thorough job this time." another remarked: "Why do you Americans waste your time and money on these filthy Greeks and Armenians? We always thought that Americans knew how to get their money's worth. Any Greeks and Armenians who don't die here are sure to die when we send them on to Bitlis, as we always choose the worst weather in order to get rid of them quicker."

Not all Turks were so cruel. A British diplomat reported that another American in Turkey, Herbert Gibbons, knew of prominent Turks who protested the "unparalleled inhumanity:" but they were "beaten and sent away" for intervening. The Mayor of the Black Sea city of Trabzon had no sympathy with the government's policy and did what little he could. The Governor also opposed the "massacres and persecutions," but was powerless to stop it. His predecessor tried and was removed.

Gibbons thought the government's policy was "a calumny upon the good Turks, of whom there are many." Massacres never broke out spontaneously, since "Christians and Moslems ordinarily get along very well." The massacres were ordered, as part of a plan "to make Turkey truly Turkish."

Yet there are "humane and kind hearted Turks," Gibbons stressed, and there are "Mohammedans who fear God and who are shocked by the impious horrors of the extermination policy."

Revisionists today say in effect that Americans like Forrest Yowell, Mark Ward, Ruth Parmalee, Isabel Harely, Edith Woods, Herbert Gibbons, and Ambassador Henry Morgenthau were either liars or misguided.

Remembering the atrocities against the Armenians would show respect for those Americans who spoke up, and respect as well for Turks like Senator Riza who also chose to oppose the injustice. A recognition of the Armenian Genocide by the US Congress would be a step toward helping erase this important ally's image problem, which Turkish poet Nazim Hikmet described in 1951 as "this black stain on the forehead of the Turkish people."

Encouraging Turkey to face the facts of its history would help lift the cloud of controversy which haunted it for decades. It would help eliminate the deep roots of Armenian-Turkish enmity, paving the way to normalized relations, and it would give Armenia the sense of security many Armenians feel is necessary if they are to respond to Russia's regional policies with more independence and balance. The prospects for American commerce and regional stability would be strengthened by a recognition of the Armenian Genocide.

Acknowledging the Armenian Genocide also would show that Congress cannot condone the brazen contradiction of its own Archives and the dangerous corruption of America's academic institutions. It would send a strong signal to all deniers of genocide, especially to deniers of the Holocaust. Mr. Chairman, taking a stand against the denial of the Armenian Genocide would be entirely consistent with the successful resolution "Deploing Holocaust Deniers" which you so wisely introduced last December, in

which you too did what is right, by calling denial efforts "malicious." Such language is applicable to the denial of the Armenian Genocide as well.

Mr. Chairman, when weighing the merits of the arguments on both sides of this issue, it would be useful to keep in mind a letter sent to Secretary of State Charles Evans Hughes in 1924 by Admiral Bristol, a man who was called "very pro-Turk" by Joseph Clark Grew, Washington's first Ambassador to Ankara. Even the pro-Turk Admiral acknowledged "the cruelties practiced upon the Armenians by Turks acting under official orders, and in pursuance of a deliberate official policy." For that policy, wrote Admiral Bristol, "there can be no adequate excuse."

MONETARY POLICY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. PAUL. Mr. Speaker, a world-wide financial crisis is now upon us.

For 2 years, I have called attention to this predictable event hoping the Congress would deal with it in a serious manner.

Although many countries are now suffering more than the United States, in time, I am sure our problems will become much greater.

A world-wide system of fiat money is the root of the crisis. The post-World War II Bretton Woods gold-exchange system was seriously flawed, and free market economists from the start predicted its demise. Twenty-seven years later, on August 15, 1971, it ended with a bang ushering in its turbulent and commodity-driven inflation of the 1970's.

Now, after another 27 years, we are seeing the end of the post-Bretton Woods floating rate system with another bang as the financial asset inflation of the 1980's and 1990's collapses. A new system is now required.

Just as the Bretton Woods system was never repaired due to its flaws, so too will it be impossible to rebuild the floating rate system of the past 27 years. The sooner we admit to its total failure, and start planning for sound money, the better.

We must understand the serious flaw in the current system that is playing havoc with world markets. When license is given to central banks to inflate (debase) a currency, they eventually do so. Politicians love the central bank's role as lender of last resort and their power to monetize the steady stream of public debt generated by the largesse that guarantees the politician's reelection.

The constitutional or credit restraint of a commodity standard of money offers stability and non-inflationary growth but does not accommodate the special interests that demand benefits bigger and faster than normal markets permit. The only problem is the financial havoc that results when the unsound system is forced into a major correction which are inherent to all fiat systems.

That is what we are witnessing today. The world-wide fragile financial system is now collapsing and tragically the only cry is for more credit inflation because the cause of our dilemma is not understood. Attempts at credit stimulation with interest rates below 1 percent is doing nothing for Japan's economy and for good reasons. It is the wrong treatment for the wrong diagnosis.

If the problem were merely that there were not enough money, then money creation alone could make us all millionaires and no one would have to work. But increasing the money supply does not increase wealth. Only work and savings do that. The deception comes because, for a while for the luck few, benefits are received when government inflate the currency and pass it out for political reasons.

But in time—and that time is now—it comes to an end. Even the beneficiaries suffer the inevitable consequences of a philosophy that teaches wealth comes from money creation and that central banks are acceptable central economic planners—even in countries such as the United States where many pay lip service to free markets and free trade.

The tragedy in the end is far more damaging to the innocent than any benefit that was supposed to be delivered to the people as a whole. There is no justifiable trade-off. The costs far exceed the benefits. In addition, the economic chaos leads too frequently to a loss of personal liberty.

A program to prevent this from happening is necessary.

First, the Federal Reserve should be denied the power to fix interest rates and buy government debt. It should not be central economic planner through manipulation of money and credit.

Second, Congress should legalize the Constitutional principle that gold and silver be legal tender by prohibiting sales and capital gains taxes from being placed on all American legal tender coins.

Third, we must abandon the tradition of bailing out bad debtors, foreign and domestic. No International Monetary Fund and related institution funding to prop up bankrupt countries, and no Federal Reserve-orchestrated bailouts such as Long Term Capital Management LP. Liquidation of bad debt and investments must be permitted.

Fourth, policy elsewhere must conform to free markets and free trade. Taxes, as well as government spending, should be lowered. Regulations should be greatly reduced, and all voluntary economic transactions in hiring practices should be permitted. No control on wages and prices should be imposed.

Following a policy of this sort could quickly restore growth and stability to any flailing economy and soften the blow for all those about to experience the connections that have been put in place by previous years of mischief, mismanagement and monetary inflation.

Short of a free market, sound money approach will guarantee a sustained attack on personal liberty as governments grow more authoritarian and militaristic.

IN HONOR OF FENN COLLEGE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor Cleveland State University's Fenn College on its 75th anniversary. With its Cooperative Education program, this institution has provided its students with an exceptional education.

Founded in 1923, Fenn College began an ambitious mission to make quality education

affordable for any student who wanted to attend college. The College's academic core of the School of Art and Sciences, the School of Business Administration and the School of Engineering evolved into Cleveland State University in 1965.

Despite the change, Fenn College and its Cooperative Education program have remained a staple of the University. One of the first in the nation, the program partners with area corporations to help students gain work experience in their chosen fields and become valuable employees upon graduation. Students conclude their education prepared and willing to enter the competitive marketplace.

Today, Cleveland State University continues the Fenn tradition of excellence. Fenn and Cleveland State graduates create the solutions that drive business, industry, culture, and academics, throughout Northeast Ohio, our nation and the world.

My fellow colleagues, please join me in commemorating the 75th anniversary of Fenn College. This fine institution has opened its doors to many young minds, educating them in preparation for their future.

STATEMENT CONGRATULATING
SERGEANT VINCENT FARRI OF
THE U.S. CAPITOL POLICE FORCE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. McINNIS. Mr. Speaker, I would like to stand this day to congratulate and recognize the achievements of a dear friend and confidant. His demeanor, attitude and efforts make a positive difference in the lives of all national legislators and American citizens from around the country.

Vincent Farri was promoted on September 30, 1998 to the rank of Sergeant in the United States Capitol police force. This recognition was rightfully bestowed after 10½ years of diligent service on behalf of the public at large. I have known "Vinnie" since I arrived here in Washington, D.C. in 1992 and can attest to his fortitude, honesty, and integrity in the line of duty. Vincent Farri possesses the heart of a giant. He has earned the respect and admiration of all who know him. I was privileged to share his excitement when I learned last month that he had gotten his stripes.

Sergeant Farri also excels in his responsibilities outside his professional life. He has been happily married for 6½ years to his wife Christina. Together they have one child—"one so far" as Vinnie puts it—a beautiful young son, Richard, born March 15, 1997.

Vincent Farri represents all that is good in American society. Please join me in congratulating and applauding the achievements of this great Sergeant, friend, husband, and father.

TRIBUTE TO THE LATE LOUIS
REDDING, ESQ.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. CASTLE. Mr. Speaker, I rise to pay tribute to the memory of Louis Redding, Esq., a

pioneer of the civil rights movement who died earlier this month at the age of 96. Louis Redding's legal efforts changed the very fabric of our society. He played a key role in the historic Brown versus Board of Education case, which held that the underlying principle behind racial segregation, separate but equal, was unconstitutional.

Louis Redding's life had a particularly profound impact in Delaware. After graduating from Brown University and Harvard Law School, Louis Redding was admitted to the Delaware Bar in 1929 as the State's first black lawyer. Despite tremendous hatred and numerous death threats, he went on to integrate the University of Delaware. In 1961, Redding won a U.S. Supreme Court case that ended segregation at Wilmington's Eagle Coffee Shoppe.

Historians debate among themselves whether history is made by courageous individuals or broader social forces. I believe underlying social forces create opportunities for courageous individuals to seize. There is no doubt that Louis Redding was one of those rare individuals who clung to his principles and carried Delaware on his shoulders to a new level of social understanding and mutual respect.

Delaware and the nation are without Louis Redding today, but the memories of his strong leadership, moral courage, integrity, and devotion to the equality of mankind will live on in our hearts and be an example to follow.

UKRAINE'S FAMINE

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. GUTIERREZ. Mr. Speaker, for many Americans, the years of 1932 and 1933 conjure up memories of depression, bank failures, "Hoovervilles" and unemployment lines. This was the reality our nation faced as we were challenged by the greatest financial crisis in our history.

We know that we were not alone in our suffering throughout the 1930s. The economies of Western Europe collapsed as well, sending Europe down the slippery slope toward totalitarianism, genocide and war.

However, what is often not discussed when we endeavor to recall the era leading to World War II is the great hardship visited on the people of Ukraine by the Soviet government.

Our great depression is often called the greatest crisis of modern capitalism.

The famine of the 1930s in Ukraine has been called the first great tragedy of modern absolutism.

I have learned of this tragedy from people in my district who remember this terrible event. They are the descendants of Ukrainian immigrants to Chicago, people who lost relatives under the oppression of Joseph Stalin.

They remember the stories their parents told of the great famine just as many Americans remember the stories their parents told about the great depression.

What is important then is that we not forget.

In 1929, Joseph Stalin devised a plan to force industrialization on the people of Ukraine.

He attempted to strip the land from the peasants of Ukraine to terminate their agrarian lifestyles and traditional values.

Yet the people of Ukraine resisted. They had been bound to the land, the fertile ground of Ukraine, for generations and they were not prepared to cede their way of life to toil in factories building Stalin's army.

So they fought the usurpation of their property the only way they knew how. They refused to leave it.

Stalin would not let this pass. He intended to crush the Ukrainian people into subservience. Not with direct violence but with a tactic just as deadly—starvation.

Stalin cut off the farmers from grain to seed their farms, from water, from their markets and thus from subsistence.

Between 1931 and 1933, the grip of famine spread throughout the Ukraine. Fields were over harvested. Food became scarce.

By its end, more than seven million people would perish in Ukraine due to hunger. This event stands as an unprecedented catastrophe, claiming the lives of nearly one-fourth of Ukraine's people.

Sadly, as the full details of the famine became known in the West, little action was taken to condemn Stalin's government for this crime. Our attention was fixed on our own financial circumstances as we overlooked the tragic famine in Ukraine.

This year is the 65 anniversary of the end of the great famine in Ukraine. The Ukrainian-American community in Chicago and throughout the nation have spent this year solemnly commemorating this unfortunate event. I join them in doing so.

I believe that we must forever remember this tragedy and teach our children of it.

We must do so in order to ensure that humanity never again endeavors to conceive another tragedy of this kind. This famine was of man's doing, a punishment for intransigence in the face of oppression. It did not have to happen. Nature had no part in this matter. Cruelty lies at its root.

So today, I ask my colleagues to remember Ukraine's famine by supporting H. Con. Res. 295. This resolution commemorates the "Ukrainian Famine Days of Remembrance" and recommits all of us to fight totalitarianism in all its forms so as to prevent future tragedies of this nature.

A TRIBUTE TO GILBERT CORTEZ

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. DOOLEY. Mr. Speaker, I rise today to pay tribute to an entrepreneur who operates a successful restaurant in the Central Valley. Gilbert Cortez of Tulare County was recently recognized for his achievement by the Central Valley Chapter of the California Restaurant Association at its third annual Diamond Cuisine Awards Banquet.

Gilbert Cortez has owned and operated his family's restaurant in Visalia, California, Las Palmas, since 1965. In the 33 years he has been in operation, Mr. Cortez has developed his business into a highly successful restaurant with excellent service both to its customers and the local community.

Mr. Cortez has received the California Restaurant Association's Lifetime Achievement Award. In addition to his many years of suc-

cess with Las Palmas, Mr. Cortez has also contributed generously to many causes in the community such as the Good News Center.

Mr. Speaker, I would like to ask my colleagues to join me today in congratulating this businessman for his remarkable achievements and in recognition of his service to the community.

A TRIBUTE TO LEONARD AND AUDREY PACK

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. HILLEARY. Mr. Speaker, I rise today to pay tribute to Leonard and Audrey Pack.

I have known Mr. Pack and his family my entire life. Mr. Pack is truly a self-made man. He spent his teenage years working in a local textile mill, learning the textile business inside and out. His hard work and dedication resulted in his becoming one of the mill's most valued managers. Even after retirement, he started a smaller textile operation, where he continues to put in a full day's work.

Mr. Pack represents the ideal American dream. Anything is possible if you work hard and stay committed to your goals.

Mr. Pack's success in his profession was due in no small part to his commitment to his family. With his wife Audrey, the Packs raised a daughter, Patty, who raised two children of her own, Sherry and Rocky, with her husband, Bob Sclar, before she succumbed to cancer.

To honor his late wife, Audrey, and her love of books and dedication to the local library, Leonard Pack funded the exterior renovation of the existing public library. Redicated as the Audrey Pack Library, it was patterned after the Spring City Depot, another historic landmark in Spring City, our hometown.

In 1940, Mrs. Pack and a group of ladies in Spring City organized a chapter of the business and Professional Women's Club. The newly formed club decided to sponsor a library and Mrs. Pack agreed to act as librarian. The library of 75-100 books was housed in her small retail shop from 1940 to 1956, when it was moved to the city hall building.

Mr. Pack's generosity is a testament to his love for his family and the community in which he has lived for over eighty years. Having known Mr. Pack all of my life, it comes as no surprise that he would make such a statement in the way he did. A simple gesture from a self-made man with little fanfare but a lasting memorial.

INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2431, the Freedom from Religious Persecution Act of 1998. Essentially, this bill is an effort to protect one of the most sacred rights that human beings can enjoy, the right to seek out and worship the divine as they may deem fit.

All over the world, nations, sovereign powers and totalitarian groups are restricting the religious freedom of others. From Christians to Jews to Muslims to Bahai's, religious persecution, as we stand on the brink of the next millennium, is as widespread as ever. So, in response to this crisis, this bill establishes a new office in the State Department to monitor religious persecution overseas called the Office of Religious Persecution Monitoring, directs U.S. sanctions against countries and individuals determined to have engaged in religious persecution and ensures that our foreign service officers are trained in the bringing relief to refugees and persons seeking asylum.

As our history teaches us, many of the founders of this great nation crossed the imposing gulf of the Atlantic Ocean in order to preserve the sanctity of their personal religious choices. Without reservation, they flatly refused to let others dictate for them who they could worship and how that worship should be conducted. Instead of bowing to the suppression of their beliefs, these brave pioneers of a new and enlightened sense of public governance, chose to protect their freedom above all. Well over two centuries later, this same struggle is being fought again by literally millions of people around the globe who simply refuse to betray their most sacred beliefs about God.

In Sudan, in particular, this struggle has taken on genocidically proportions. Some reports estimate that well over one million people have been killed by the Sudanese government, both Christians and Muslims, fighting to preserve their most fundamental religious beliefs. In China, millions of "house church" Christians are forced to worship in absolute secrecy in order to prevent the government from interfering in the practice of their worship. In Tibet, Buddhists have been brutalized, their religious leaders jailed, and their most holy of worship places completely desecrated. In Iran, practicing Bahai's have been met with a rash of sudden executions. We have also learned about the violent terrorism against Christians in both Pakistan and Egypt, while the government of these nations have simply stood back and watched. So now that we know what is happening around us, what are we going to do about these on-going travesties of justice?

For me, the answer is as simple as this, we must take a stand on these important issues of principle. This bill, in my opinion, is a workable solution to these growing threats to religious freedom surging abroad. First of all, the bill does not exclude any religious groups from its protections. Whether you are Christian, Jew, Muslim, Hindu or something else, if you are persecuted because of your religious beliefs, this bill and its provisions will protect you. Furthermore, this bill is in no way mutually exclusive to any protections that may exist in current law for any other persecuted group. If you are persecuted for race, national origin, political affiliation or some other defining characteristic of personhood, existing federal law still addresses these concerns. Religion, I believe, because of the many on-going tragedies of persecution, terrorism and violence that I listed above, definitely deserves some form of special consideration and treatment. Thus, the necessity of creating a new federal sub-agency to be responsible for this volatile issue.

The newly created Office of Religious Persecution Monitoring in the State Department will be headed by a Director appointed by the President and confirmed by the Senate. This

director should be recognized as an expert in the area of religious persecution and is barred specifically by the language of the bill, from holding any other federal position while serving in this capacity. More importantly though, this office is empowered by the bill to make findings of fact on any potential violations as discovered by the State Department and submit these findings to the Secretary (of State) and President with recommendations for action. Additionally, the office will create and issue an "Annual Report on Religions Persecution" that can be used by this Congress and other policy-makers to ensure that no oppression go un-noticed. This bill, in sum, is a powerful statement to nations of the world, that we will not countenance the rampant disregard of our fellow man's unalienable rights.

As for the bill's remaining provisions, in regard to the sanctions against aid given to countries that violate the religious freedom of their citizens; we should not, we must not, and we can not sit back and enrich governments that either conduct or condone the persecution of citizens on the basis of their religious beliefs. In all of our policy decisions, we need to show our displeasure with this kind of heinous conduct. This bill mandates that the President of the United States take action against all countries that engage in violations of religious freedom. It offers the President a list of options from which to choose an appropriate response, ranging from diplomatic protest to economic sanctions. That flexibility is important because it allows us to tailor our action so that more innocents are not hurt because of our mandated retaliation. Finally and importantly, this bill causes the creation of a structured asylum program for religious refugees a noble objective which is long overdue.

Millions of persecuted people around the world are waiting for this bill. I hope that we can send it to them unanimously.

CELEBRATING THE FRESNO BUSINESS COUNCIL'S 5TH ANNIVERSARY

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Fresno Business Council on the occasion of its fifth Anniversary. This dedicated group of community leaders plays an important role in the community.

The Fresno Business Council began with just seven members, pulled together by president Bob Carter, who set out to discuss the problems facing the community and what they could do to help. They began to organize and focus their efforts to assist the public sector in addressing the challenges faced by Fresno County. The Council currently has 125 members, each of whom is selected from the highest level of local executives in business or major institutions in the public sector.

The Council operates four standing committees: Crime, Jobs and Economic Development, Education and Public Policy and Government Relations.

As part of their work, Crime Committee members have assisted the Fresno Police Department in getting past political barriers to implement policies involving real property and

burglar alarms. Through analysis and advocacy the Council provided merit-based arguments convincing the Fresno Bee not to pander to the public. In the coming year the focus of the council will be on consolidation of policing services whenever an improvement in efficiency or effectiveness can be demonstrated.

The Jobs and Economic Development Committee has a number of leaders, each putting their own mark on the agenda. Under its first chairman, Roger Flynn, the committee helped to create the one stop permitting center and began an incubator project. With Rich Olsson as chairman, the committee began exploration of permitting issues and training dollars. Current chairman Claude Laval has recently taken over the committee and they are now focused on regional strategic planning and collaboration among organizations.

The Education Committee has approached education in both comprehensive and specific ways. Committee members helped pass the Fresno Unified and Clovis Unified school bond measures, and sponsors Commission on the Future of Education in Fresno County with the County Office of Education. The Commission is studying all the aspects of how education is delivered in Fresno County.

The fourth standing committee is the Public Policy and Governmental Relations committee. It is through public and private partnerships that the Council implements its Agenda. The committee has hosted numerous meetings with elected officials to increase communication and build relationships.

Mr. Speaker I rise today to pay tribute to the Fresno Business Council in celebration of its fifth Anniversary. This group of leaders has done great things for the community. I urge all my colleagues to join me in wishing the Fresno Business Council many years of continued success.

EDUCATION DEBATE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to express my thoughts on the education debate that has consumed much of this Congress in recent days. For all the sound and fury generated by the argument over education, the truth is that the difference between the congressional leadership and the administration are not that significant; both wish to strengthen the unconstitutional system of centralized education. I trust I need not go into the flaws with President Clinton's command-and-control approach to education. However, this Congress has failed to present a true, constitutional alternative to President Clinton's proposals to further nationalize education.

It is becoming increasingly clear that the experiment in centralized control of education has failed. Even data from the National Assessment of Education Progress [NAEP] shows that students in States where control over education is decentralized score approximately 10 percentage points higher on NAEP's tests in math and reading than students from States with highly-centralized education systems. Clearly, the drafters of the Constitution knew what they were doing when they forbade the Federal Government from meddling in education.

American children deserve nothing less than the best educational opportunities, not warmed-over versions of the disastrous educational policies of the past. That is why I introduced H.R. 1816, the Family Education Freedom Act. This bill would give parents an inflation-adjusted \$3,000 per annum tax credit, per child for educational expenses. The credit applies to those in public, private, parochial, or home schooling.

This bill is the largest tax credit for education in the history of our great Republic and it returns the fundamental principal of a truly free economy to America's education system: what the great economist Ludwig von Mises called "consumer sovereignty." Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free market maximizes human happiness.

Currently, consumers are less than sovereign in the education "market." Funding decisions are increasingly controlled by the Federal Government. Because "he who pays the piper calls the tune," public, and even private schools, are paying greater attention to the dictates of Federal "educrats" while ignoring the wishes of the parents to an ever-greater degree. As such, the lack of consumer sovereignty in education is destroying parental control of education and replacing it with State control. Restoring parental control is the key to improving education.

Of course I applaud all efforts which move in this direction. the Gingrich/Coverdell education tax cut, The Granger/Dunn bill, and, yes, President Clinton's college tax credits are good first steps in the direction I advocate. However, Congress must act boldly, we can ill afford to waste another year without a revolutionary change in our policy. I believe my bill sparks this revolution and I am disappointed that the leadership of this Congress chose to ignore this fundamental reform and instead focused on reauthorizing great society programs, creating new Federal education programs (such as those contained in the Reading Excellence Act and the four new Federal programs created by the Higher Education Act), and promoting the pseudo-federalism of block grants.

One area where this Congress was successful in fighting for a constitutional education policy was in resisting President Clinton's drive for national testing. I do wish to express my support for the provisions banning the development of national testing and thank Mr. GOODLING for his leadership in this struggle. However, I wish this provision did no come at the price of \$1.1 billion in new Federal spending. In addition, I note that this Congress is taking several steps toward creating a national curriculum, particularly through the Reading Excellence Act, which dictates teaching methodologies to every classroom in the Nation and creates a Federal definition of reading, thus making compliance with Federal standards the goal of education.

So, even when Congress resists one proposal to further nationalize education, it supports another form of nationalization. Some Members will claim they are resisting nationalization and even standing up for the 10th amendment by fighting to spend billions of taxpayer dollars on block grants. These Members say that the expenditure levels do not matter,

it is the way the money that is spent which is important. Contrary to the view of these well-meaning but misguided members, the amount of taxpayer dollars spent on Federal education programs do matter.

First of all, the Federal Government lacks constitutional authority to redistribute monies between States and taxpayers for the purpose of education, regardless of whether the monies are redistributed through Federal programs or through grants. There is no "block grant exception" to the principles of federalism embodied in the U.S. Constitution.

Furthermore, the Federal Government's power to treat State governments as their administrative subordinates stems from an abuse of Congress' taxing-and-spending power. Submitting to Federal control is the only way State and local officials can recapture any part of the monies of the Federal Government has illegitimately taken from a State's citizens. Of course, this is also the only way State officials can tax citizens of other States to support their education programs. It is the rare official who can afford not to bow to Federal dictates in exchange for Federal funding!

As long as the Federal Government controls education dollars, States and local schools will obey Federal mandates; the core problem is not that Federal monies are given with the inevitable strings attached, the real problem is the existence of Federal taxation and funding.

Since Federal spending is the root of Federal control, by increasing Federal spending this Congress is laying the groundwork for future Congresses to fasten more and more mandates on the States. Because State and even local officials, not Federal bureaucrats, will be carrying out these mandates, this system could complete the transformation of the State governments into mere agents of the Federal Government.

Congress has used block grants to avoid addressing philosophical and constitutional questions of the role of the Federal and State governments by means of adjustments in management in the name of devolution. Devolution is said to return to State's rights by decentralizing the management of Federal programs. This is a new 1990's definition of the original concept of federalism and is a poor substitute for the original, constitutional definition of federalism.

While it is true that lower levels of intervention are not as bad as micro-management at the Federal level, Congress' constitutional and moral responsibility is not to make the Federal education bureaucracy "less bad." Rather, we must act now to put parents back in charge of education and thus make American education once again the envy of the world.

Hopefully the next Congress will be more reverent toward their duty to the U.S. Constitution and America's children. The price of Congress' failure to return to the Constitution in the area of education will be paid by the next generation of American children. In short, we cannot afford to continue on the policy road we have been going down. The cost of inaction to our future generations is simply too great.

IN HONOR OF THE PIONEER TOTAL
ABSTINENCE ASSOCIATION OF
THE SACRED HEART OF JESUS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate the 100th anniversary of the Pioneer Abstinence Association of the Sacred Heart. Pioneers promote a pure and Christian way of life through temperance and virtue.

Founded in 1898 in Dublin, Ireland, the Pioneer Total Abstinence Association of the Sacred Heart was created to encourage a pristine lifestyle among its members, while striving to preserve tradition and uphold membership obligations. Each member of the PTAA belongs to one of the four membership categories, each with their own distinct emblem pin and membership certificate.

Much of the membership in the PTAA is centered around the youth of the world. Each phase of the youth membership, which is divided into three categories, is designed to teach young members how to live a pure and Christian life. The Juvenile Pioneer (age 9–12 years), Junior Pioneer (age 12–15 years) and the Young Pioneer (Age 15 and upwards) pledge never to abuse drugs and prepare themselves to become permanent Pioneers. Permanent Pioneers act as mentors to the youth, pledge to abstain from alcohol for life, and must complete one year of total abstinence. In addition to their membership obligations, permanent Pioneers dedicate themselves to enhancing and strengthening the youth of the world as well as supporting victims of drug and alcohol abuse.

Today, the PTAA has over 500,000 Pioneers in the United States and around the world. Structured on spirituality, leisure, education and training, youth, centenary and finance, the Pioneers have managed to maintain a strong tradition throughout history and they continue to spread their membership around the globe.

My fellow colleagues, join me in honoring the Pioneer Total Abstinence Association of the Sacred Heart of Jesus, an organization that has lifted spirits, restored faith and purified lives all over the world.

TRIBUTE TO ROGER HAGERTY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. McINNIS. Mr. Speaker, I rise today to recognize the achievements of a gentleman who embodies the virtue of service above self. He is a role model and example to his friends and peers throughout his community of Grand Junction, Colorado.

Roger Hagerty, a long-time resident of Grand Junction, received the Volunteer of the Year Award for 1997 by the Colorado Division of the American Cancer Society. This honor was given in recognition of his extraordinary efforts in the fight against cancer. He exemplifies the word volunteer. Roger Hagerty frequently visits with patients and inspires them with his own personal battle with cancer. He

labors as a Resource Information and Guidance Counselor at the local American Cancer Society office three afternoons per week. Mr. Hagerty also serves as Chairman of the Legacy and Planned Giving Program, conducting several seminars each year. Furthermore, he has been chosen to lead still other endeavors such as the jail and Bail program and the organization's annual Golf Tournament Fund Raiser in Grand Junction. Finally, Mr. Hagerty serves as an advocate and speaker on television and radio promoting the American Cancer Society's programs.

Roger Hagerty is the embodiment of American patriotism. He is responsible for the local Veteran's Day parades and remarkably, Mr. Hagerty still fits into his 35 year-old military uniform. He is also politically active in and around the community. Besides serving as Treasurer for the local Sheriff's campaign, he also regularly participates in raising money for various local organizations. Friends and family claim that the Hagerty's home telephone never stops ringing as they work to help others.

In addition to his volunteer activities with the American Cancer Society and other organizations, Roger Hagerty assists his wife Eva, also a cancer survivor, who is the honored coordinator for the Reach To Recovery program. This effort specifically targets breast cancer patients by advocating for regular health checkups. Mrs. Hagerty also works tirelessly on behalf of others, and is often found actively participating in community health fairs and screenings.

I ask my colleagues today to join me in commending Roger Hagerty for his integrity and dedication in the service of others. His selfless acts have indeed made a difference to many, and serve as an excellent example of what is best in our society. His work has been invaluable to the Grand Junction community. I wish him and his family continued health and success in the future.

AMENDING OUTER CONTINENTAL
SHELF LANDS ACT

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. CASTLE. Mr. Speaker, I rise today to express my strong support for H.R. 3972, a bill to amend the Outer Continental Shelf Lands Act to prohibit the Interior Secretary from charging state and local government agencies for certain uses of the sand, gravel, and shell resources of the outer continental shelf.

For too long, Congress has treated outer continental sand resources differently than other minerals under federal control. While land-based oil and gas royalties are shared with states and off-shore oil and gas royalties are shared with state critical habitat land acquisition programs, royalties from off-shore sand resources are not shared with the states. In fact, coastal states are taxed for using these resources, which adds to the already expensive task of beach restoration. This bill is a compromise. It does not ask the federal government to share royalties from the sale of sand and gravel. Instead, it treats state and local governments the same as the federal

government treats itself by exempting them from burden of the sand tax.

In addition to the fairness this restores to the coastal states dependent on sand resources to replenish their beaches, this bill enhances environmental protections in our coastal waters. Under the current system, states are not charged for sand mined within three miles of their shores. This creates an incentive to find sand resources within the three mile zone. However, years of industrialization has made some sand unfit for beach restoration use. Furthermore, fragile aquatic ecosystems can be disrupted if sand is removed from these critical areas. Although state environmental agencies are careful to study the environmental impact of their shore protection operations, financial interests and the need for environmental protection are sure to clash in the long run. This bill will give state environmental protection agencies a broader tax-free area to find suitable sand deposits for much needed shore protection projects, while maintaining the health of fragile ecosystems.

Last year, Virginia Beach had to pay over \$200,000 in taxes for 1.1 million cubic yards of sand from the outer continental shelf. In fact, because they could not afford the increased cost, they had to scale back the shore protection project. This project will now have a shorter useful life and will require the local government to replace the project earlier than planned at a much higher cost. In the past, before the sand tax was imposed in 1997, environmental officials in my state of Delaware authorized mining of sand beyond the three mile zone. It is only a matter of time before environmental concerns will force them back to the outer continental shelf. Without this bill, Rehoboth Beach, Dewey Beach, Bethany Beach, Lewes Beach, and Broadkill Beach shore protection projects will all have to be scaled back to accommodate the federal government's sand tax.

The federal government does not charge its own agencies for using outer continental sand and royalties for other mineral resources are shared with the states. At the very least, we should agree not to charge state and local governments a tax for using outer continental sand and gravel. Vote for this bill. It is a vote for fairness to the states and sound environmental policy.

OMNIBUS VETERANS BILL

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. GUTIERREZ. Mr. Speaker, I rise today in support of the Veterans Programs Enhancement Act of 1998. I commend Chairman STUMP and Ranking Member EVANS for their tireless effort in producing this important legislation.

I also compliment the staff of both the House and Senate Veterans' Affairs Committees. Their hard work and dedication to our veterans has made this legislation possible.

People outside of this building are often unaware of the vital role staff play in the legislative process. They should not be. Our veterans should know how hard the veterans committee staff works for them each day. I hold this bill up as testament to their efforts.

Mr. Speaker, for much of this year I was not sure what this Congress would be able to accomplish on behalf of our nation's veterans.

I would venture to say that this Congress's record on veterans issues has been mediocre at best. Funding for veterans health care was cut again, medicare subvention was not achieved and veterans benefits were slashed to fund highway construction.

But in the end, with the passage of this legislation, we will be able to point to some notable achievements on veterans issues this year.

With this bill, we establish a precedent for the presumptive treatment and compensation of Persian Gulf War veterans.

I have long felt that we must give our Gulf War veterans the benefit of the doubt when it comes to health care and service connection. This bill helps us reach this goal that I have long called for.

In addition, this legislation helps prepare us to provide quality treatment for the veterans of future conflicts.

We were unprepared for the aftermath of the Gulf War.

However, by establishing a National Center for the Study of War-Related Illnesses, this bill helps prepare our veterans health system for the aftermath of future conflicts.

This bill also extends the VA's authority to treat the medical problems afflicting Gulf War veterans until 2001. We know we are not through dealing with the health problems confronting Gulf War veterans and I am pleased to see this fact recognized in this legislation.

The VA's sexual trauma treatment program, a program that I have advocated for throughout this session, is also reauthorized by this bill. During the past two years, the reality of sexual abuse and harassment of women in the military has come to light. It is only right that we maintain the VA's capacity to offer the victims of these crimes the treatment they need and deserve.

In addition, I am also pleased by this bill's provisions regarding educational opportunities, housing and medical construction at veterans hospitals. The reforms contained here are necessary and well-intentioned and should contribute to the welfare of veterans throughout America.

I am proud to support this bipartisan bill. And I urge my colleagues in the House to support this legislation as well.

A TRIBUTE TO MEARLE HEITZMAN

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to an entrepreneur who operates a successful restaurant in the Central Valley. Mearle Heitzman of Tulare County was recently recognized for his achievements by the Central Valley Chapter of the California Restaurant Association at its third annual Diamond Cuisine Awards Banquet.

Mearle Heitzman, originally from Utah, has managed several local restaurant establishments in the Central Valley since 1948. Mr. Heitzman has been honored by the California Restaurant Association as an inductee into its Hall of Fame.

Since 1960, Mr. Heitzman has owned and operate Mearle's College Drive-In Restaurant across from the College of The Sequoias in Visalia, California. With his relentless penchant for hard work, Mr. Heitzman has turned his restaurant into a highly successful and well-known fixture, in the Central Valley. President Richard Nixon is among the various celebrities to have visited Mearle's College Drive-In Restaurant.

Mr. Speaker, I would ask my colleagues to join me today in congratulating this businessman for his remarkable achievements and in recognition of his service to the community.

TRIBUTE TO GORDON W. "RED" LARSEN BY HIS WIFE

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. HILLEARY. Mr. Speaker, please enter into the RECORD today the enclosed material written by Mrs. Betty Larsen and sent to me by Mrs. June Griffin of Dayton, Tennessee.

Gordon W. "Red" Larsen was born in Charleston, South Carolina, on September 13, 1927 to George Oliver and Marguerite Hochslander Larsen. He spent part of his childhood in Somerville, South Carolina. His great-grandfather, whom he knew while a child, was a shipwright, which may have had some influence on his choice of the Navy for his military service.

His parents separated and his mother took Red and his two older brothers, Herman and George, to New York City. Red spent his teen years in what was known as "Hell's Kitchen" and became a big city street-wise. This area has since been torn down and replaced with what we know today as Lincoln Center for the Performing Arts.

Red enlisted in the Navy near the end of World War II. He worked in communications as a signalman, worked for some time as a submariner, and was trained in underwater demolition. He eventually gained the rank of CPO. He was in the Navy for 13 years, traveling to many different places throughout the world, and also saw service in the Korean War.

In the early 1970's, Red became concerned with the legitimacy of several aspects of our Government's actions, especially pertaining to the Federal income tax. He spent considerable time and effort studying, researching and talking with various sources. He also assisted several persons with tax difficulties. One of the results of his studies was an 83-page book, written in the late 1980's, *Slavery, American Style*. The book discusses in some detail the unconstitutional nature of our current income tax system.

Another interest was our individual rights and freedoms as American citizens, including property rights. Red also made a significant contribution to several communities in demonstrating the unconstitutionality of zoning laws.

In 1944, Red moved to Tennessee for its warmer weather and excellent State constitution. The first article in the Tennessee State Constitution is its Bill of Rights. He continued his studies and contacts with other patriots, and was starting to publish a series of newsletters entitled "Truth Bird Reports." Only one

report had been published at the time of his death on July 7, 1998.

A memorial library which will contain many of Red's books and papers will be established in Altamont, New York, at the home of a long time friend.

SENSE OF THE HOUSE REGARDING
MURDER OF MATTHEW SHEPARD

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am here today to say that this Nation and the United States Congress cannot tolerate intolerance. Earlier this week, on October 15, Matthew Shepard, a gay University of Wyoming student who was pistol-whipped and lashed to a fence post in a vicious attack, died from his injuries without regaining consciousness. I want to express my condolences to Matthew's parents, Judy and Dennis, and to the entire Shepard family. This is another example of a hate crime.

This brutal attack against Mr. Shepard is not an uncharacteristic, once-in-a-lifetime manifestation of bitter hatred. Hopefully, we can see it for what it really is—merely the tip of the iceberg. This gruesome attack illustrates the prejudice and hatred that still exists in our society today. Just when you think America may be beginning to change its long-standing intolerant ways, a volcanic eruption of hatred and prejudice spews forth, and a man like Matthew Shepard is brutally attacked because of his sexual orientation.

The public outrage surrounding this brutal attack has motivated Representative CUBIN to introduce the Matthew Shepard Resolution. Although I agree that we as Members of Congress should express our outrage at the barbaric act of violence against Matthew Shepard, I hope that we can enact additional legislation which really focuses on the issue of hate crimes including those against gays and lesbians in our communities. I hope that this painful and devastating incident will motivate the Congress to pass H.R. 3081, the "Hate Crimes Prevention Act," which would expand Federal jurisdiction to reach serious and violent hate crimes. Under the bill, hate crimes that cause death or bodily injury because of prejudice can be investigated federally, regardless of whether the victim was exercising a federally protected right. This hate crime mirrors the hate crime that took place this summer in Jasper, Texas; the murder of James Byrd.

In fact, with each passing year we must endure hearing horrible tales of hate-related crimes. Working under the Hate Crime Statistics Act (HCSA), the FBI revealed that 8,759 hate crime incidents were reported to local authorities in 1996.

Over 1000 incidents of hate crimes were directed at gays and lesbians during 1996. From 1991 through 1996, the percentage of hate crimes related to sexual orientation increased from 8–11%. Hate crimes committed in recent years include intimidation, simple assault, aggravated assault, murder, and forcible rape.

Unfortunately, the FBI's statistics actually underestimate the sheer magnitude of the

hate crime crisis. Their figures are misleading because less than half of law enforcement agencies report hate crimes and only 1,150 record incidents. Moreover, organizations such as the Anti-Defamation League (ADL) note that law enforcement agencies covering more than 40% of the American population are not included in the FBI's statistics.

It would be unjust, however, to reduce the horrific reality of these attacks to mere numbers. Of the 8,579 hate crimes reported, each one represents an appalling and disturbing story such as the murder of Matthew Shepard.

In my own city of Houston, Texas, I listened in sorrow as I was told about the death of a gay man, Mr. Fred Mangione, who was stabbed 35 times by members of a neo-Nazi organization in January of 1996. Currently, there are Hate Crime Laws including sexual orientation on only 21 states and the District of Columbia. My home state of Texas seems unclear about these laws, and how to prosecute them, and there are 8 states where Hate Crime Legislation, whether racially or anti-homosexually motivated does not even exist.

Current law (18 U.S.C. 245) permits Federal prosecution of a hate crime only if the crime was motivated by bias based on race, religion, national origin, or color, and the assailant intended to prevent the victim from exercising a federally protected right. The Hate Crime Prevention Act which was introduced by Rep. SCHUMER and Rep. MCCOLLUM must be adopted by this Congress. This bill would amend current Federal law to include real or perceived sexual orientation, gender and disability so that the FBI would be able to investigate and prosecute violent hate crimes against gays, lesbians, and bisexuals. Current law already allows investigation and prosecution on the basis of race, religion, national origin and color.

Each year, we endure hearing that 6 out of every 10 persons are physically attacked because of their race, bias against blacks accounting for 38% of the total. Gays and Lesbians of all ethnicities must also face the risk of attack and prejudice. We simply cannot tolerate the status quo; we cannot accept that our current situation is "the best that we can do." We rail against foreign nations such as China and deride them for their inhumane practices. Yet, how can we criticize them when similar acts occur on our own soil?

This Congress must send a clear message to the American people that we will not tolerate hate crimes anymore. In the year 1998, it is truly absurd that we must warn people of color, and you have a different sexual preference that is different from our own, to walk in groups because, in our society, it simply is far too dangerous to walk alone. We have endured far too many atrocities, and we have feared for our lives for long enough. We must work together and take a stand.

Congress has an opportunity to pass the Hate Crimes Prevention Act on suspension before we leave this Congress, without a committee vote. I call on the Republican leadership to act swiftly and decisively to end the bitter hatred that is rooted in our society. We cannot tolerate intolerance!

HONORING LIVESTOCK MAN OF
THE YEAR

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate John Harris on being named "Livestock Man of the Year by the California State Chamber of Commerce. A longtime leader in the livestock and horse industry, John will be honored during "Cattlemans Day" at the fifty-fourth Grand National Rodeo, Horse and Stock Show.

John Harris is being honored for his extensive involvement in agriculture. He serves as the vice chairman of the Cattle PAC. In the past John has served as a member of the Operating Committee of the Beef Board, chairman of the California Beef Council and a board member of the California Cattlemans Association.

As a rancher John Harris heads one of the largest and most diverse farming operations in the Central Valley. Founded by his father Jack Harris in 1937, Harris Farms employs more than 1300 people. Harris Farms can feed more than 100,000 head of cattle at a time, as well as processes more than 200,000 head per year, from their well known Colinga location. Harris is also a leader in developing foreign markets for American beef. Harris Farms exports to many countries, particularly Japan.

Harris Farms is also active in breeding and racing thoroughbred horses. It has produced more than 20 stakes winners and produced four California champions.

Mr. Speaker, I rise today to pay tribute to John Harris as he is honored as Livestock Man of the Year by the California State Chamber of Commerce. John Harris has played a vital role in the business community and I ask all of my colleagues to join me in wishing him continued success in the future.

HATE CRIMES AND INDIVIDUAL
RIGHTS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. PAUL. Mr. Speaker, I commend to my colleagues in Congress as well as citizens everywhere an article authored by Richard Sincere, Jr., President of Gays and Lesbians for Individual Liberty. Mr. Sincere aptly describes how the very essence of hate crimes undermines a pillar of a free and just society; that is, equal treatment under the law irrespective of which particular group or groups with whom an individual associates. Ours is a republic based upon the rights of the individual.

[From the Houston Chronicle, Oct. 14, 1998]
GAY STUDENT'S MURDER IS NO REASON TO
MAKE BAD LAW

(By Richard E. Sincere, Jr.)

The wicked murder of Matthew Shepard by two thugs, assisted by two equally contemptible accomplices, has resurrected a debate about the need for hate-crime laws.

Shepard, an openly gay University of Wyoming student who had been widely praised for his talents, ambitions and personality,

last week was beaten senseless and left for dead, tied up like a scarecrow along a fence on a little-traveled country road. Miraculously, he was found by passers-by many hours after the attack, still struggling for life when he was rushed to a hospital in Fort Collins, CO, where he died Monday while on life support.

Local law enforcement officials in Laramie, WY, where the crime took place, quickly arrested the alleged perpetrators—two men who performed the assault and two women who helped them hide their deed—and it looks like they will be punished to the full extent the law allows if they are convicted. With Shepard's death, they face a possible death sentence.

Laramie, a university community of 27,000 people, is feeling both shame and outrage, a sentiment shared by all right-minded people throughout the country, indeed around the world. News of this brutal assault has appeared everywhere in print and broadcast media.

The crime against Shepard has renewed calls for passing hate-crime legislation, both in Wyoming and nationwide. Wyoming Gov. Jim Geringer and President Bill Clinton have said that this attack shows the need for such laws.

This would be a mistake. It would be a mistake because hate-crime laws, however well intentioned, are feel-good laws whose primary result is thought control, violating our constitutional guarantees of freedom of speech and of conscience. It would be a mistake because it suggests that crimes against some people are worse than crimes against others. And it would be a mistake because it uses a personal tragedy, deeply felt by Shepard's family and friends, to advance a political agenda.

Hunter College Professor Wayne Dynes, editor of the Encyclopedia of Homosexuality, notes that hate-crime laws, if they are to be applied in a constitutional manner, must be content-neutral. He notes this example: "Countless numbers of people, aware of the unspeakable atrocities under his leadership, hated Pol Pot. This hate was surely well warranted. If one of the Pol Pot haters had killed him, would this be a hate crime? Why not?"

Dynes adds: "In seeking to exculpate the killer, we would get into the question of whether some hate is 'justified' and some is not." He concludes that hate-crime prosecutions "will be used to sanction certain belief systems—systems which the enforcer would like, in some Orwellian fashion, to make unthinkable. This is not a proper use of law."

Under our system of justice, everyone is equal before the law. Those accused of crimes are entitled to certain constitutional protection, which we must cherish, and the victims of a crime—whether a Bill Gates or the poorest street-sweeper in a slum—are entitled to the same respect. (In the Middle Ages, the law required a greater punishment for killing a rich man or noble than it did for killing a peasant or a laborer. Our law recognizes no such distinctions.)

So, too, with class- or group-based distinctions. Is it worse to kill a man because he is foreign-born than it is to kill him to steal his car? Is it worse to kill a woman because she is black than because she cut you off in traffic? Is it worse to beat up a fat sissy boy if the bullies think their victim is gay, or if they dislike him because he is fat? Crime is crime; assault is assault. All deserve punishment.

Hateful thoughts may be disagreeable, but they are not crimes in themselves. The crimes that result from hateful thoughts—whether vandalism, assault or murder—are already punishable by existing statutes.

In a speech at the University of Texas last year, libertarian activist Gene Cisevski said:

"We should be anti-violence, period. Any act of violence has to be punished swiftly and severely and it shouldn't matter who the victim is. The initiation of force is wrong and it doesn't matter why—the mere fact you had a motive is enough."

Cisevski acknowledged the good intentions of those who propose hate-crime laws. He noted that "the reason for the call for (such laws) comes from bad enforcement of the laws." Police and prosecutors have been willing to look the other way when victims came from disfavored groups. Luckily, in the Shepard case, the authorities seem unwavering in their prosecution. This is, unfortunately, not always the case.

The answer, Cisevski suggested, and I agree, is that "we hold every law enforcement official and every court official who administers justice to the standard that every American is guaranteed equal protection under the law."

Hate-crime laws set up certain privileged categories of people, defined by the groups to which they belong, and offers them unequal protection under the law. This is wrong. It is sad to see a young man's personal misfortune used by various special-interest groups to advance such an agenda.

We are all shocked and dismayed by the assault on Shepard. Such brutality cannot, should not be countenanced. Let us not multiply the crimes of his attackers by writing bad law in response.

RECOGNIZING CONTRIBUTORS TO THE PASSAGE OF THE INTERNATIONAL RELIGIOUS FREEDOM ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. WOLF. Mr. Speaker, on Saturday, October 10, the House of Representatives cleared for the President's signature the International Religious Freedom Act, H.R. 2431. The Senate had approved the measure by a unanimous vote of 98–0 on Friday, October 9.

During floor debate on the measure, I thanked a number of people who helped bring this legislation to fruition. I today want to pay tribute to the work of Michael Horowitz, senior fellow at the Hudson Institute; A.M. Rosenthal of the New York Times; and Anne Huiskes, senior legislative assistant on my staff.

First, I want to commend the work of Michael Horowitz. The movement against Christian persecution which has sprouted in the American Christian community in recent years can be credited, in part, to the leadership, vision and voice of Michael Horowitz.

When he first learned about the injustice taking place against Christians around the world he set about trying to foster change. His experience as a Washington insider, a former Reagan Administration official, and a veteran of the fight against anti-Semitism in the Soviet Union provided a unique insight.

In a 1995 op-ed in the Wall Street Journal titled "Between Crescent and Cross," Horowitz asked how America, and the American government, could remain silent when "the evidence of growing and large-scale persecution of evangelicals and Christian converts is overwhelming."

From there, he helped launch a crusade to raise awareness about anti-Christian persecution abroad using the campaign against Soviet

anti-Semitism as the model. He joined with many others who were calling for change, and what developed was a movement spawning greater awareness about persecution against people of all faiths. He has helped turn this issue into one of the most under-reported and obscure issues in Washington, to one of the most compelling human rights issues of the day.

Because of the work of Michael Horowitz and many others, the United States government, for the first time in history, has a comprehensive policy to deal with the issue of religious persecution overseas. His voice and vision have helped millions of Christians, Muslims, Bahai's, Tibetan Buddhists, Jews, Hindus and other people of faith seeking to live and worship in peace.

I also want to applaud the work of A.M. Rosenthal, former editor-in-chief of the New York Times and one of the most prominent figures in 20th century American journalism. I have been told that since 1994, Rosenthal has dedicated 31 of his weekly columns in the New York Times to the issue of religious persecution—asking why more is not being done, prodding policymakers to stand up for the persecuted and pricking the conscience of all those who read his eloquent words. He talked tough and spoke the truth. He did so courageously, and with authority. He has truly been the voice for the voiceless around the world.

Finally, I pay tribute to Anne Huiskes of my staff, who deserves so much credit for helping to move this measure forward. Our colleagues know that any measure of success we as Members achieve must be shared with the staff who support us and our constituents in our work in Congress. Anne's work on my staff has focused in the area of human rights, and she has poured her heart and soul into this legislation, as well as so many other human rights issues, over the years.

She has pleaded the case for persecuted religious believers around the world, bringing people and groups together toward the common goal of speaking out for those who have been silenced because of their faith. When it seemed the darkest, when it seemed there was only a flicker of hope that this legislation would survive, Anne was always there—pushing and pulling, cajoling and inspiring, never giving up. She truly believed that passage of this legislation would help save lives.

As I said in my statement on October 10, so many people are responsible for the passage of this legislation. I thank them all for their efforts. They have made a difference for people of faith around the world.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. HOYER. Mr. Speaker, I enthusiastically rise to join my colleagues in praising the passage of legislation renaming the North/South Center at the University of Miami for my friend and our former colleague and Chairman of the House Foreign Affairs Committee, Dante B. Fascell. This legislation is well deserved. The North/South Center should bear his name, for he was its creator.

Dante, now 81 years old and living in Clearwater, Florida, served in the House for 38 years, from 1954 through his retirement in 1992, representing South Florida with dignity, reverence for his office, and the rare ability to please all the members of his diverse constituency. He was one of the most respected Members during the time he served in Congress, and I am pleased to have had the opportunity to work with him and to learn from him.

Known as an outstanding legislator and negotiator, Dante fine-tuned his interest in foreign affairs with his particular focus on Latin America and the Caribbean. He conceived of the idea for the North/South Center, a scholarly institution for the free exchange of views to promote understanding, cooperation and democracy in the region. This idea became reality in 1990. Importantly, ahead of his time, Dante had the clairvoyance to see the increased interdependence of the two hemispheres, and that trend's connection with the City of Miami.

The North/South Center at the University of Miami has turned Fascell's ideas into reality. The school plays an invaluable role in helping the Administration and federal agencies conduct American public policy, and is called upon frequently to present its views. Moreover, it provides research, public outreach, and cooperative study opportunities on a variety of timely issues, as well as education and training programs for scholars and others throughout the Western Hemisphere.

I applaud the decision of the University of Miami to rename the North/South Center in honor of Dante B. Fascell. Its new name will ensure that the contributions of this fine public servant to the common good of South Floridians, and the nation, will always be at the forefront of our minds.

ALL-USA TEACHERS FROM
COLUMBUS, GEORGIA, HONORED

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. COLLINS. Mr. Speaker, I rise today to congratulate five teachers from Columbus, Georgia, who have been selected from over 600 of their colleagues to be honored for their outstanding commitment to our children.

Coleen Cotton, Deborah Greene, James Pippin, and Amy Willis of Arnold Middle School are among the twenty-three teachers named to the "USA Today's All-USA Teacher Team." Nicknamed the "Dream Team," the four have worked together to integrate their school subjects (language arts, science, social studies, and math) in order to make learning relevant for their students. The symbol of their creation is a ball of yarn 37.5 feet in diameter.

An example of the yarn's usefulness as a learning tool was described in yesterday's USA Today. "The project has snowballed since the yarn ball was started seven years ago. Last year, Amy Willis' math classes calculated the mathematical qualities of the ball, predicted that year's expansion and estimated its weight. Debbie Greene's science classes learned about yarn's role in textiles, a Columbus industry. Jim Pippin's social studies classes investigated similar large balls of yarn and

twine. And Coleen Cotton's reading classes read some 'yarns.'"

I also extend my congratulations to Nan Pate of Brookstone School in Columbus on being awarded with an "All-USA Honorable Mention."

These five teachers from Columbus, Georgia, represent the kind of devotion and ingenuity that is needed to take our country and our children into the 21st century. It is these teachers, and others like them, who will strive to make our education system the best in the world. I thank them for their commitment, and I congratulate them on their excellence.

TRIBUTE TO THE POVERELLO
HOUSE

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Poverello House on the occasion of its 25 year Silver Anniversary. The Poverello House is known throughout the Central Valley for its charitable work.

The Poverello House was started in 1973 when Fresno newcomer Mike McGavin began feeding 30 street people out of a van in Fresno's Chinatown. Today the Poverello House serves over 1000 meals a day at its downtown building. The program also distributes 65,000 meals a year to local churches. Mr. McGavin's vocation has grown beyond feeding the hungry. Now the uninsured receive free medical and dental care. In addition, recovering alcoholics and drug addicts live at Poverello House and homeless men spend the day there.

Mike McGavin's work with the poor began in the late 1960s in San Francisco, where he stumbled onto a coffee shop for the homeless. At the time he was a customer. With the help of the Franciscan priest who ran the program McGavin began volunteering. McGavin wanted to atone for the trouble he had caused as a teen in the Los Angeles gang and as a drug addict in San Francisco. Mike moved to Fresno and it is here that he began feeding the homeless of Chinatown. In 1981 a business man donated \$60,000 that went towards the purchase of buying a building in Chinatown. A \$1.3 million renovation doubled the building in 1992. The larger building now houses a resident program which allows 28 men to live at the house for a period of six months. In addition five men may stay at a halfway house northwest Fresno for as long as two years.

Mr. Speaker I rise today to honor Mike McGavin and the Poverello House for 25 years of service to the community. Mr. McGavin has turned the atonement for his past into one of the finest charitable institutions in Fresno. I urge all of my colleagues to join with me in wishing Mike McGavin and the Poverello House many more years of continued success.

TRIBUTE TO JOHN J. SCHIFF

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. PORTMAN. Mr. Speaker, on October 14, the Greater Cincinnati area lost one of its finest community and business leaders. John J. Schiff, the founder of Cincinnati Financial Corporation, passed away at the age of 82. A devoted family man, he was married to Mary Reid Schiff for 50 years and had three children. His business achievements and philanthropic acts left a lasting impression on everyone who knew him, on the insurance industry, and on the entire Cincinnati community.

Mr. Schiff epitomized the American dream and embodied the idea that with dedication and hard work, anything is possible. What began as a small business which employed only Mr. Schiff and an assistant, grew into a thriving company of 2,700 employees with yearly earnings of \$300 million.

Mr. Schiff was born in Cincinnati in 1916 and graduated from Ohio State University in 1938. After returning home from valiantly serving his country in the Navy during World War II, he founded his own company, the John J. Schiff Agency. It was then that he began to visualize a better, stronger, company.

With personal relationships, an unwavering work ethic, and intense loyalty serving as the foundation, he and his brother Robert, along with two other investors, formed the Cincinnati Insurance Company. The company focused on selecting the best agents to represent the company, and provided them with the highest level of service and support. He was dedicated to making life better for his associates, agents, community, policy holders, investors, and friends.

Mr. Schiff's business savvy was second only to his unwavering philanthropic efforts to better his community. He was dedicated to civic, educational, and artistic endeavors. Many organizations benefited from his zeal, including: the Museum Association, Junior Chamber of Commerce, the Music Hall Association, the 1788 Club, Deaconess Hospital, the Salvation Army, and Shiloh Community Methodist Church, just to name a few. He was very active with his Alma Mater, Ohio State. He was recognized as a Great Cincinnati by the Chamber of Commerce, Man of the Year by the Insurance Board, and was presented the Founders' Day award by Xavier University, where he was awarded an Honorary Doctor of Humanities degree.

Mr. Schiff's success is proof positive to all of us that with hard work, dedication and a strong will to succeed we can attain almost any goal we strive for.

TRIBUTE TO OWNER-OPERATED
INDEPENDENT DRIVER ASSOCIATION
AND PRESIDENT JIM JOHNSTON

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. BLUNT. Mr. Speaker, the Owner-Operator Independent Driver Association (OIDA)

represents over 40,000 small business professional truckers across America. On October 9, OOIDA celebrated 25 years of service at the grand opening of their new headquarters in Grain Valley, Missouri.

I would like to submit the following speech, which was delivered before the celebration by OOIDA Secretary Robert E. Esler, for the CONGRESSIONAL RECORD. This speech is a special tribute to recognize the hard work and dedication of OOIDA President Jim Johnston.

HELP!!! . . . This was the cry that was being heard from the East Coast to the West Coast. From the Northern border to the Southern border the sound resonated throughout the land. WE NEED HELP. Owner-operators, independents, and truckers in general were fed up with the way things were going in the early seventies. Fuel prices were escalating. Taxes were soaring. Rates were not keeping up with the ever-increasing costs. Government rules and regulations were becoming more and more unbearable. What can we do was the cry. Something has to be done. We can not continue on under these circumstances.

For as many questions there seemed to be as many answers. Owner-operator groups were springing up everywhere, each with their own agenda. Each group was sure that they could get immediate solutions to their specific problems. Either by public demonstrations or, as simple as it seemed, by calling on their local legislators. Surely, after bringing attention to their plight, the powers that be would see how wronged and mistreated they were and as if by magic make their problems go away. Oh how wrong they were. There were many pitfalls on the road ahead.

One such group was formed in 1973. This group went through some rough times getting organized. Trying to get a bunch of disgruntled truckers to agree on anything was like getting three lawyers to share the same viewpoint; it ain't going to happen. After a couple of years of floundering it became evident that they lacked an essential ingredient, leadership. Sure there were people elected to be leaders but none seemed up to the task. It got so bad that no one wanted to be in charge and lead. This is where the right man was at the right place at the right time. One man stood up and faced the challenge.

It was his vision that Owner-Operators should be treated as equals in the trucking industry. Not only from a governmental view point but also from the Motor Carrier industry as well. This became his focus and thus became his mantle. He has been able to do what no other person has done. And that is, take a group of owner-operators that were on a course to nowhere and turn them around. His leadership has enabled them to chart a course that has taken them to a position of being the largest, longest running, and most successful owner-operator group to date.

Where do such leaders come from? They come from the midst of our ranks. They have the unique ability to recognize a need, the vision to see a solution and the persistence to overcome obstacles. Each has a different style of leadership but they all have one specific element, focus. Focus on the job until it gets done. And without question they will all tell you the job never gets done. There is always a new task to face.

Such is a man named Jim Johnston who, nearly twenty-five years ago took a job nobody wanted. He faced the challenge. And, through years of dedication and hard work dramatically changed the course of events that now places the owner-operator on a level-playing field with all segments of the trucking industry.

On behalf of the Members, Board of Directors, and Staff of Owner-Operator Independ-

ent Drivers Association I would like to say, "Jim we all look forward to the next twenty-five years. Thanks for being the right man at the right place at the right time."

THANK YOU RAY AND JUDY
DANNER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. GORDON. Mr. Speaker, today, I want to congratulate and express my appreciation to Ray and Judy Danner for their service to the people of Tennessee.

Forty years ago, Ray Danner came to Tennessee from Louisville, Kentucky to open a Shoney's Franchise in Nashville. During the next thirty years Ray grew Shoney's into one of the largest and most successful restaurant chains in our country's history.

Almost twenty-five years ago Ray was joined in marriage with Judy Danner. Together they have made unlimited contributions to the cultural, educational, and social fabric of their community.

In 1987, Ray retired from Shoney's and started the Danner Company, an investment and management firm. In a scant ten years, his venture has spawned more than forty companies, with over four thousand total employees worldwide and gross revenues in excess of five hundred million dollars.

Ray and Judy Danner represent the best of what our country has to offer. They firmly believe in the value of hard work, a loving family, a dedication to their community and a faith in God.

It is a pleasure to join their many friends in recognizing Ray and Judy Danner's service to Tennessee and I wish them the best in the years to come.

UAB RECOGNIZED AMONG
AMERICA'S BEST HOSPITALS

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. BACHUS. Mr. Speaker, the University of Alabama at Birmingham is one of our Nation's premiere medical research universities, and one that I am proud to represent in the Sixth District of Alabama. This institution should be particularly commended for its recognition in U.S. News and World Report's 1998 Guide to America's Best Hospitals.

UAB is recognized as outstanding in five of the sixteen specialties rated by U.S. News and World Report. These specialties are cardiology and cardiac surgery, geriatrics, gynecology, pulmonary disease, and rheumatology. To be named as among the best within these categories out of the Nation's 6,400 hospitals is certainly an outstanding achievement which speaks highly of all the faculty, staff, and employees of UAB. The contributions this institution makes to the Sixth District, the State of Alabama, and people all over the country are highly commendable.

I recognize and honor UAB not only in the five areas acknowledged by U.S. News and

World Report but for all the outstanding contributions made in the areas of medicine and health care to the community and to the country. Congratulations to all of those at UAB who work daily to improve the lives and health of Americans.

INTERNATIONAL RELIGIOUS
FREEDOM ACT OF 1998

SPEECH OF

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. CLEMENT. Mr. Speaker, we are poised on the brink of a historic vote to help millions of our persecuted brothers and sisters of faith around the world. The words of our first President George Washington ring out across the years, as if written to us for this day: "I beg you will be persuaded that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny and every species of religious persecution."

Yesterday, with historic unity and courage, the Senate voted 98 to 0 stand against the horrors of religious persecution. I rise now, after more than a year of work on this bill, in heartfelt support for the International Religious Freedom Act. Let us finish the job. With one voice let us tell religious believers around the world that we have heard their cries and seen their suffering. And let us with one voice tell persecuting regimes around the world that we will not be silent, and that we will not let their crimes go unchecked.

Even as we speak, there are those suffering torture, imprisonment, rape, murder, merely because they seek to peacefully practice their faith. The International Religious Freedom Act creates a comprehensive and responsible structure for responding to that persecution. It is consistent with international and U.S. human rights law. It has many long-term avenues for change. The only option it does not allow is silence.

I commend my Senate colleagues DON NICKLES, who sponsored and provided such great leadership on this bill, and Senators JOE LIEBERMAN, CONNIE MACK, DAN COATS, and others, as well as all the staff who worked so hard. I commend my colleague FRANK WOLF and his staff Anne Huiskes for their hard work on the bill that laid such strong groundwork for this bill today.

What is so remarkable about this bill is its bipartisan nature. I know just how bipartisan it was, because my staff Laura Bryant was one of the principal drafters of this bill, together with my colleague from the other side of the aisle TOM DELAY's staff Will Inboden. They worked together for over a year with the staff of other Senators who share a deep commitment to freedom of religion, from both sides of the aisle, including John Hanford, Steve Moffitt, Elaine Petty, Jim Jatras, Cecile Shea, Pam Sellars, and many others.

My friend Senator COATS cautioned this morning, after the overwhelming vote, that we must not think this was easy. And it was not. There were many long hours, weeks and months of negotiations, not only within the Congress, but with the Administration and with religious and other groups. I want to commend

the Administration for supporting this bill, and for working so extensively with our offices as we sought to come to a common agreement. I particularly wish to thank Susan Jacobs, Mike Dennis, Alexandra Arriaga, and David Killian for the many hours and hard work they graciously devoted to negotiations on this bill. I commend Senator NICKLES for his great leadership and for his will to work in such a bipartisan way.

This bill also would not have happened without the support of many groups, representing people of many faiths. The Episcopal Church was the first to support the bill, leading the charge on behalf of their brothers and sisters of faith suffering in Sudan, Pakistan, and around the world. I particularly wish to thank their representatives Tom Hart and Jere Skipper, whose great dedication and unflagging effort were critical in rallying widespread support for this bill. I ask unanimous consent to enter the powerful statement of the Presiding Bishop of the Episcopal Church, the Most Reverend Frank T. Griswold into the RECORD. True to its proud tradition defending human rights, the American Jewish Committee also led the charge from the beginning, particularly Rich Foltin who spent long hours working on this bill.

The Christian Coalition was another critical and outspoken supporter, and I particularly wish to mention the hard work of Jeff Taylor, director of the Washington Office. The Southern Baptists, who are headquartered in my district, also have members suffering persecution around the world. Will Dodson of the Southern Baptist Ethics and Religious Liberty Commission provided essential support and encouragement. The United States Catholic Conference provided critical help, through Cynthia Phillips and several other representatives. The Ant-Defamation League, particularly Stacy Burdett, broadened and rallied support, true to its historical defense of victims of persecution. There are many others who have provided critical help, including Chuck Colson, head of Justice Fellowship, Nagy Kheir of the American Coptic Association and many others. To all of these, I say thank you.

Two years ago, we unanimously passed a resolution condemning Christian persecution worldwide, a resolution I was proud to cosponsor. The International Religious Freedom Act admirably implements those principles. It is comprehensive, far-reaching and tough. Yet it is carefully designed to craft policies individually for each country, addressing the sad truth that persecuting regimes have developed great sophistication and variety in their methods of oppression.

Let me briefly address the cornerstones of this bill. First, it establishes a high-level Ambassador at Large who will forcefully advocate for religious freedom around the world. It establishes a high-level, independent Commission of experts to provide policy recommendations. We hope for the kind of great work that the State Department Advisory Committee, under the able leadership of John Shattuck and Alex Arriaga, have provided so far.

Secondly, every year the State Department will report on the status of religious freedom around the world, and on the actions our government has taken to combat violations of that freedom. In the tradition of the Human Rights Report, the Annual Report on International Religious Freedom will shed the light of exposure on religious persecution.

Third, every year our government must take action in each country where violations occur. This is the essential core of the bill. We provide a vast number of options to address the persecution, from diplomatic discussions to targeted economic sanctions. We know that each country and each situation is different, and this bill acknowledges that strategic reality.

In every country where particularly severe violations occur, each year our government will have to take stronger action. This action is geared to create the greatest possible leverage for change in the behaviour of persecuting regimes. Prior to imposing any sanction, the President must first seek an agreement for change with the foreign country. He must consult with religious groups and others who best know the country to devise the best possible measure. He must also consult with United States business interests to fully weigh any unintended economic risk to the United States. The President has the flexibility, if necessary, to waive economic actions because they might be harmful to the persecuted people, or because another important national US interest requires it.

Finally, there is extensive long-term promotion of change in this bill—from broadcasting to awards for foreign service officers who promote religious freedom. And we require training on human rights and on conditions of religious persecution around the world, for all those who might be faced with cases of such persecution directly, from Ambassadors to foreign service officers to immigration officers.

Mr. Speaker, this bill promotes wise, long-term change. As Senator NICKLES has said, this bill is not designed to punish but to change behavior. The International Religious Freedom Act is comprehensive and strong but it is calibrated, flexible and responsible. The only option it does not allow is silence.

Long ago, in times of terrible hardship for the people of God, the prophet Isaiah said that what is acceptable to God is "to undo the bands of the yoke, and to let the oppressed go free". Mr. Speaker, this is not just a bill. This is a stand for the most precious freedom, the right dearest to every human heart. This is a historic stand for the freedom of the people of God in every country to worship Him in freedom and in truth.

Mr. Speaker, I urge each of my colleagues to join with the Senate in saying to the world, with one voice, that the United States stands for freedom of religion in every country, for every people, for every man and woman. We cannot be silent.

THE EPISCOPAL CHURCH CENTER,
NEW YORK, NY,
September 29, 1998.

OPEN LETTER TO CONGRESS CONCERNING
RELIGIOUS PERSECUTION ABROAD

DEAR MEMBERS OF THE HOUSE AND SENATE: I have recently returned from a once-a-decade meeting of all Anglican bishops around the world known as the Lambeth Conference. Nearly 750 bishops from every Church of the Anglican Communion, of which the Episcopal Church in the United States is one, met for three weeks to worship, learn, and discuss issues of our experience in God's world. One of the inescapable and profoundly moving realities of the Lambeth Conference is the diversity of experience, of background, of culture, which characterizes the world's 70 million Anglicans, representing 165 countries. I returned to the United States challenged and stretched by stories of differing circumstances and divergent view points.

This amazing richness of experience and faith within the Anglican family causes me to appreciate once again the richness of all faiths here in the United States. While I have chosen a path in the Anglican tradition of Christianity, I celebrate the rich diversity enjoyed in this country, and the freedom that we have to practice our faith. Another lesson learned at the Lambeth Conference was that these freedoms which we so easily take for granted do not exist in many parts of the world. Stories of religious intolerance, restrictions, persecution, and even murder jolted bishops from the West to the stark reality of people's suffering for what they believe.

Bishops from Sudan, our fastest growing church in the world, told how their believers have suffered torture and enslavement. Food and medicine are used to coerce Christians to renounce their faith. Fear of genocide and systematic persecution have forced thousands of people into refugee camps. In Pakistan, Anglicans are often beaten, their churches and villages raided, while women are raped and kidnaped. These and other stories moved the Lambeth Conference to call on governments around the world to "strive for creation of just and free conditions for people of all religions to practice their beliefs." Today, I call on you.

I commend the work of so many in Congress for raising religious persecution abroad before our government and the nation at large. Legislation in both the House and Senate has served to heighten awareness and concern for those around the world who suffer for their faith. Now, it is time to finish the job.

I believe the compromise legislation designed by Senators Nickles and Lieberman takes a positive and meaningful step in the cause of religious liberty worldwide. The Nickles-Lieberman bill requires the Administration to take one of a broad range of options currently available under U.S. law—from private diplomatic protest to certain economic sanctions—to respond to countries that engage in religious persecution. The bill asks the State Department to report on the wide range of religious intolerance experienced worldwide. It requires consultation with religious communities, both here and abroad, prior to any action to ensure that any U.S. response will help, not harm, the religious minority on the ground. It gives the Administration a flexible, case-by-case response, because one response cannot fit all circumstances. I believe this is a moderate, flexible response to human rights abuses that strikes the right balance between imposing inflexible sanctions and overlooking serious human rights abuses.

The West cannot impose its way of doing things on other parts of the world. Different conditions require different actions. I do not make this call for religious freedom as a way of imposing our ideals on a resistant world. I carry this message to you as a clear call from our brother and sister Anglicans and other people of faith abroad. I hope that you and I can be faithful to that call.

Thank you for your fullest consideration of this legislation.

Yours sincerely,
THE MOST REV. FRANK T. GRISWOLD,
Presiding Bishop and Primate.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Ms. PRYCE of Ohio. Mr. Speaker, during the week of October 12, 1998, I was absent

due to an illness in my family. I received an official leave of absence from the Majority Leader in this regard.

However, had I been present, I would have voted in the following manner on the following legislation:

MONDAY, OCTOBER 12, 1998

H.R. 3494—Child Protection and Sexual Predator Punishment Act: Motion to Suspend the Rules and Agree to the Senate Amendments (Roll Call No. 521) Aye.

H. Con. Res. 350—Calling Upon the President to Respond to the Significant Increase in Steel Imports: Motion to Suspend the Rules and Agree (Roll Call No. 522) Aye.

S. 2095—National Fish and Wildlife Foundation Establishment Act: Motion to Suspend the Rules and Pass, as Amended (Roll Call No. 523) Aye.

TUESDAY, OCTOBER 13, 1998

H. Res. 494—Expressing the Sense of the House of Representatives that the U.S. has enjoyed the loyalty of the U.S. citizens of Guam: Motion to Suspend the Rules and Agree (Roll Call No. 524) Aye.

S. 1364—Federal Reports Elimination Act of 1998: Motion to Suspend the Rules and Pass, as Amended (Roll Call No. 525) Aye.

H.R. 4756—The Year 2000 Preparedness Act of 1998: Motion to Suspend the Rules and Pass, as Amended (Roll Call No. 526) Aye.

S. 1754—The Health Professions Education Partnership Act: Motion to Suspend the Rules and Pass, as Amended (Roll Call No. 527) Aye.

S. 1260—The Securities Litigation Uniform Standards Act: Motion to Suspend the Rules and Agree to the Conference Report (Roll Call No. 528) Aye.

S. 1722—The Women's Health Research and Prevention Amendments: Motion to Suspend the Rules and Pass (Roll Call No. 529) Aye.

WEDNESDAY, OCTOBER 14, 1998

H.R. 3963—Sell Canyon Ferry Reservoir Cabins: Motion to Suspend the Rules and Pass, as Amended (Roll Call No. 530) Aye.

H.R. 559—Add Bronchiolo-Alveolar Carcinoma to Service-connected Diseases: Motion to Suspend the Rules and Pass (Roll Call No. 531) Aye.

THURSDAY, OCTOBER 15, 1998

H. Res. 598—Steel Imports: Motion to Suspend the Rules and Pass (Roll Call No. 532) Aye.

S. 1733—To require the Commissioner of Social Security and Food Stamp Agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals: Motion to Suspend the Rules and Pass (Roll Call No. 533) Aye.

S. 2133—To preserve the cultural resources of Route 66 Corridor: Motion to Suspend the Rules and Pass (Roll Call No. 534) Aye.

S. 1132—Bandelier National Monument Administrative Improvement and Watershed Protection Act: Motion to Suspend the Rules and Pass (Roll Call No. 535) Aye.

HONORING REV. DR. RICHARD H. DIXON, JR.

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. ENGEL. Mr. Speaker, today I rise to tender my congratulations to a man of the cloth who has served his congregation at the Macedonia Baptist Church for forty years.

The Reverend Dr. Richard H. Dixon, Jr. has accomplished much for his church in those

decades. He was one of four children born to the late Rev. Richard and Beulah Dixon. He received his Doctor of Divinity degree from the University of Detroit and is a candidate for a doctorate from Princeton Theological Seminary.

During his years at Macedonia Baptist, the church built a 75-unit Senior Citizen Complex, purchased the Macedonia Community Center, established the Collin Allen Day Care Center, and formed the church credit union which has helped congregants to buy homes and send their children to school.

He and his wife, Earnestine Wright Dixon, have three children and four grandchildren. Mrs. Dixon has also served her community faithfully and well. She has served as an officer of four separate PTAs, is currently president of the Church Women United, and is a member of the Board for Mount Vernon Council of Churches.

The Rev. Dixon is also someone I have had a close and growing relationship with over the past years. I consider him a friend and advisor. He has graciously invited me to his home and I was delighted to have attended family events.

The depth of the contribution these two wonderful people have made to their community can hardly be measured. I join the church and the city in congratulating Rev. Dr. Dixon for his forty years of giving.

HONORING HMONG AND LAO COMBAT VETERANS

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. RAMSTAD. Mr. Speaker, during this 105th Congress, I was honored to join many of my colleagues, as well as other distinguished U.S. officials, in participating in the first national recognition ceremony to honor the valor and sacrifice of Hmong and Lao combat veterans in the Vietnam War.

Many people from my home state of Minnesota, and from around the nation, organized and participated in the important events, which were held at the Vietnam War Memorial and the Arlington National Cemetery.

Mr. Speaker, I would like to thank a number of people from Minnesota and across the United States who made the national events honoring the Hmong veterans possible, including Major General Vang Pao, Colonel Wangyee Vang, Chertzong Vang, Chong Bee Vang, Ying Vang and Philip Smith.

Over a thousand Hmong veterans and their families traveled from Minnesota to Washington, DC, to participate in this historic ceremony.

I am proud that two of the largest Hmong non-profit organizations serving their communities in Minnesota, the Lao Family Community of Minnesota, Inc. and the Lao Veterans of America organization, played a leadership role in organizing and participating in this unprecedented event. They have helped bring long-overdue honor and recognition to the Hmong and Lao veterans and their families, as well as to educate policy makers and the American people about the critical wartime sacrifices of the Hmong and Lao combat veterans.

William Branigin from the Washington Post wrote an important article about the event that I would like to insert into the RECORD. (insert: Washington Post article Thursday, May 15, 1997).

Mr. Speaker, once again, I heartily applaud these distinguished Hmong and Lao combat veterans for their sacrifices.

RECOGNIZING U.S. ALLIES IN 'SECRET WAR'—'LONG OVERDUE' HONORS GO TO HMONG, LAO VETS

Twenty-two years ago this month, the predominantly Hmong recruits of America's "secret war" in Laos began a protracted and painful exodus from their homeland as communist forces seized power.

Yesterday, some 3,000 Hmong and Lao veterans and their families gathered at the Vietnam Veterans Memorial to receive congressional recognition for the first time, and then marched across the Potomac to commemorate their fateful crossing of the Mekong River into permanent exile.

Clad in jungle camouflage fatigues, flight suits and other uniforms, the veterans stood in formation on the Mall as speakers ranging from serving members of Congress to retired CIA station chiefs paid tribute to their courage and sacrifice in unsung service of the United States. Among those in attendance were former Special Forces officers, pilots of the top-secret Ravens unit and civilian officials from the Kennedy, Johnson and Nixon administrations.

It was a day of what a congressional commendation described as "long overdue recognition" of the CIA-funded army's role in protecting sensitive U.S. installations, rescuing downed American pilots and holding off tens of thousands of North Vietnamese troops who might otherwise have been thrown into combat against U.S. forces.

But it was also a day of atonement for the United States. For in honoring the ethnic Hmong tribal people and Laotians who made up the bulk of the 40,000-member clandestine force, participants in the ceremony acknowledged that America had betrayed them, breaking long-standing promises and abandoning them to bloody reprisals by Lao and Vietnamese communist forces in which untold thousands died.

"There is a real feeling among many people who served there that the Hmong were betrayed," said Philip Smith, the Washington director of Lao Veterans of America, which represents about 40,000 Hmong and Lao veterans and family members. "Many commitments were made to them in the field that were then forgotten in Washington."

Among those who received the Vietnam Veterans National Medal and a congressional citation yesterday was Nor Pao Lor, a disabled 61-year-old Hmong who served in the secret army for 13 years and then spent four more years fighting in the jungles of Laos until forced to flee across the Mekong River to Thailand on a bamboo raft. He then spent eight years in a Thai refugee camp before being accepted for resettlement in the United States. He now lives in Wisconsin.

"We felt very sorry that maybe America forgot us," he said as he stood with a crutch near dozens of his disabled comrades. "It was very painful for us."

As a lieutenant in the army led by Gen. Vang Pao, who was also present yesterday, Nor Pao Lor was wounded three times while defending Lima Site 85, a top-secret U.S. base that was used to direct airstrikes against targets in North Vietnam. Described by historians as perhaps the most critical intelligence-gathering site in South-east Asia during the Vietnam War, Lima Site 85 was linked directly to the White House under President Lyndon B. Johnson until the base fell to North Vietnamese troops in 1968.

As Nor Pao Lor told his story, one of the event's speakers, Jane Hamilton-Merritt, who wrote a book called "Tragic Mountains: The Hmong, the Americans, and the Secret Wars for Laos," asked the assembled veterans how many of them had helped rescue a downed American pilot. Hundreds, including Nor Pao Lor, raised their hands.

After the ceremony on the Mall, the veterans marched across Memorial Bridge to Arlington National Cemetery, where they placed flowers on the grave of President John F. Kennedy. Nearby is a memorial that is to be dedicated today to "the U.S. Secret Army, Laos 1961-1973." In the Lao and Hmong languages, the plaque on the granite monument concludes, "You will never be forgotten."

HONORING THE CONTRIBUTIONS
OF DOWNEY, CALIFORNIA, TO
AMERICA'S SPACE PROGRAM

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. HORN. Mr. Speaker, yesterday was a bittersweet moment in the history of the City of Downey in the 38th Congressional District of California. In ceremonies the National Aeronautics and Space Administration turned over to the City a 68-acre parcel of land that has been home to vital parts of our space programs for decades.

For Downey Mayor Gary McCaughan, other members of the City Council and all of us who know the long history of Downey with the American space program, this ceremony marks the end of one era and the opening of another. The buildings and shops at Downey produced the marvelous machines that took America to the moon and that still carry our astronauts into space to this day.

Over the span of the past 70 years, Downey has been the heart of our long national commitment to aviation, the exploration of space, and the advancement of our understanding of both the universe around us and the earth beneath us. Downey's contributions in excellent design, careful engineering, and extraordinary production skills were critical ingredients in the success of the Apollo, Skylab and Space Shuttle programs.

Now, NASA and The Boeing Company (which has operated the facility since buying it as part of the Rockwell Space Systems Division) will phase out of operations in Downey by the end of next year. The city has begun to move forward to meet the new challenges that lie ahead. Today's ceremony is an important part of this transition as NASA and the General Services Administration turn over 68 acres of federal land to the city for redevelopment so that Downey can create new jobs and new industries for the future.

Mr. Speaker, many people worked very hard to make today's ceremony possible. I want to thank Senator FEINSTEIN, in particular who provided unbelievable help in getting the Senate to agree to this land transfer. My friend and colleague, Congressman JERRY LEWIS, provided invaluable help in the House Appropriations Committee.

Many people at the National Aeronautics and Space Administration and the General Services Administration worked with us to make this land transfer a reality, and many

more at the Boeing Company are making this a smooth transition.

To Mayor McCaughan and other members of the City Council and City Manager Jerry Caton, I want to offer both my appreciation and my salute for the vision, leadership, and commitment they have demonstrated throughout this difficult process. There is no question that the phaseout of these high-skill jobs is a loss for Downey and our entire region, but I am confident that we can and will create new jobs, new products, and new services.

Our shared goal is not only to recover fully, but to prosper and grow with new economic development that will provide opportunities for generations to come. I remain committed to doing all I can do to help Downey succeed in the years ahead as the city redevelops this property. I also will do all I can to expedite transfer of the remaining land.

The key to Downey's future—as with the successes we honor from its past—is rooted in the vision and vigor of this wonderful community. On that score, we have much to celebrate and every reason to look forward with confidence.

TRIBUTE TO JOSEPH P. KENNEDY
II, MEMBER OF CONGRESS

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. DELAHUNT. Mr. Speaker, you always know when JOE KENNEDY has entered the room. There's a kind of hush, followed by a wave of heartfelt applause, and then you see it—the biggest, broadest smile in the United States Congress. A smile that lights up the room with inspiration.

For such a young man, the legislative track record JOE has accumulated is almost literally unbelievable. There is barely a consumer, human rights or housing reform that does not bear his name. From veterans health to industrial research-and-development, from Haitian democracy to MWRA water rates, it is difficult—even for me—to exaggerate the lasting significance of JOE'S work in this chamber. In combination with his private-sector contributions to low-income energy assistance, JOE KENNEDY virtually defines the phrase "public service".

As a newer member of this body, I know a good role model when I see it. And I know that this delegation, which is comprised of some of the most diligent members of the House, will do its very best to follow the roadmap that JOE KENNEDY has drawn for us.

JOE had big shoes to fill, when he arrived here 12 years ago. But like Yaz following Williams, people in and near Boston know something about stepping up to the plate. In their boxseats somewhere upstairs, Speaker O'Neill and President Kennedy are very proud that their successor has worked so hard to help craft public policy as sophisticated enough for investors on Wall Street—and as level-headed and compassionate as owners of three-deckers in Central Square.

When I learned of JOE'S intention to retire, my second reaction was how much we—his colleagues, in this delegation and in this House—will miss him. My first reaction was

how deeply JOE has earned the right to be closer to Beth and his sons. Nothing could conceivably be more important, and no one on the face of the earth could relish more the hours JOE can now spend away from Washington and with his family—with the possible exception of Alan Greenspan.

The best thing I can tell you, JOE, is—I'll see you at home.

A CRIMINAL STATE OF
INTERNATIONAL AFFAIRS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. CRANE. Mr. Speaker, thanks to White House scandals and an impeachment inquiry preoccupying the attention of Americans, the poor performance of this administration on the affairs of state has been overshadowed. This incompetence has proven costly—in terms of human life in Bosnia and in terms of financial capital in places like Russia.

While the Clinton Administration and their allies at the International Monetary Fund, the IMF, would have you believe that Russia is merely experiencing the growing pains of a new market economy, nothing could be further from the truth. Instead, Russia has become a country run by thieves who respect none of the fundamental principles necessary for the establishment of a market economy. So money being poured into Russia by the IMF, courtesy of American taxpayers, is being heisted by criminals who buy, for example, chic real estate in France and a gambling casino in American Samoa.

To get the real story on Russia, I commend to the attention of my colleagues an article by Arnaud de Borchgrave from the September 28, 1998 edition of the Washington Times, entitled "Subsidizing the Kleptocracy." Mr. de Borchgrave points out that, contrary to the Clinton Administration and the IMF, Russia is not an emerging market economy and we deserve to know where all that foreign aid and IMF money is going.

SUBSIDIZING THE KLEPTOCRACY

The handwriting has been on the Kremlin's walls for the past seven years. The late great reporter Claire Sterling's best seller "Thieves World," published in 1994, documented the emergency of a criminally controlled Russian state—from top to bottom. But the U.S. national security establishment's Russian experts—Pied Pipped by Vice President Al Gore and Deputy Defense Secretary Strobe Talbott—not only walked by the wall looking the other way, but derided as "loose cannons" those who read the handwriting and took it seriously.

Four years ago, President Boris Yeltsin, in what sounded like a cry of despair, said Russia had become the world's "biggest mafia state ... the superpower of crime." He felt overwhelmed by the lethal mix of oligarchs, former intelligence and security officers, organized crime gangs, and corrupt Soviet-era bureaucrats who had hijacked Russia's transition from a communist command economy. Mr. Yeltsin has launched seven major crack-downs against organized crime in seven years—all to no avail. And a year ago, he told the upper house of parliament that "criminals have entered the political arena and are dictating our laws with the help of corrupt officials."

Russia began its post-communist history as a kleptocracy, which has consolidated its power ever since, but still the Clinton administration's apologists and their IMF counterparts, all frequent travelers to Moscow where they chose to believe three sets of phony government books, insisted that Russia's looters were the latter-day equivalent of America's 19th century "robber barons." A crucial difference was overlooked. The J.P. Morgans, Goulds, Vanderbilts and Villards made their fortunes by building railroads and new industries and creating jobs. They also reinvested their profits in the future of America, such as Thomas Edison's quest for electric light. By contrast, Russia's oligarchs and their corrupt allies in government took over state-owned industries at giveaway prices, bled them white by stripping their assets, and then stashed their loot in tax havens abroad. The IMF's Inspector Javert took a page out of Clouseau's notebook and failed to notice that privatization was camouflage for piracy.

Garry Gasparov, the world chess champion, wrote in the *Wall Street Journal* on Sept. 1 that "the mentality of Al Capone runs rampant among the highest circles in Russia today; Lucky Luciano's clones are filling vacancies at state and municipal levels."

Yet what Western creditors were doing, in effect, was to subsidize the plunder. So it is hardly surprising that Russians who have not been paid in months are venting their anger at the U.S. administration and the International Monetary Fund. Anatoly Chubais, a tacit ally of the criminal class in reformer's clothing, has now conceded that Russia's negotiators had pulled thick wool over the not-too-inquisitive eyes of IMF's Russian "experts."

Russians know their government is now the world's most corrupt, forging ahead of Nigeria and Indonesia in those sleazy sweepstakes, but they blame the United States and IMF for not blowing the whistle on the scandal of the century. It was a gigantic Ponzi racket. What was funneled into Russia by the United States, Germany and international institutions was siphoned out through global money laundering schemes. "Liability" was not in a Russian banker's lexicon. All Western credits were treated as free money to be moved around as the oligarchs saw fit. For a two-year study for the Center for Strategic and International Studies on "Russian Organized Crime," this journalist discovered the same spending pattern from Buenos Aires to Berlin, from Hamburg to Hong Kong, and from Tunisia to Thailand, and including London, Paris, Rome, New York and Los Angeles. Choice properties in the \$5 million to \$15 million range were purchased by Russia's oligarchs and their executives, and assorted crooks, the world over, even a gambling casino in American Samoa, always paid cash—in \$100 bills carried in large suitcases.

The record for private property is still held by Boris Berezovsky, who parlayed a car dealership into a \$3 billion empire in five years and served as Mr. Yeltsin's deputy national security adviser. He bought the Chateau de la Garoupe and an adjoining property, and 50 well-manicured acres at Cap d'Antibes, France's most expensive real estate, for \$70 million.

For several years, Russians were laundering about \$1 billion a month through Cyprus (where some 4,000 Russian shell companies hang their shingles) and another \$1 billion through Israel. Before he was ousted last March as Interior Minister, Gen. Anatoly Kulikov estimated that some \$200 billion had been spirited abroad since the implosion of

the Soviet Union—perhaps not coincidentally the same amount of foreign debt Russia may default on in the next few years. When Gen. Kulikov visited Washington last June, he said he now believed the amount was at least \$300 billion in six years.

It was the age of greed run amok. But apologists in the United States, from left to right, continued to insist the hemorrhaging was no more than a nosebleed—at most \$50 billion—and that it was a healthy manifestation of the growing pains of democracy and market economics. That powerful Russian opposition voices called what was happening a parody of democracy and an economic kleptocracy didn't seem to faze them. Even after Grigory Yavlinsky wrote in July 1997 that the longer "the path which Russia is traveling is concealed, the higher the price will be for everyone," the conspiracy of silence continued in Washington. Russia's oligarchs had hired top-flight legal talent in Washington and New York soon established themselves as the opposite numbers of America's captains of industry. With a straight face, one shady Russian tycoon told a foreign policy group. "There is much more crime in America than in Russia."

Hearing after congressional hearing was held on Russian organized crime, only to be ignored by top U.S. policy-makers. The CIA was even discouraged by the White House from reporting on Russia's covert financial shenanigans around the world. And until recently, George Soros, the international financier who once broke the Bank of England, taking home a cool \$1 billion, sided with the apologists. Now Mr. Soros says, belatedly, the Russia situation is "cataclysmic" and that "we should have done more to prevent the crisis." This was the same Mr. Soros who concealed the truth about the great Russian robbery throughout the 1990s and even assured us that democracy was flourishing.

Vice President Al Gore went out of his way not to embarrass his good friend Viktor Chernomyrdin, the godfather of the oligarchs who was finally ousted as prime minister last March after five years in office—only to be resuscitated by his friend Mr. Berezovsky and foisted on Mr. Yeltsin for a few days before the Duma sent him packing again. Messrs. Yeltsin and Chernomyrdin convinced Messrs. Clinton, Gore and Talbott and anyone else they spoke to that American aid and IMF loans had to continue because Russia still possessed 24,000 nuclear weapons and warheads and hundreds of tons of weapons-grade nuclear materials that could all become vulnerable to theft if Russia were cut adrift. But they were just as vulnerable while Western assistance was being ripped off and scores of millions were pushed below the poverty line.

It was this kind of nuclear blackmail that prodded the apologists to silence FBI Director Louis Freeh. He had testified before Congress in 1996 and 97, explaining that from one year to the next Russia's organized crime syndicates had increased the number of countries where they had established relations with criminal counterparts from 29 to 50.

When CSIS' report on Russian Organized Crime was released a year ago, Mr. Freeh was quick to endorse it. But as he left for Moscow a month later, senior U.S. officials persuaded Mr. Freeh to backtrack and at a joint news conference with Mr. Kulikov he said his congressional testimony had been misunderstood.

The CSIS report found that "Russian organized crime had extended its tentacles throughout Russia's economy," which confers an aura of legitimacy to myriad illicit

activities, including the manipulation of Russia's banking system and financial markets." It concluded that "if the forces of organized crime are not stymied Russia will complete its devolution into a criminal-syndicalist state. The U.S. would then be faced with an agonizing reappraisal of its diplomatic and commercial relations with Russia."

The reappraisal is now at hand. In the debate about "Who lost Russia," congressional hearings should focus on the big coverup. And as a condition for further aid, why shouldn't Congress insist on a full accounting of every dollar of U.S. aid and IMF bailouts?

TRIBUTE TO NICK CANGIALOSI

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to Nick Cangialosi of Garfield, New Jersey, a man who embodies the American dream.

Having arrived in America at the age of fifteen from Sicily, Nick came to this country with nothing but hope in his heart and a determination to succeed. Like many Italian immigrants coming to America in the 20th century, Nick was a success story waiting to happen. With a remarkable work ethic, soon after his arrival in America, Nick gained the experience and resources to start a business with his brothers. To this day, the firm Nick began, Vinyl Building Products, enjoys a high degree of success.

Parallel with Nick's commercial success, he has established a track-record as a model citizen. In the vibrant Italian-American community in New Jersey, Nick's history of volunteerism is legendary. He is also well-known throughout the entire state of New Jersey for his outstanding volunteerism and philanthropic efforts in support of a number of worthwhile causes and institutions. I know that among his many efforts, Nick is deeply involved as a member of the Board of Governors of the Hackensack University Medical Center, an outstanding hospital that serves the needs of thousands of New Jersey residents. Nick is also a distinguished member of the Steering Committee for Felician College in Lodi, New Jersey and a dedicated member of the St. Ciro Society.

Mr. Speaker, given all that Nick Cangialosi has accomplished in his life, it comes as no surprise that he is to be honored on October 2, 1998, by the Bergen County Chapter of Boys' Towns of Italy. At this event, the Right Reverend Monsignor J. Patrick Carroll-Abbing, who is the founder of Boys' Town, will present Nick with his organization's prestigious Humanitarian Award. This honor rightly serves to recognize Nick's selfless efforts on behalf of needy people throughout the world.

I would like to join Boys' Towns in saluting Nick and the goodness and kindness he represents. The world is a better place because of the efforts of Boy's Towns chapters around the world and the work of individuals like Nick Cangialosi. He is, simply put, an inspiration to the people of the Ninth Congressional District in New Jersey and to our nation.

TRIBUTE TO JOHN WILMER
PORTER

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to celebrate the life of one of Virginia's first Civil Right's success stories, Mr. John Wilmer Porter. John Porter, a native of Dumfries, Virginia, because a beacon of progressive and enlightened through for Virginia during a time we now acknowledge as one of our darkest hours. In 1963, when most of the state was bearing the brunt of a storm of national outrage over its refusal to desegregate public schools, John Porter became the first African-American in Virginia to become an elected official since the era of post-Civil War Reconstruction. The people of Dumfries recognized an innate leadership quality in Mr. Porter that transcended any racial stereo type and in the fall of 1963, elected him to the position of Town Councilman.

John Porter began his life in Dumfries, Virginia in 1905 as one of fourteen children born to the late John and Laura Reid Porter. The family's history is irrevocably linked to Virginia and more specifically to Dumfries: The Porter family John was born into are all direct descendants of Betsy Bates. Betsy Bates, a slave born in Virginia sometime between 1795 and 1805, had gained her freedom by 1830 and her lineage and become so celebrated in Prince William County that the town settled by her heirs was named Batestown in her honor. I believe it is from this foundation of strength and honor that John Wilmer Porter was made.

Beyond his meritorious service to the people of Dumfries, Mr. Porter was and is a dedicated husband, father and now grandfather. In 1942 John married the late Mary Porter. Mary Porter became John's companion and confidante, but also distinguished herself through public service and her ability to transcend racial barriers as an educator. A native of Farmville, Virginia, Mary Glaze Porter began her career as a teacher in an all-black school just before World War II. A few months after her husband John's election, Mary Porter was selected to participate in a pilot desegregation program in the Prince William County public school system.

John and Mary Porter are both true pioneers from the Civil Rights movement and dedicated public servants who have willingly given enormously of themselves (in one instance John personally co-signed for the loan to build the Dumfries Town Hall). John Wilmer Porter retired from public service in 1980, leaving behind a legacy that the people of Dumfries can reflect upon with pride. He was always regarded by supporters and detractors alike as a man of "common sense" and "superior wisdom", two traits he has instilled in his two daughters, Hazel Porter Sykes and Gwendolyn Porter Washington, and his granddaughter, Shannon Washington and three grandsons, Chad Sykes, Kevin Lewis and Troy Washington.

Mr. Speaker, on behalf of the people of the Eleventh Congressional District, I would like to thank John Porter for his years of dedicated service and willingness to become the role-model of equality for Virginia. Indeed, he is an

American of whom our entire nation can be proud.

**SENSE OF THE HOUSE REGARDING
MURDER OF MATTHEW SHEPARD**

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. DELAHUNT. Mr. Speaker, I join with my colleagues and the good people of the state of Wyoming in mourning a young man whose life was senselessly and brutally cut short by hatred and ignorance.

Matthew Shepard had many fine qualities. He was thoughtful and idealistic. He had ambitions for public service. And had hoped one day to serve his country overseas.

He was also gay. And that is why he was beaten to death and left to die.

Matthew Shepard will never fulfill his youthful ambition. We will never know what he might have accomplished with his life. He is gone, and we can do nothing to change that.

But we can do something to help make sure that there are no more murders on the road to Laramie.

We can do something to help put a stop to racial killings in Jasper, Texas, where James Byrd was chained to a pickup truck and dragged to his death last summer.

We can send a message to the cities and towns across America where hate-motivated violence and harassment occurs every day. We can and must pass the Hate Crimes Prevention Act.

Over the last few days, we have heard some people deplore these incidents—while cautioning us not to pass new laws to deal with them. "New laws won't stop hate," they tell us.

They're right. No law ever stopped murder, rape, arson or other heinous crimes. Yet our society keeps these laws on the books. To punish those practices and express its disapproval of them.

Why do we need the Hate Crimes Prevention Act? Consider two vignettes from today's New York Times:

Last Saturday morning, while Matthew Shepard lay comatose from a beating, a college homecoming parade passed a few blocks from his hospital bed in Ford Collins. Propped on a fraternity float was a straw-haired scarecrow, labeled in black spray paint, "I'm Gay."

On Monday, hours after Shepard's death, two gay organizations [in Fort Collins] . . . received identical messages applauding Shepard's murder. The messages closed with the words: "I hope it happens more often."

That's why we need the Hate Crimes Prevention Act. For all the Matthew Shepards and the James Byrds who can still be saved.

RECOGNIZING EXCELLENCE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. BARCIA. Mr. Speaker, the most important and valuable resource we have in this

country is our children. Providing a safe environment for them to grow and learn has always been this country's number one priority. The people who dedicate their time and energy to making this possible are most deserving of our praise and thanks. Pamela LeVasseur is one of those people. She is being honored on October 21, 1998 with the Women's Recognition Award for Volunteerism for her outstanding work with the Bay County Council for the Prevention of Child Abuse and Neglect (CAN Council).

The CAN Council is a non-profit organization dedicated to the prevention of child abuse and neglect. This valuable organization is comprised entirely of volunteers. Over the past eight years, Pamela LeVasseur has devoted her time and talent to the success of the CAN Council. Always one of the CAN Council's most energetic volunteers, Pam has served as the Council's Treasurer for the last five years.

Along with her duties as treasurer, Pam has also given countless hours overseeing the CAN Council's many service projects and fundraisers. Annually leading the CAN Council Bowl-A-Thon, she has turned this event into one the Council's most successful fundraisers. She has also played a vital role in the Council's Harry Parks Adopt-A-Smile Program, which provides dental care to children who would otherwise go without it, and the Babylonian Encounter, which teaches young children about the subject of "good touch and bad touch." The children of Bay County are better off because of programs such as these and these programs are successful because of the dedication of volunteers, like Pamela LeVasseur.

The work Pam does is largely behind the scenes and rarely allows her the opportunity to receive the accolades that she rightly deserves. Yet, that is what makes Pam the great volunteer that she is. She is not motivated by praise and recognition. Instead, she is motivated by protecting and improving the lives of the children in her community. From tracking donations and paying the bills to making the Bowl-A-Thon a striking success, Pam's behind the scenes work is a critical ingredient in the success of the CAN Council.

Mr. Speaker, I invite you and all of our colleagues to join me in congratulating Pamela LeVasseur for receiving the Women's Recognition Award honoring her tireless dedication to the Bay County Council for the Prevention of Child Abuse and Neglect and in turn the children of Bay County.

TRIBUTE TO LAURA ROBINSON
KUZNIAR

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. LEVIN. Mr. Speaker, I rise in the deepest sadness to memorialize the untimely passing of a member of my staff, Laura Robinson Kuzniar, whose life was cut short at the young age of thirty years.

My first contact with Laura was when she was a small girl and we had occasion to visit her home in Royal Oak. Our families had similar interest—my wife, Vicki, and Laura's mother, Rosemary, participated in the AAUW, and her father, Hal, was active in political life.

In December 1995, as a young woman and graduate of Oakland University, Laura was hired as a caseworker and office manager in my Sterling Heights district office. Here she was a quick learner, a team player and an inspiration to the entire staff. She was wise beyond her years; she was concerned and caring for those constituents she served; and she was fastidious and devoted to her work.

In the prime of her life, in a wonderfully happy marriage to Larry, misfortune struck in September 1996. Laura was diagnosed with leukemia.

With an exceptional fighting spirit, she endured an uphill battle for a little more than two years. Despite stays in the hospital, and its accompanying pain and suffering, Laura kept battling against all odds. Gaining back some strength, and with spirits high, she would come back to work, always hoping for a positive prognosis. But the leukemia returned, and on October 13, it ended her life.

How unfortunate it is that this remarkable woman who had so much to give not only to her family and friends and colleagues, but to society as well, was taken from us—taken away before she had the opportunity to fully realize her bountiful gifts.

I, and her colleagues in both my district and Washington offices, have indeed lost a marvelous friend. I know we will miss her humor, her charm, her insight, her feistiness and her goodness.

Mr. Speaker, I ask my colleagues to join me in sending our condolences to Laura's devoted husband, Larry, to her caring parents, Rosemary and Harold Robinson, and to her loving sister, Elisabeth, and brother, Thomas.

IN SUPPORT OF THE JOHN
BONHAM MEMORIAL FUND

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Ms. PELOSI. Mr. Speaker, this country is blessed by the number of individuals and groups who give of their time to help the less fortunate. I would like to use this opportunity to honor one of these philanthropies, the John Bonham Memorial Fund.

The Bonham Fund assists California youth organizations in teaching community responsibility and self-respect to children, primarily young girls. The Fund provides support to the California Police Activities League, the Big Sisters of Los Angeles and a group that teaches arts education to young girls in low-income areas.

The Bonham Fund provides a wonderful opportunity for individuals to contribute to their community by providing enrichment and educational opportunities for low income, at-risk youth. Through the generosity of many, young people in communities throughout California and around the country are benefitting from the good works of this philanthropic organization.

By providing our youth with access to such educational activities, the Bonham Fund is ac-

tively working to enrich the lives of California's younger generations. I know my colleagues will join me in honoring the Bonham Fund's admirable efforts.

DANTE B. FASCELL NORTH-SOUTH
CENTER ACT OF 1991

SPEECH OF

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. DIAZ-BALART. Mr. Speaker, I am pleased to join my colleagues in support of legislation that renames the University of Miami's North/South Center in honor of my good friend Dante B. Fascell. Dante Fascell worked tirelessly to help create and fund the North/South Center during his tenure as the Chairman of the House Foreign Affairs Committee. Throughout his service in Congress, Dante Fascell was a constant advocate for the cause of democracy and open dialogue among the nations of the Western Hemisphere. Our Nation owes him a debt of gratitude for his years of service.

Dante Fascell's support for the creation of the North/South Center stemmed from his strong belief that the free exchange of ideas would strengthen our Nation's security, competitiveness and economic vitality. The North/South Center provides a forum for research and policy analysis that is unparalleled by any other institution in the country and promotes better understanding and relations between the United States, Canada, and the nations of Latin America and the Caribbean.

In 1990, with the passage of the North/South Center Act, Congress authorized the establishment of the Center as a place for "cultural and technical interchange between North and South." Dante Fascell's dream was to focus the country on the pursuit of policies which strengthen our national economic policy, trade practices, and relations with the countries of the Western Hemisphere.

The North/South Center plays many roles. It is a think-tank, a foundation, a public resource center, and a repository of information. The work of the Center informs our national debate regarding topics of major significance, such as trade, economic growth, immigration, drug control policies, and the spread of democracy.

There is no greater way that we can thank Dante Fascell for his vital contributions to the North/South Center than naming it in his honor. Dante Fascell served his constituents in Florida and the Nation as a whole for 36 years. He is, indeed, worthy of this tribute and I would like to thank my colleagues for passing H.R. 4757.

A HAPPY 100TH BIRTHDAY TO
HELEN LOPER OF PORT JEFFERSON,
LONG ISLAND

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. FORBES. Mr. Speaker, I rise today in the U.S. House of Representatives to ask my colleagues to join me in wishing a very happy, healthy, and joyous 100th birthday to Helen Loper of Port Jefferson, Long Island.

Though not many Long Islanders outside of her family and friends know Helen Loper, through her generous spirit and charity for acquaintances and strangers alike, Helen has done so much in her 100 years to make Long Island a better place for all of us to live.

A native Long Islander and a teacher by training, Helen Loper is a dedicated volunteer at Mather Hospital in Port Jefferson, an historic and picturesque seaside village on Long Island's North Shore. An original member of the John T. Mather Hospital Auxiliary, Helen Loper has volunteered there for nearly 50 years, giving selflessly of her time and energy to patients and hospital staff. After a half-century of volunteer service to her community, Helen's spirit and enthusiasm has not waned and today she still works a regular Monday afternoon shift in Mather Hospital's thrift shop.

An avid world traveler, Helen has been to locales as far away as Antarctica, but she always comes back home to Port Jefferson. One of seven graduating students in Port Jefferson High School's class of 1915, Helen Dayton attended college at the Savage School in New York City and then spent a year teaching school in Iowa.

After returning home to Long Island, she met her future husband Carroll Loper and they were married on January 26, 1924, in Miami, Florida, the winter homes for both of their parents. Together the couple had two sons and Helen now has five grandchildren.

So, Mr. Speaker, I ask my colleagues and all of our fellow Americans gathered here today in the People's House to offer our best wishes and heartiest congratulations to Helen Loper of Port Jefferson as she celebrates her 100th birthday on November 18, 1998.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Ms. KILPATRICK. Mr. Speaker, due to a death in my family, I was unable to record my vote on several measures. Had I been present, I would have voted "aye" on Roll Call Number 521; "nay" on Roll Call Number 522; "nay" on Roll Call Number 523; "nay" on Roll Call Number 530; and "aye" on Roll Call Number 531. I appreciate the kindness of the Speaker in approving my earlier leaves of absence.

Friday, October 16, 1998

Daily Digest

HIGHLIGHTS

The House and Senate passed H.J. Res. 136, making further continuing appropriations for the fiscal year 1999.

Senate

Chamber Action

Routine Proceedings, pages S12659–S12675

Measures Introduced: One bill and one resolution were introduced, as follows: S. 2640 and S. Res. 310. Page S12673

Measures Reported: Reports were made as follows: S. 2288, to provide for the reform and continuing legislative oversight of the production, procurement, dissemination, and permanent public access of the Government's publications, with an amendment in the nature of a substitute. (S. Rept. No. 105–413) Page S12673

Measures Passed:

Printing Authority: Senate agreed to S. Res. 310, authorizing the printing of background information on the Committee on Foreign Relations as a Senate document. Page S12660

Native Hawaiian Housing Assistance: Senate passed S. 109, to provide Federal housing assistance to Native Hawaiians, after agreeing to a committee amendment in the nature of a substitute. Pages S12660–68

Further Continuing Appropriations: Senate passed H.J. Res. 136, making further continuing appropriations for fiscal year 1999, clearing the measure for the President. Page S12660

Additional Cosponsors: Pages S12673–74

Additional Statements: Pages S12674–75

Recess: Senate convened at 10 a.m., and recessed at 1:02 p.m., until 10 a.m., on Monday, October 19, 1998, for a pro forma session.

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 4 public bills, H.R. 4847–4850, and 1 resolution, H.J. Res 136, were introduced. Page H11042

Reports Filed: Reports were filed today as follows: H. Res. 604, providing for consideration 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 consideration of S. 2133, an act to preserve the cultural resources of the Route 66

corridor and to authorize the Secretary of the Interior to provide assistance (H. Rept. 105–823); and

Monumental Abuse: the Clinton Administration's Campaign of Misinformation in the Establishment of the Grand Staircase-Escalante National Monument (H. Rept. 105–824). Pages H11041–42

Making Continuing Appropriations: The House passed H.J. Res. 136, making further continuing appropriations for the fiscal year 1999. Page H11026

Meeting Hour—Monday, October 19: Agreed that when the House adjourns today, it adjourn to meet on Monday, October 19, at 12 noon. Page H11026

Suspensions: The House agreed to suspend the rules and pass the following measures:

Plant Patent Amendments: The House agreed to the Senate amendment to 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—clearing the measure for the President; and

Pages H11028–29

Money Laundering and Financial Crimes Strategy: The House agreed to the Senate amendment to 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—clearing the measure for the President.

Pages H11029–31

Senate Messages: Message received from the Senate today appears on page H11039.

Quorum Calls—Votes: No votes developed during the proceedings of the House today. There were no quorum calls.

Adjournment: The House met at 1 p.m. and adjourned at 3:03 p.m.

Committee Meetings

BANDELIER NATIONAL MONUMENT ADMINISTRATIVE IMPROVEMENT AND WATERSHED PROTECTION ACT; ROUTE 66 CORRIDOR—PRESERVE CULTURAL RESOURCES

Committee on Rules: Granted, by voice vote, a rule providing for consideration in the House of S. 1132, Bandelier National Monument Administrative Improvement and Watershed Protection Act of 1998, under a closed rule. The rule provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule provides one motion to recommit. The rule also provides for consideration in the House of S. 2133, to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance, under a closed rule. The rule provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule provides one motion to recommit.

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.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1169)

H.R. 3007, to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development. Signed October 14, 1998. (P.L. 105–255)

H.R. 4068, to make certain technical corrections in laws relating to Native Americans. Signed October 14, 1998. (P.L. 105–256)

H.J. Res. 135, A joint resolution making further continuing appropriations for the fiscal year 1999. Signed October 14, 1998. (P.L. 105–257)

S. 414, to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports. Signed October 14, 1998. (P.L. 105–258)

H.R. 4658, to extend the date by which an automated entry-exit control system must be developed. Signed October 15, 1998. (P.L. 105–259)

CONGRESSIONAL PROGRAM AHEAD

Week of October 19 through 24, 1998

Senate Chamber

On *Monday*, Senate will meet in pro forma session.

On *Tuesday*, Senate will consider any cleared legislative or executive business, including Omnibus Appropriations.

During the balance of the week, Senate's program is uncertain.

Senate Committees

(Committee meetings are open unless otherwise indicated)

No committee meetings are scheduled.

House Committees

Committee on Rules, October 20, to consider the conference report to accompany H.R. 4328, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, 3:30 p.m., H-313 Capitol.

Next Meeting of the SENATE
10 a.m., Monday, October 19

Next Meeting of the HOUSE OF REPRESENTATIVES
12 noon, Monday, October 19

Senate Chamber

Program for Monday. Senate will meet in pro forma session.

House Chamber

Program for Monday: Pro forma session.

Extensions of Remarks, as inserted in this issue

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