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House of Representatives

The House met at 12 noon and was called to order by the Speaker pro tempore (Mr. GILLMOR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 9, 1998.

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

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

Let us pray using the words of the 138th Psalm.

''I give my thanks, O Lord, with my whole heart; before the gods I sing thy praise; I bow down toward thy holy temple and give thanks to thy name for thy steadfast love and thy faithfulness; On the day I called, thou didst answer me, my strength of soul thou didst increase.''

We pray, O gracious God, that You would give strength of soul to every person for You have blessed us and nurtured us along life's way. May Your good Spirit that is new every morning and with us all the day through remind us each day to do justice, love mercy, and ever walk humbly with You. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SOLOMON led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 930. An act to require Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, to amend title 31, United States Code, to establish requirements for prepayment audits of Federal agency transportation expenses, to authorize reimbursement of Federal agency employees for taxes incurred on travel or transportation reimbursements, and to authorize test programs for the payment of Federal employee travel expenses and relocation expenses.

H.R. 4104. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4276. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4104) ''An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAMPBELL, Mr. SHELBY, Mr. FAIRCLOTH, Mr. STEVENS, Mr. KOHL, Ms. MIKULSKI, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4276) ''An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CAMPBELL, Mr. COCHRAN, Mr. HOLLINGS, Mr. INOUYE, Mr. BUMPERS, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that pursuant to provisions of Public Law 103–227, the Chair announces the following appointment made by the Democratic Leader during the August recess: Barbara Kairson, of New York, as the Representative of Labor to the National Skill Standards Board, effective August 13, 1998.

The message also announced that pursuant to Public Law 93–415, as amended by Public Law 102–586, the Chair, on behalf of the Majority Leader, after consultation with the Democratic Leader, announces the appointment of Robert H. Maxwell, of Mississippi, to serve a one-year term on the Coordinating Council on Juvenile Justice and Delinquency Prevention.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Wednesday, September 2, 1998 at 2:14 p.m.:

That the Senate Agreed to Conference Report H.R. 629

That the Senate Agreed to Conference Report H.R. 4059

With warm regards,

ROBIN H. CARLE,
Clerk.

PERMISSION FOR THE SPEAKER TO ENTERTAIN SUNDRY MOTIONS TO SUSPEND THE RULES ON TODAY

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that notwithstanding clause 1 of rule XXVII, it shall be in order at any time today for the Speaker to entertain the following motions to suspend the rules and to pass bills and resolutions:

H.R. 3109, Thomas Cole National Historic Site Act; S. 1683, Lake Chelan National Recreation Area; S. 1883, Conveyance of the Marion National Fish Hatchery to the State of Alabama; H.R. 4090, Public Safety Officer Medal of Valor Act; H.R. 678, Thomas Alva Edison Sesquicentennial Commemorative Coin Act; H.R. 1560, Lewis and Clark Expedition Bicentennial Commemorative Coin Act; H.R. 2225, Designating the Lloyd D. George Federal Building and United States Courthouse; H.R. 3295, Designating the Ronald V. Dellums Federal Building; H. Res. 459, Commemorating 50 Years of Relations between the United States and the Republic of Korea; H. Res. 421, Expressing a Sense of the House of Representatives Deploring the Tragic and Senseless Murder of Bishop Juan Jose Gerardi; H. Con. Res. 277, Concerning the New Tribes Mission Hostage Crisis; H. Con. Res. 292, Calling for an End to the Recent Conflict between Eritrea and Ethiopia; H.R. 3810, Designating the James T. Leonard, Sr., Post Office Building; H.R. 2623, Designating the Ray J. Favre Post Office Building; H.R. 3167, Designating the Jerome Anthony Ambro, Jr., Post Office Building; H.R. 3939, Designating the Edgar C. Campbell, Sr., Post Office Building; and H.R. 3999, Designating the David P. Richardson, Jr., Post Office Building.

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

There was no objection.

THE AIR FORCE'S VERY BEST HONORED

(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, last Friday, the United States Air Force lost 12 brave airmen who specialized in combat search and rescue and special operations missions. These airmen were representatives of the very best of the United States Air Force. They were highly skilled and they were regularly deployed to remote corners of the globe, supporting America's national military strategy.

Their unit, the 66th Helicopter Rescue Squadron, based in my district at Nellis Air Force Base, is only one of 2 such units in the United States Air Force. One can find the 66th and their sophisticated H–60 ''Pave Hawk'' helicopters, wherever the action is: Iraq, Saudi Arabia, Turkey; you name it, they are there.

These men are part of a proud tradition of military professionals who dedicated their lives to the defense of our country. They paid the ultimate price for our freedom. Each and every American owes them a debt of gratitude for protecting the freedoms we all enjoy.

Tomorrow, in a memorial service at Nellis, their families and peers will honor these heroes. Our thoughts and our prayers are with the families today and tomorrow.

Mr. Speaker, these men lived up to the 66th Helicopter Rescue Squadron's motto, ''These things we do so that others may live.''

PROTECT SOCIAL SECURITY

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

Mr. KUCINICH. Mr. Speaker, Social Security is a guarantee. No senior has ever gone without a benefits check, even in times of economic recession. That is because the full faith and credit of the United States stands behind the Social Security promise.

Social Security is there for everyone. Wall Street is a gamble. Unlike Social Security, Wall Street cannot guarantee anything because the stock market is premised on a bet that there will be someone willing to pay a lot more for something than someone else will. The recent fall in the stock market should be a reminder: As with all gambles, there is a downside. What goes up must come down.

Turning Social Security over to Wall Street will mean that senior retirees will have to check the Dow Jones before they check their mailboxes to see if they are going to have any money left for shelter, food and medicine. There is no reason to sell out Social Security to Wall Street.

Privatization schemes trade away Social Security's guarantee for a Wall Street gamble. Americans do not need a gamble. Americans need to hear Congress reaffirm its commitment to its citizens. Protect Social Security.

NATIONAL COMMISSION ON TERRORISM ACT

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

Mr. WOLF. Mr. Speaker, while Congress was in recess over the last few weeks, the news was filled with reports on the bombing of the U.S. embassies in East Africa and subsequent retaliation strikes in Sudan and Afghanistan. Experts in the field of counterterrorism are warning about a coming long and difficult struggle between the U.S. and the forces of terrorism.

While much valuable work is being done by the intelligence community to combat terrorism, we need to take a close look at national terrorism policy. Today I will introduce, with other Members, the National Commission on Terrorism Act which will serve an important role in making sure we do everything possible to prevent future terrorist attacks.

This legislation would create a commission consisting of 15 distinguished experts in the field of terrorism including 3 Congressmen and 3 Senators. Five members appointed by the President, 5 by the Speaker, and 5 by the Senate majority leader in consultation with the minority. Over the course of 6 months, the Commission will be charged with developing a clear and effective strategy for protecting the American people.

Mr. Speaker, with the threat of terrorism on the rise and new threats of chemical, biological, and nuclear weapons looming on the horizon, I believe it is the right time for a comprehensive assessment of our Nation's terrorism policy.

I urge my colleagues to cosponsor the bill and hopefully we will pass it before we go home.

JANET RENO SHOULD LEAD OR GET OUT OF THE WAY

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

Mr. TRAFICANT. Mr. Speaker, this Monica matter is serious, but it pales in comparison to the reports that the White House was bribed with Chinese money.

Unbelievable. I do not know if it is true, but I know one thing. Janet Reno has turned her back on both the American people and the Constitution.

Let us tell it like it is. Janet Reno should either lead or get out of the way. I say to my colleagues, Monica is a fly on her face. This Chinese money business is a dragon eating her assets.

I say, Janet Reno has 2 decisions to make. One is to appoint an independent counsel to scrutinize and investigate this madness, or number 2, Janet Reno should resign. I urge my colleagues to think about it.

I yield back the balance of any national security we may have left.

DOLLARS TO THE CLASSROOM ACT

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

Mr. PITTS. Mr. Speaker, in a recent survey of its members, the Association of American Educators found that 82 percent of the teachers surveyed supported consolidating Federal education programs, sending those funds in a formula grant to the States, just what the Dollars to the Classroom Act does.

I would like to share with my colleagues some comments from teachers who support this approach:

''The Federal Government should quit dictating to local communities what should be taught to children, mainly because the Federal Government is totally out of touch with reality.'' Kansas City, Missouri.

''It is time we realize that no one program can meet the needs of every region.'' Oklahoma City.

''I am all in favor of localizing control of school budgets. Local educators are professionals with the training and experience to make the best decisions for their schools.'' Harrisburg, Pennsylvania.

''When layers of bureaucracy can be eliminated for the benefit of the school and students, then we should all be pleased. However, this calls for added input from the parents and communities involved.'' Charleston, South Carolina.

Mr. Speaker, those are the thoughts of teachers around the Nation. Colleagues, it is time to send dollars to the classroom.

INTEGRITY IN PUBLIC SERVICE PARAMOUNT CONCERN

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

Mr. DOGGETT. Mr. Speaker, integrity in public service is always of paramount concern. I believed that last year when I addressed on this floor misconduct by Speaker GINGRICH, and I believe it this year when I address misconduct by President Clinton.

In short, I believe this Congress should take 3 steps and take them immediately. Number 1, it should make clear that all of the Starr report will be public. There is no reason this should be limited to some inner circle here in the Congress and drift out through leaks week after week after week. It should be posted on the Internet and made available to every American citizen.

Number 2, this Congress should commit to stay right here until the job is complete. We do not need another year ruined by this whole episode. We need to be back attending to some of the real concerns that affect the American people, and the only way to do that in 1999 is to complete the job now.

Number 3, we ought to go ahead and indicate we are prepared to take an appropriate sanction, but we want the evidence first. It is not punishment first and sentence later; it is after a thorough and deliberate consideration of the evidence before us.

In short, we should get it now, we should get it all, and we should get it right.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to make personal references to the President.

TIME TO ACT IS NOW ON CONSTRUCTION OF NATIONAL MISSILE DEFENSE SYSTEM

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

Mrs. CHENOWETH. Mr. Speaker, the liberals tell us that we should trust our national security to a piece of paper: the ABM treaty. It is a treaty with a country that no longer exists.

The liberals are convinced that America will be safe with this piece of paper, but what will they say when a missile attack occurs when a rogue Nation or a group of dangerous terrorists threaten our Nation with a missile attack? Then what will they say? Will they continue to point to this piece of paper and say, but we have a treaty.

Mr. Speaker, Iran does not care that we signed a treaty. Saddam Hussein does not care that we signed a treaty. Osama bin Laden and all of his many sympathizers across the globe certainly do not care.

I ask the other side again, just what will you do when we discover to our peril that a piece of paper will not protect America from a ballistic missile attack?

Men of prudence, on the other hand, look to the construction of a national missile defense system to protect America from a ballistic missile attack. It is time to act now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

THOMAS COLE NATIONAL HISTORIC SITE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3109) to establish the Thomas Cole National Historic Site in the State of New York, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3109

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Thomas Cole National Historic Site Act''.

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

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term ''historic site'' means the Thomas Cole National Historic Site established by section 4 of this Act.

(2) The term ''Hudson River artists'' means artists who were associated with the Hudson River school of landscape painting.

(3) The term ''plan'' means the general management plan developed pursuant to section 6(d).

(4) The term ''Secretary'' means the Secretary of the Interior.

(5) The term ''Society'' means the Greene County Historical Society of Greene County, New York, which owns the Thomas Cole home, studio, and other property comprising the historic site.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Hudson River school of landscape painting was inspired by Thomas Cole and was characterized by a group of 19th century landscape artists who recorded and celebrated the landscape and wilderness of America, particularly in the Hudson River Valley region in the State of New York.

(2) Thomas Cole is recognized as America's most prominent landscape and allegorical painter of the mid-19th century.

(3) Located in Greene County, New York, the Thomas Cole House, also known as Thomas Cole's Cedar Grove, is listed on the National Register of Historic Places and has been designated as a National Historic Landmark.

(4) Within a 15 mile radius of the Thomas Cole House, an area that forms a key part of the rich cultural and natural heritage of the Hudson River Valley region, significant landscapes and scenes painted by Thomas Cole and other Hudson River artists, such as Frederic Church, survive intact.

(5) The State of New York has established the Hudson River Valley Greenway to promote the preservation, public use, and enjoyment of the natural and cultural resources of the Hudson River Valley region.

(6) Establishment of the Thomas Cole National Historic Site will provide opportunities for the illustration and interpretation of cultural themes of the heritage of the United States and unique opportunities for education, public use, and enjoyment.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve and interpret the home and studio of Thomas Cole for the benefit, inspiration, and education of the people of the United States;

(2) to help maintain the integrity of the setting in the Hudson River Valley region that inspired artistic expression;

(3) to coordinate the interpretive, preservation, and recreational efforts of Federal, State, and other entities in the Hudson Valley region in order to enhance opportunities for education, public use, and enjoyment; and

(4) to broaden understanding of the Hudson River Valley region and its role in American history and culture.

SEC. 4. ESTABLISHMENT OF THOMAS COLE NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—There is established, as an affiliated area of the National Park System, the Thomas Cole National Historic Site in the State of New York.

(b) DESCRIPTION.—The historic site shall consist of the home and studio of Thomas Cole, comprising approximately 3.4 acres, located at 218 Spring Street, in the village of Catskill, New York, as generally depicted on the boundary map numbered TCH/80002, and dated March 1992.

SEC. 5. RETENTION OF OWNERSHIP AND MANAGEMENT OF HISTORIC SITE BY GREENE COUNTY HISTORICAL SOCIETY.

The Greene County Historical Society of Greene County, New York, shall continue to own, manage, and operate the historic site.

SEC. 6. ADMINISTRATION OF HISTORIC SITE.

(a) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered by the Society in a manner consistent with this Act and all laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(b) COOPERATIVE AGREEMENTS.—

(1) ASSISTANCE TO SOCIETY.—The Secretary may enter into cooperative agreements with the Society to preserve the Thomas Cole House and other structures in the historic site and to assist with education programs and research and interpretation of the Thomas Cole House and associated landscapes.

(2) OTHER ASSISTANCE.—To further the purposes of this Act, the Secretary may enter into cooperative agreements with the State of New York, the Society, the Thomas Cole Foundation, and other public and private entities to facilitate public understanding and enjoyment of the lives and works of the Hudson River artists through the provision of assistance to develop, present, and fund art exhibits, resident artist programs, and other appropriate activities related to the preservation, interpretation, and use of the historic site.

(c) ARTIFACTS AND PROPERTY.—

(1) PERSONAL PROPERTY GENERALLY.—The Secretary may acquire personal property associated with, and appropriate for, the interpretation of the historic site.

(2) WORKS OF ART.—The Secretary may acquire works of art associated with Thomas Cole and other Hudson River artists for the purpose of display at the historic site.

(d) GENERAL MANAGEMENT PLAN.—Within two complete fiscal years after the date of the enactment of this Act, the Secretary shall develop a general management plan for the historic site with the cooperation of the Society. Upon the completion of the plan, the Secretary shall provide a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. The plan shall include recommendations for regional wayside exhibits, to be carried out through cooperative agreements with the State of New York and other public and private entitles. The plan shall be prepared in accordance with section 12(b) of Public Law 91–383 (16 U.S.C. 1a–1 et seq.; commonly known as the National Park System General Authorities Act).

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

□ 1215

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

Mr. Speaker, H.R. 3109 is a bill introduced by my long-time friend and colleague, the gentleman from New York (Mr. SOLOMON). Unfortunately for many of us here in the House, the gentleman from New York has decided to bring his distinguished and energetic representation in the House to a close this year. I truly regret his departure, but wish him well in the years to come. He will surely be missed here in Congress.

As for H.R. 3109, the gentleman from New York (Mr. SOLOMON) deserves credit for a bill that establishes, as an affiliated area of the National Park Service, the Thomas Cole National Historic Site in the State of New York. Thomas Cole is recognized as America's most prominent landscape artist who inspired the Hudson River School of landscape painting.

The Thomas Cole house where Cole lived while painting his masterpieces is currently listed on the National Register of Historic Places, and has been designated as a National Historic Landmark. The actual site will still be owned, managed, and operated by the Greene County Historical Society, who will enter into a cooperative agreement with the National Park Service relating to the preservation, interpretation, and use of this historic site.

Mr. Speaker, this is an important bill which creates an affiliated area of the Park Service and protects an important historical site so that the public could admire the life of, and the beautiful landscapes created by, Thomas Cole. I strongly urge my colleagues to support H.R. 3109, as amended.

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

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

Mr. Speaker, I rise in support of H.R. 3109. This measure, introduced by our colleague, the gentleman from New York (Mr. SOLOMON), establishes the Thomas Cole National Historical Site in the State of New York.

Thomas Cole was the founder of the American artistic movement known as the Hudson River school. His beautiful paintings are available for Americans who come to the mall to see some of the fine work of our American painters, and indeed, they are scattered in museums across this country.

Students and followers of the Hudson River school included such artists as Frederick Church, Alfred Bierstadt, and Thomas Moran. This school of painting, with its focus on natural landscapes, is closely associated with theconservation movement in this country. The Thomas Cole property, known as Cedar Grove, located in upper New York State, has been designated as a National Historic Landmark.

The National Park Service has completed a suitability and feasibility study of the property. The National Park Service testimony in our Committee on Resources on H.R. 3109 recommended affiliated status for the site with the current owner, the Greene County Historical Society, continuing to manage the site.

This bill, as reported by our Committee on Resources, reflects the affiliated status recommended by the National Park Service, and as reported, H.R. 3109 is noncontroversial, and I urge its passage.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. I thank the gentleman for yielding time to me, Mr. Speaker. I thank the gentleman from Texas (Mr. DOGGETT) for his remarks, also.

Mr. Speaker, I am pleased to come before the House today to speak for this bill, which I introduced, establishing the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park Service. As a representative of the Catskill Mountains as well as the Adirondack Mountains, I have been a strong supporter of a measure that would protect the Thomas Cole house since I came here 20 years ago.

As has been said, Thomas Cole was one of this country's preeminent landscape painters of the early 19th century. His work inspired several generations of artists, including Frederick Church—whose work I have brought with me today—and Thomas Moran, to chronicle the growth of a young United States and help to generate interest in our country's natural beauty.

I would invite all Members to come here and take a look at this later on. It is a reproduction of one of the most magnificent paintings that I have ever seen. It was viewed by Frederick Church from the east side of the Hudson River, just above West Point, where our military academy is, looking west over the Hudson River and into the Catskill Mountains. It is the sunset, and it looks exactly like a tattered American flag. It is truly magnificent, and I would invite all to come and take a look at it, as well as at the postcards

that illustrate some of the most magnificent painting we have ever seen of the Hudson River Valley.

With the broad landscape paintings that I have just talked about, Thomas Cole's students and followers dominated the visual arts in this country as have no painters before or since. Today their paintings provide insight and reflect the growth of a uniquely American spirit.

In passing this bill today, we will preserve this school of art, the residence that Thomas Cole worked from in creating many of his paintings, as well as the very landscapes which these artists painted, especially the beautiful Hudson River.

Again, I just want to thank the chairman, the gentleman from Alaska (Mr. DON YOUNG), and certainly the subcommittee chairman, the gentleman from Utah (Mr. JIM HANSEN), and all of their staffs on both sides of the aisle for bringing this bill out here in a timely manner. I really appreciate it, and so do the people that enjoy one of the most scenic beauties in the entire world, and that is the Hudson River Valley of New York.

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

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3109, as amended.

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

The title was amended so as to read: ''A bill to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3109, the bill just passed.

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

There was no objection.

MARION NATIONAL FISH HATCHERY AND CLAUDE HARRIS NATIONAL AQUACULTURAL RESEARCH CENTER CONVEYANCE ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1883) to direct the Secretary of the Interior to convey the Marion National Fish HATCHery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

The Clerk read as follows:

S. 1883

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marion National Fish Hatchery and Claude Harris National Aquacultural Research Center Conveyance Act''.

SEC. 2. CONVEYANCE OF MARION NATIONAL FISH HATCHERY AND CLAUDE HARRIS NATIONAL AQUACULTURAL RESEARCH CENTER TO THE STATE OF ALABAMA.

(a) CONVEYANCE REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall convey to the State of Alabama without reimbursement, and subject to the condition described in paragraph (2), all right, title, and interest of the United States in and to the properties described in subsection (b) for use by the Game and Fish Division of the Department of Conservation and Natural Resources of the State of Alabama (referred to in this section as the ''Game and Fish Division)'' as part of the fish culture program of the State of Alabama.

(2) LEASE OF CLAUDE HARRIS NATIONAL AQUACULTURAL RESEARCH CENTER.—As a condition of the conveyance under paragraph (1), the Game and Fish Division shall offer to lease the property described in subsection (b)(1)(B) to the Alabama Agriculture Experiment Station—

(A) at no cost to the Station or the Game and Fish Division; and

(B) for the period requested by the Station and provided by Alabama law.

(b) DESCRIPTION OF PROPERTIES.—The properties referred to in subsection (a)(1) consist of—

(1)(A) the portion of the Marion National Fish Hatchery leased to the Game and Fish Division, located 7 miles northeast of Marion, Alabama, on State Highway 175, as described in Amendment No. 2 to the Cooperative Agreement dated June 6, 1974, between the United States Fish and Wildlife Service and the Game and Fish Division, consisting of approximately 300 acres; and

(B) the Claude Harris National Aquacultural Research Center, located 7 miles northeast of Marion, Alabama, on State Highway 175, as described in a document of the United States Fish and Wildlife Service entitled ''EXHIBIT A'' and dated March 19, 1996, consisting of approximately 298 acres;

(2) all improvements and related personal property under the control of the Secretary of the Interior that are located on the properties described in paragraph (1), including buildings, structures, and equipment; and

(3) all easements, leases, and water and timber rights relating to the properties described in paragraph (1).

(c) REVERSIONARY INTEREST.—

(1) REQUIREMENT.—If any property conveyed to the State of Alabama under this section is used for any purpose other than the use authorized under subsection (a), all right, title, and interest in and to all property conveyed under this section shall revert to the United States.

(2) CONDITION OF PROPERTY ON REVERSION.—In the case of a reversion of property under paragraph (1), the State of Alabama shall ensure that all property reverting to the United States under this subsection is in substantially the same condition as, or in better condition than, at the time of conveyance under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

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

Mr. SAXTON. Mr. Speaker, I support S. 1883, a bill introduced by our colleagues from Alabama, Senators SHELBY and SESSIONS, to transfer the Marion National Fish HATCHery and the Claude Harris National Aquacultural Research Center to the State of Alabama.

This legislation, which would convey about 600 acres of Federal land, is virtually identical to a measure that the House of Representatives unanimously adopted in 1996.

The Alabama Fish and Game Division has effectively operated the Marion Fish Hatchery for over 24 years. During that time it has produced thousands of bluegills, channel fish, channel catfish, large-mouthed bass, striped bass, sunfish, and hybrid striped bass fingerlings. These fish are used to stock over 500,000 acres of public waters in the State of Alabama, and they are available to over 530,000 licensed sport anglers.

Furthermore, over $2 million has been spent on improvements and renovations to the Marion Fish Hatchery since the State assumed operation of the facility in 1974. By obtaining title to the hatchery, the State will be able to make additional necessary modifications for the future.

The Claude Harris National Aquacultural Research Center, which is adjacent to the hatchery, was established in 1959 to conduct much of the primary research on the channel catfish. Within the past 2 years the State has assumed, under a memorandum of agreement with the Department of the Interior, the operation of the research center, and its mission will be to continue to improve the efficiency of warm water aquaculture.

Under the terms of this legislation, the State of Alabama has agreed to use these two facilities exclusively for their fish culture program. S. 1883 is supported by the Clinton administration, Governor Fab James, and the Alabama Department of Conservation and Natural Resources.

Mr. Speaker, I urge everyone to vote for this bill, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of this legislation. This is the Senate companion to a House bill introduced by our colleague, the gentleman from Alabama (Mr. HILLIARD). It was considered in our Committee on Resources, and employs the standard legislative formula that we have used to transfer hatcheries in the past. In fact, it is almost identical to a bill that was passed

by the House in the last Congress, but it did not become law. It is without controversy, and I urge Members to support it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 1883.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1883, the Senate bill just passed.

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

There was no objection.

LAKE CHELAN NATIONAL RECREATION AREA

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1683) to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

The Clerk read as follows:

S. 1683

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

SECTION 1. BOUNDARY ADJUSTMENTS, LAKE CHELAN NATIONAL RECREATION AREA AND WENATCHEE NATIONAL FOREST, WASHINGTON.

(a) BOUNDARY ADJUSTMENTS.—

(1) LAKE CHELAN NATIONAL RECREATION AREA.—The boundary of the Lake Chelan National Recreation Area, established by section 202 of Public Law 90–544 (16 U.S.C. 90a–1), is hereby adjusted to exclude a parcel of land and waters consisting of approximately 88 acres, as depicted on the map entitled ''Proposed Management Units, North Cascades, Washington'', numbered NP–CAS–7002A, originally dated October 1967, and revised July 13, 1994.

(2) WENATCHEE NATIONAL FOREST.—The boundary of the Wenatchee National Forest is hereby adjusted to include the parcel of land and waters described in paragraph (1).

(3) AVAILABILITY OF MAP.—The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the superintendent of the Lake Chelan National Recreation Area and the Director of the National Park Service, Department of the Interior, and in the office of the Chief of the Forest Service, Department of Agriculture.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over Federal land and waters in the parcel covered by the boundary adjustments in subsection (a) is transferred from the Secretary of the Interior to the Secretary of Agriculture, and the transferred land and waters shall be managed by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Wenatchee National Forest, as adjusted by subsection (a), shall be considered to be the boundaries of the Wenatchee National Forest as of January 1, 1965.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho (Mrs. CHENOWETH) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH).

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

(Mrs. CHENOWETH asked and was given permission to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, S. 1683, introduced by Senator GORTON, was amended by the Senate and is now identical to House Resolution 3520, which was introduced by my colleague, the gentleman from Washington (Mr. DOC HASTINGS). I would like to commend the gentleman from Washington (Mr. HASTINGS) for his excellent work to complete this commonsense legislation.

The House passed H.R. 3520 on June 9 by voice vote under suspension of the rules, but because the Senate subsequently passed the Gorton bill, the gentleman from Washington (Mr. HASTINGS) has now asked us to approve Senate bill 1683 to expedite its enactment into law.

This legislation will provide relief to a private landowner whose property is within the boundaries of the Lake Chelan National Recreation Area, which is managed by the National Park Service and the Wenatchee National Forest. It will transfer lands from the Lake Chelan National Recreation Area to the Wenatchee National Forest to consolidate management of the Federal lands under one agency, and alleviate the natural confusion caused by working with dual jurisdictions.

I urge my colleagues to vote yes and fulfill a long-standing commitment made by the National Park Service to this private landowner, Mr. George Wall. I strongly support this measure. I applaud the gentleman from Washington (Mr. HASTINGS) for his hard work to ensure the passage of this bill.

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

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

Mr. Speaker, I rise in support of this legislation. It deals with one of the most beautiful areas in our country. My daughter Cathy has a large photo of this lake hanging in her room in our house in Texas as a memory of pleasant time spent at a church camp on the banks of this lake.

This particular piece of legislation is noncontroversial. It was considered in our Committee on Resources. It addresses, as the gentlewoman indicated, the boundaries of the lake. Currently a private landowner is subject to dual jurisdiction by the National Park Service and the U.S. Forest Service. This will resolve that. I appreciate our colleague, the gentleman from Washington (Mr. HASTINGS) for bringing this to the attention of the House.

Mr. HASTINGS of Washington. Mr. Speaker, I would like to begin by offering my thanks to the Chairman, Mrs. CHENOWETH, for her assistance with this legislation.

Mr. Speaker, I strongly support S. 1683, which adjusts the boundaries of the Lake Chelan National Recreation Area and the Wenatchee National Forest. This is a non-controversial measure that is supported by both the U.S. Forest Service and the National Park Service. Furthermore, S. 1683 is identical to my bill, H.R. 3520, that passed the House unanimously in June.

Mr. Speaker, this boundary adjustment legislation will consolidate the property of Mr. George Wall within the jurisdiction of the U.S. Forest Service. Because of a drafting error in the original legislation creating the Lake Chelan National Recreation Area in 1968, a portion of Mr. Wall's property was included in the Area despite assurances that his property would remain entirely within the Wenatchee National Forest. This error has resulted in needless confusion among these agencies and Mr. Wall regarding land use policy in the area.

In a May 1995 letter to Senator SLADE GORTON the Park Service wrote that this boundary adjustment would ''contribute to enhancement of public service as well as more efficient administration of federal lands.'' Not only will this legislation ease an administrative burden on the agencies involved, it will also honor a 30 year old commitment made to Mr. Wall by the federal government.

Mr. Speaker, Mr. Wall is now in poor health and his family has asked that we complete our consideration of this legislation as quickly as possible. Because this bill is identical to the legislation which passed the House by a voice vote on June 9, 1998, I ask my colleagues to support S. 1683 and avoid further delays in enacting this non-controversial measure.

Mr. DOGGETT. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho (Mrs. CHENOWETH) that the House suspend the rules and pass the Senate bill, S. 1683.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks and include extraneous matter on S.1683, the Senate bill just passed.

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

There was no objection.

□ 1230

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 1998

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R.4090) to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, as amended.

The Clerk read as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Public Safety Officer Medal of Valor Act of 1998''.

SEC. 2. AUTHORIZATION OF MEDAL.

The President may award, and present in the name of Congress, a Medal of Valor of appropriate design, with ribbons and appurtenances, to a public safety officer who is cited by the Attorney General, on the advice of the Medal of Valor Review Board, for extraordinary valor above and beyond the call of duty.

SEC. 3. BOARD.

(a) BOARD.—There is established a permanent Medal of Valor Review Board (hereinafter in this Act referred to as the ''Board''). The Board shall—

(1) be composed of 11 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with this Act.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The members of the Board shall be appointed as follows:

(A) 2 shall be appointed by the Speaker of the House of Representatives.

(B) 2 shall be appointed by the minority leader of the House of Representatives.

(C) 2 shall be appointed by the Majority Leader of the Senate.

(D) 2 shall be appointed by the Minority Leader of the Senate.

(E) 3 shall be appointed by the President, one of whom shall have substantial experience in firefighting, one of whom shall have substantial experience in law enforcement, and one of whom shall have substantial experience in emergency services.

(2) PERSONS ELIGIBLE.—The members of the Board shall be individuals who have knowledge or expertise, whether by experience or training, in the field of public safety.

(3) TERM.—The term of a Board member is 4 years.

(4) VACANCIES.—Any vacancy in the membership of the Board shall not affect the powers of the Board and shall be filled in the same manner as the original appointment.

(5) OPERATION OF THE BOARD.—

(A) MEETINGS.—The Board shall meet at the call of the Chairman and not less than twice each year. The initial meeting of the Board shall be conducted not later than 30 days after the appointment of the last member of the Board.

(B) QUORUM; VOTING; RULES.—A majority of the members of the Board shall constitute a quorum to conduct business, but the Board may establish a lesser quorum for conducting hearings scheduled by the Board. The Board may establish by majority vote any other rules for the conduct of the Board's business, if such rules are not inconsistent with this Act or other applicable law.

(c) DUTIES.—The Board shall select candidates as recipients of the Medal of Valor from among those applications received by the National Medal Office. Not more often than once each year, the Board shall present to the Attorney General the name or names of those it recommends as Medal of Valor recipients. In a given year, the Board is not required to choose any names, but is limited to a maximum number of 6 recipients. The Board shall set an annual timetable for fulfilling its duties under this Act.

(d) HEARINGS.—

(1) IN GENERAL.—The Board may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Board considers advisable to carry out its duties.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Board.

(e) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out its duties. Upon the request of the Board, the head of such department or agency may furnish such information to the Board.

(f) INFORMATION TO BE KEPT CONFIDENTIAL.—The Board shall not disclose any information which may compromise an ongoing law enforcement investigation or is otherwise required by law to be kept confidential.

SEC. 4. BOARD PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—(1) Except as provided in paragraph (2), each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) All members of the Board who serve as officers or employees of the United States, a State, or a local government, shall serve without compensation in addition to that received for those services.

(b) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

SEC. 5. DEFINITIONS.

For the purposes of this Act:

(1) PUBLIC SAFETY OFFICER.—The term ''Public Safety Officer'' has the same meaning given that term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968.

(2) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this Act.

SEC. 7. OFFICE.

There is established within the Department of Justice a national medal office. The office shall staff the Medal of Valor Review Board and establish criteria and procedures for the submission of recommendations of nominees for the Medal of Valor.

SEC. 8. CONFORMING REPEAL.

Section 15 of the Federal Fire Prevention and Control Act of 1974 is repealed.

SEC. 9. CONSULTATION REQUIREMENT.

The Attorney General shall consult with the Institute of Heraldry within the Department of Defense regarding the design and artistry of the Medal of Valor. The Attorney General shall also consider suggestions received by the Department of Justice regarding the design of the medal, including those made by persons not employed by the Department.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, last month we honored two men whose sacrifices right here in the Capitol were both shocking and supreme. Our two heroic Capitol Hill police officers, Detective John Gibson and Officer Jacob Chestnut, could never have imagined that tragic Friday morning that a violent gunman would take away their lives and destroy their families' dreams.

The terrible truth is that each and every day a police officer dons that familiar blue uniform could be that officer's last day. In our hearts we all know this, and yet we allow ourselves to be lulled into complacency and to forget. But the spouses and children of a police officer can never forget. They must live with the daily fear of the sudden and painful disintegration of their family.

When those greatest fears are realized and an officer is slain, we rightly honor him or her for that final sacrifice. Every year, we set aside one week to celebrate the lives and work of police officers slain, and we forever pay tribute to their memories by adding their name to the memorial wall.

But is that enough? I believe that we can and should do more. In the military, we recognize many acts of heroism and valor with special medals and ribbons. As we are all aware, the Nation's highest combat medal, the Medal of Honor, is given to a member of the military who has demonstrated ''conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty.''

The American public knows of this prestigious honor and of the many others bestowed by the military, for example the Purple Heart and the Silver Star. Yet we do not offer a similarly high honor to public safety officers.

Mr. Speaker, today I bring before the House H.R. 4090, the ''Public Safety Officer Medal of Valor Act.'' It is long past due for the Federal Government to

pay tribute to acts of extraordinary valor committed by public safety officers. They gave their utmost and now so should their government in honoring them.

H.R. 4090 will establish a medal given by the President in the name of the Congress to a public safety officer who is cited by the Attorney General for extraordinary valor above and beyond the call of duty. The legislation creates a Medal of Valor review board composed of 11 members appointed by Congress and the President who will serve 4-year terms. The members of the board shall be persons with knowledge or expertise in the field of public safety. The board will be staffed by a new office within the Department of Justice called the National Medal Office. The board would be charged with reviewing the applications which the office receives each year, to select which names to present to the Attorney General as nominees for the Medal of Valor. They may conduct hearings and take testimony as necessary.

In a given year, the board may choose not to select any names, but it is limited to no more than six per year. This way the medal is truly for extraordinary valor above and beyond the call of duty. I believe that limiting the number of medals given each year will help retain the high honor which I envision the award to represent.

Mr. Speaker, White House supports passage of this long overdue legislation. And also I would like to thank the Fraternal Order of Police, the National Association of Police Organizations, the National Troopers Coalition, the National Law Enforcement Alliance of America, and the Federal Law Enforcement Officers Association for their support.

Mr. Speaker, we all look forward to that momentous day when not one new name is added to the Law Enforcement Officers Memorial Wall. While we continue to nurture that hope, we will let this medal represent our gratitude and respect to heroic law enforcement officers all across this Nation. I urge my colleagues to pass H.R. 4090.

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

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

Mr. Speaker, I am very pleased on behalf of the minority to give my strong support to this legislation. The gentleman from Arkansas (Mr. HUTCHINSON), who is one of the sponsors, very eloquently outlined what the bill does.

We have been the beneficiaries in recent years in particular of the excellent work done by law enforcement people. There is no greater responsibility for government than the protection of its citizens. Until fairly recently, there were serious gaps in our ability to provide that protection in many parts of this country. We still are not where we should be. But across this country there has been significant improvements in this government and State and local government's ability to protect its citizens against those who would prey on them. And, obviously, one of those entities most responsible for this are law enforcement officers.

We have ended a sterile debate, I hope, as to whether we needed more law enforcement officers or better procedures. Obviously, the answer is both. And to a great extent we have had both. I do want to note that providing well-trained, well-equipped law enforcement officers in adequate numbers is a function of government. It is supported by taxes. It is one of those things which, if we are going to do it well we will have to have a government that has the resources to provide it, because this is not something that we can do in our own individual capacities.

As part of that effort, it is entirely appropriate that we single out for a medal of this sort individual officers who from time to time show extraordinary valor. We should be very clear, there are no nonvalorous people in law enforcement. One does not strap on a weapon and put themselves out front as a target for the criminal element; one does not insert themselves as a shield between law-abiding citizens and their property and those who would viciously take advantage of it if they are not a person of valor.

We saw that in the murder of those two brave officers here in the Capitol that my colleague alluded to. The first one noted, Officer Chestnut, was at his post and he was unfortunately the target. Because we say to law enforcement officials, ''Arm yourself and put yourself out there,'' and sadly we have no alternative to this, the vicious will get the first shot. So we do not mean to suggest by this that we are singling out those who are brave and not others. There is an inherent bravery in anyone who undertakes that job of being a law enforcement officer. And that is why it is appropriate that we talk here about extraordinary demonstrations of bravery.

So as a way of honoring all those in law enforcement who literally put their lives at risk every single day to protect the rest of us, as we were so tragically reminded here, and to recognize as a mark of the gratitude of a generous society those extraordinary efforts, this is an entirely reasonable piece of legislation and I support it.

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

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. FRANK) for his excellent words in support of this legislation, and I wholeheartedly agree with his comments.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4090, as amended.

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

A motion to reconsider was laid on the table.

THOMAS ALVA EDISON COMMEMORATIVE COIN ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 678) to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison, to redesign the half dollar circulating coin for 1997 to commemorate Thomas Edison, and for other purposes, as amended.

The Clerk read as follows:

H.R. 678

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Thomas Alva Edison Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Thomas Alva Edison, one of America's greatest inventors, was born on February 11, 1847, in Milan, Ohio.

(2) The inexhaustible energy and genius of Thomas A. Edison produced more than 1,300 inventions in his lifetime, including the incandescent light bulb and the phonograph.

(3) In 1928, Thomas A. Edison received the Congressional gold medal ''for development and application of inventions that have revolutionized civilization in the last century''.

(4) 2004 will mark the 125th anniversary of the invention of the light bulb by Thomas A. Edison in 1879, the 1st practical incandescent electric lamp.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATION.—In commemoration of the 125th anniversary of the invention of the light bulb by Thomas A. Edison, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 500,000 $1 coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. SOURCES OF BULLION.

The Secretary may obtain silver for minting coins under this Act from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the light bulb and the many inventions made by Thomas A. Edison throughout his prolific life.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin; and

(B) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(3) OBVERSE OF COIN.—The obverse of each coin minted under this Act shall bear the likeness of Thomas A. Edison.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 6. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning on January 1, 2004.

(c) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after December 31, 2004.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, the first $5,000,000 of the surcharges received by the Secretary from the sale of coins issued under this Act shall be paid by the Secretary as follows:

(1) MUSEUM OF ARTS AND HISTORY.—Up to ⅛ to the Museum of Arts and History, in the city of Port Huron, Michigan, for the endowment and construction of a special museum on the life of Thomas A. Edison in Port Huron.

(2) EDISON BIRTHPLACE ASSOCIATION.—Up to ⅛ to the Edison Birthplace Association, Incorporated, in Milan, Ohio, to assist in the efforts of the association to raise an endowment as a permanent source of support for the repair and maintenance of the Thomas A. Edison birthplace, a national historic landmark.

(3) NATIONAL PARK SERVICE.—Up to ⅛ to the National Park Service, for use in protecting, restoring, and cataloguing historic documents and objects at the ''invention factory'' of Thomas A. Edison in West Orange, New Jersey.

(4) EDISON PLAZA MUSEUM.—Up to ⅛ to the Edison Plaza Museum in Beaumont, Texas, for expanding educational programs on Thomas A. Edison and for the repair and maintenance of the museum.

(5) EDISON WINTER HOME AND MUSEUM.—Up to ⅛ to the Edison Winter Home and Museum in Fort Myers, Florida, for historic preservation, restoration, and maintenance of the historic home and chemical laboratory of Thomas A. Edison.

(6) EDISON INSTITUTE.—Up to ⅛ to the Edison Institute, otherwise known as ''Greenfield Village'', in Dearborn, Michigan, for use in maintaining and expanding displays and educational programs associated with Thomas A. Edison.

(7) EDISON MEMORIAL TOWER.—Up to ⅛ to the Edison Memorial Tower in Edison, New Jersey, for the preservation, restoration, and expansion of the tower and museum.

(8) HALL OF ELECTRICAL HISTORY.—Up to ⅛ to the Schenectady Museum Association in Schenectady, New York, for the historic preservation of materials of Thomas A. Edison and for the development of educational programs associated with Thomas A. Edison.

(c) AUDITS.—Each organization that receives any payment from the Secretary under this section shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Minnesota (Mr. VENTO) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

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

Mr. Speaker, I rise in support of H.R. 678, the Thomas Alva Edison Commemorative Coin Act of 1998. This bill commemorates the life work of the man Life Magazine selected as the single most important individual of this millennium. An American citizen whose more than 1,300 inventions have shaped our daily life and will underpin the technology of the next 1,000 years. Mr. Speaker, I have the issue of Life Magazine that so designated him.

This bill conforms in all respects to the coin reform legislation that we have passed in this Congress and the last.

Mr. Speaker, the gentleman from Ohio (Mr. GILLMOR), along with his colleagues, have persevered and obtained the necessary cosponsors.

This commemorative coin has already been approved by the Citizens Commemorative Coin Advisory Committee. It also meets other strictures of those reforms including mintage limits and retention of surcharge payments until all the government's costs are recovered from the program.

Mr. Speaker, the manager's amendment simply updates earlier legislative language that envisioned a 1997 anniversary and now instead commemorates the 125th anniversary of the invention of the electric light bulb which will take place in 2004.

Mr. Speaker, I urge the immediate adoption of H.R. 678, as amended.

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

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

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

Mr. Speaker, I rise in support of this legislation. The Committee on Banking and Financial Services is asked to authorize commemorative coins to support popular public causes. The sale of commemorative coins have helped finance the Olympics, repair Mount Rushmore and refurbish the Botanical Gardens.

In today's bill, we are asked to help preserve the historic legacy of Thomas Edison, one of our Nation's most brilliant and intriguing inventors. Born in Ohio, Edison was the youngest of seven children. Primarily schooled at home, Edison in his lifetime would eventually be credited with more than 1,300 inventions. The incandescent light bulb, the phonograph, and the motion picture camera are just a few of his well-known inventions, and often manufactured in firms founded and managed by the colorful and talented Edison.

Mr. Speaker, Thomas Edison's work has already been recognized by Congress through the award of a Congressional Gold Medal. The purpose of this measure is to preserve the Edison legacy for generations of future Americans. Surcharges on the sale of the commemorative coins will be used to support museums and maintain historic sites in six different States. Each will highlight the spirit and genius of Thomas Edison.

Those who support this bill hope all Americans, young and old alike, will be inspired by the accomplishments of Thomas Edison and will continue the American fascination with the spirit of invention.

Mr. Speaker, I note that part of the dollars here go to the Park Service for help with the archives and other type of work, the indexing and preservation of many of the documents and papers that are important to our cultural history. I think that is especially noteworthy.

I note that many of the other sites are in need of funding and this permits us to provide an opportunity for those supportive of the Edison legacy to actually buy the coins, purchase them in some cases. Some of the dollars then would be voluntarily provided in this way, rather than going through direct tax dollars. Of course, some will be purchased by coin collectors. There will be half a million coins as I understand, the coins put out for this purpose. So I hope that the sale is vigorous and the dollars used in this attain the objectives of the sponsor.

I commend the gentleman from Ohio (Mr. GILLMOR) for his persistence in this, along with the other sponsors in Ohio and Michigan, the sites that host the work of this American genius, an American icon, Thomas Edison.

Mr. Speaker, I rise in support of H.R. 678, the Thomas Alva Commemorative Coin Act.

In every Congress, the Banking Committee is asked to authorize commemorative coins to support popular public causes. The sale of commemorative coins have helped finance the Olympics, repair Mount Rushmore and refurbish the Botanical Gardens.

In today's bill, we are asked to help preserve the historic legacy of Tom Edison, one of our nation's most brilliant and intriguing inventors. Born in Ohio in 1847, Edison was the youngest of seven children. Primarily schooled at home, Tom Edison in his lifetime would eventually be credited with more than 1300 inventions. The incandescent light bulb, the phonograph and the moving picture camera are just a few of his well know inventions, often manufactured in firms founded and managed by the colorful and talented Edison.

Tom Edison's work has already been recognized by the Congress through the award of a Congressional Gold Medal. The purpose of H.R. 678 is to preserve the Edison legacy for generations of future Americans. Surcharges on the sale of the commemorative coins will be used to support museums and maintain historical sites in six different states. Each will highlight the spirit and genius of Thomas Edison. Those who support this bill sincerely hope all Americans, young and old alike, will be inspired by the accomplishments of Thomas Edison and will continue the American fascination with the spirit of invention.

Again, Mr. Speaker, I intend to support H.R. 678 and I urge my colleague to join with me to honor the life and work of Thomas Edison.

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

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Mr. Speaker, I thank the distinguished gentleman from Delaware (Mr. CASTLE), chairman of the Subcommittee on Domestic and International Monetary Policy, for yielding me this time.

Mr. Speaker, when I introduced this bill on February 11, 1997, that was Thomas Edison's 150th birthday, and I had no idea what a monumental task getting a coin bill to the floor is.

□ 1245

Obtaining 290 cosponsors is no small task. I particularly want to thank some of those original cosponsors, the gentleman from New York (Mr. SOLOMON), the gentleman from Michigan (Mr. BONIOR), the gentleman from New Jersey (Mr. PAYNE), the gentleman from Florida (Mr. GOSS), and others for their exceptional efforts in making this bill possible.

The coin to be issued is to honor the world's greatest inventor, Thomas Edison. The effort it took to get it minted reminds me of one of his most famous sayings, ''Genius is 1 percent inspiration and 99 perspiration.''

To reawaken America to the history of this national hero, this bill commemorates the 125th anniversary of the light bulb. The Treasury is authorized to issue a $1 commemorative coin in 2004 bearing Edison's likeness. The surcharges from the sale of the coins will be used to help fund eight different Edison locations across the country dedicated to preserving Edison's legacy. The bill has no net cost to the Federal Government.

Edison was born in my district, and, last year, the Edison Birthplace Museum in Milan, Ohio, was so strapped for funds that it had to ask local officials for help with the electric bill. Other Edison sites across the country are faced with similar financial difficulties.

Edison was the most prolific inventor in American history with more than 1,300 patents. In addition to the light bulb, those inventions include the stock ticker, the electronic vote recorder, the phonograph, and many others.

This coin bill will be a suitable memorial to Thomas Edison and will provide needed help to many historical sites across America, and I urge its passage.

Mr. VENTO. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce.

Mr. DINGELL. Mr. Chairman, I thank my good friend, the gentleman from Minnesota (Mr. VENTO), for his kindness in yielding to me at this particular time.

I strongly support this legislation which I am the original author. As pointed out, Thomas Edison invented more than 1,300 wondrous devices. It changed the way we not only viewed the world, but how we lived. He truly represents an extraordinary creative spirit of the kind which made this Nation great. It is not only fitting that we honor him, but we do so here with a commemorative coin.

The revenue from the sales of this coin will be used to continue his legacy by funding a number of important programs such as the Edison Institute at Greenfield Village.

I want to express my thanks to my colleague, the gentleman from Minnesota (Mr. VENTO); also the gentleman from Ohio (Mr. GILLMOR), the minority whip, the gentleman from Michigan (Mr. BONIOR), the gentleman from Florida (Mr. GOSS), the gentleman from Delaware (Mr. CASTLE), and the gentlewoman from California (Ms. WATERS) for their fine work in this matter.

Mr. Speaker, I urge the adoption of this legislation.

Mr. CASTLE. Mr. Speaker, I yield whatever time he may consume to the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

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

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Delaware for yielding to me, and I will not take much time.

I certainly thank the gentleman from Ohio (Mr. GILLMOR) for bringing this very important piece of legislation to the floor. The gentleman from Ohio (Mr. GILLMOR) was good enough to include as one of the eight sites across the country dedicated to preserving the legacy of Thomas Edison the Hall of Electrical History in Schenectady, New York.

The Schenectady Hall of Electrical History, established in 1979 by the GE Elfun Society, is charged with the task of salvaging and preserving and sharing the wealth of historic information associated with the Edison era and the early years of this country's electrical age.

This museum in upstate New York provides public access, especially to young students, to artifacts, displays, and other educational exhibits directly connected to the discoveries and inventions of Edison. Their collection includes some 30,000 artifacts of which some 45 to 50 are Edison artifacts.

I commend the gentleman from Ohio for bringing this legislation to the floor. I might also say we want to expedite it over in the other body. I will be contacting Senator D'AMATO to see if we cannot go through a procedure of holding it at the desk so it does not have to go through a committee over there.

Let us pass it. I salute the gentleman.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to my friend and colleague, the gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding to me, and I thank my friend, the gentleman from Minnesota, for his support, and I thank the Speaker for his leadership on this.

The gentleman from Ohio (Mr. GILLMOR) has been most helpful, as has been the gentleman from Delaware (Mr. CASTLE) and the gentleman from Florida (Mr. GOSS), and others, and my dear friend the gentleman from Michigan (Mr. DINGELL).

Most of us have heard Thomas Edison's old adage, ''Genius is 1 percent inspiration and 99 percent perspiration,'' but we sometimes forget that those words are more than just a clever quip. At their core, they really capture the American entrepreneurial spirit: the freedom to pursue your own ideas, to satisfy your curiosity, to create something of value, to work as hard as you can to turn your dreams into reality.

Today we have the opportunity to recognize this spirit through a special silver dollar commemorating Thomas Edison and the 125th anniversary of the invention of the light bulb.

Thomas Edison did not just invent the light bulb, the phonograph, the motion picture. Yes, all of these inventions are important. In their modern form, they still affect our lives today, long after his death.

But more than that, more than being an inventor, Thomas Edison is an inspiration, an inspiration to every person who has ever had a good idea and showed the determination to make it a reality, no matter how many tries that it takes.

It took Edison hundreds of tries to get the light bulb to work, literally hundreds. The problem was finding the right filament. He tried platinum. He even tried horsehair. He tried rare fibers from the South American jungles. Do you know what the solution turned out to be? A special type of burnt cardboard. Who would have guessed?

Edison's spirit of ingenuity, of creativity, of sheer determination is what we recognize with the minting of this coin.

Seventy years ago, this House honored Edison with the Congressional Gold Medal. Today, through the Thomas Alva Edison Commemorative Coin Act, we can honor his great invention and lasting legacy.

I have a special, personal interest in honoring Edison because he grew up in my district, in Port Huron, Michigan. He got his start there. He was raised there from the age of, I believe, 6 to 16. He sold newspapers and candy on a train between Port Huron and Detroit, conducting experiments in baggage cars between the different stations that they pulled into.

Port Huron is proud of its most famous citizen, as are other communities where he later lived and worked.

I would like to take a moment to thank the people at the Port Huron

Museum of Arts and History, who have been very active in Edison scholarship and in exploring and preserving his legacy.

Let me also add that minting this commemorative silver dollar will not cost taxpayers one dime, and that the revenue generated from the sales will help fund eight important Edison-related historic sites around the country, including Ohio, Texas, New Jersey, New York, and Michigan.

These sites include both museums and laboratories, just the type of educational venues in which to inspire children to become inventors and entrepreneurs themselves.

So please join me and my esteemed colleague, the gentleman from Ohio (Mr. GILLMOR), in this endeavor to honor the world's greatest inventor, Thomas Alva Edison. This project would not have been possible without the leadership of the gentleman from Ohio (Mr. GILLMOR), and I am grateful for all that he has done to make it happen.

Please join us in supporting this project. Through this commemorative coin, we celebrate Edison's contributions to the world and promote the ideals he embodied, creativity, hard work, determination, and an abiding faith in our ability to create a better future.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE), the sponsor of this measure and my friend and colleague.

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

Mr. PAYNE. Mr. Speaker, I am privileged to have within my Congressional District one of the most important national historical sites in the Nation, the complex of laboratories in West Orange, New Jersey, where Thomas Edison produced the inventions that changed the world: the light bulb, the phonograph, the motion picture camera, and the alkaline battery, among others. In fact, he obtained over 1,000 patents in his lifetime. The prolific American genius left behind 400,000 artifacts and more than 5 million pages of notes, drawings, letters, and memos.

Let me note that another prominent African-American inventor, Lewis Latimer, contributed to the development of electric lighting and was a member of the Edison Pioneers who supported Thomas Edison's work. Also, in a photo, a rare photo, there is a picture of about 30 visitors to the Edison grounds, one of them being Frederick Douglass, an outstanding African-American in the history of this country. So the Edison movement had many people involved.

Unfortunately, about 5 years ago, the magnificent Thomas Edison National Historic Site was added to the list of ''America's Most Endangered Historic Places.'' A lack of funding had led to serious deterioration in the physical condition of the site, threatening the priceless treasures of history that are stored at the very place where Thomas Edison worked on his monumental inventions.

I am grateful that the following year my colleagues in Congress approved my request for over $1 million to help repair and preserve the Edison labs in West Orange. But estimates to complete the rest of the work are up to as much as $60 million.

Earlier this summer, the First Lady, Ms. Hillary Rodham Clinton, visited the site and announced a contribution by GE Corporation to help with the restoration. But it is essential that we find other avenues for raising funds to save this remarkable piece of history.

The bill we are considering today will authorize the minting of 500,000 $1 commemorative coins to mark the 125th anniversary of the invention of the light bulb.

The proceeds from the coin sales will be distributed equally to the eight sites around the country involved in the preservation of THOMAS Edison's legacy.

Let me commend my good friend and colleague, the gentleman from Ohio (Mr. GILLMOR), for his tireless work on this legislation. It has been a pleasure working with him, as well as with the gentleman from Michigan (Mr. BONIOR), on this project which is so important to all of us who have Edison sites in our districts and who have the responsibility of preserving these sites for future generations.

I urge my colleagues to approve this legislation so that we may preserve the legacy of a man who forever changed our Nation and the world.

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

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

Mr. Speaker, I would encourage support for this. We are going to ask for the yeas and nays on this particular piece of legislation. We have had a number of speakers. I would point out that eight different sites that somehow Thomas Edison touched on will share in the proceeds of this.

I will also say that sometimes we do these coin bills, where there are 290 sponsors, and I am worried they will not do particularly well, and the institutions that may benefit from it will not necessarily benefit as much as they might have perceived that they would. But I am convinced that this one will.

Again, we thank the gentleman from Ohio (Mr. GILLMOR) for his perseverance. As he has already indicated, it is not easy to get 290 cosponsors for anything in this body. I think Thomas Edison has been able to bring people together today.

Mr. PALLONE. Mr. Speaker, I rise in strong support of the Thomas Alva Edison Sesquicentennial Commemorative Coin Act. Although it was last year that marked the sesquicentennial of Edison's birth, it is never too late to commemorate the vast creativity, scientific discovery, and technological achievement of this great American inventor and industrialist.

Edison has impacted all of our lives with the invention of the photograph and over a thousand other patented devices, not to mention the prototype for the modern industrial research laboratory. As Members of Congress, Edison's very first patented invention may have been the most influential. Many of you may not know that the first patent that Edison ever received was for an electric vote recorder, which he invented in 1869 at the ripe old age of 22.

I am proud to represent the town of Edison, New Jersey, home of Edison's Menlo Park lab where Edison spent the peak of his creative life—including the invention of the phonograph in 1877. The Edison Tower now commemorates the site of the Menlo Park lab, where Edison created some of the most revolutionary inventions in history. The tower also stands as a key symbol of local pride for the community and the people of Edison Township.

Unfortunately, the Edison Tower has been forced to close due to structural deterioration. With the passage of the Thomas Alva Edison Sesquicentennial Commemorative Coin Act, the Edison Tower and six other Edison-related historic sites across the country would benefit from much needed funding. Proceeds from the sale of an Edison commemorative coin would be used in combination with state and local contributions to restore the Edison Tower and ensure that the adjacent Tower Museum remains open to the public.

I would like to thank my colleague, Congressman GILLMOR, for his leadership on this issue and for introducing this important legislation. And I urge all of my colleagues to vote to commemorate the unrivaled accomplishments of a great inventor and a great American, Thomas Alva Edison.

Mr. GOSS. Mr. Speaker, first, I would like to commend Chairman CASTLE and Representative GILLMOR for their leadership—we simply would not be here today without them.

As we all know, Thomas Edison's inventions have revolutionized our every day lives. Today we have the opportunity to recognize one of the most important of these inventions, the light bulb, with a commemorative coin.

The 500,000 coins that would be minted under this legislation would bear Edison's likeness and could be used as legal tender, serving to remind all American citizens of the valuable contributions that Edison made to modern society.

Further, the proceeds from the sale of these coins would provide much needed financial support to a number of historical institutions that preserve the history of Thomas Edison.

My home district of southwest Florida is the site of the Thomas Edison winter home and museum. This remarkable exhibit includes tropical gardens and thousands of fascinating items from his long and illustrious career. However, this national treasure is in dire need of some long overdue repairs. The proceeds from this coin could help defray the costs of restoring the Edison home and other important Edison landmarks throughout our nation.

This bill is an opportunity to help preserve a valuable piece of American history at no cost to the American taxpayers. I urge its adoption.

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House

suspend the rules and pass the bill H.R. 678, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. CASTLE. 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. 678.

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

There was no objection.

LEWIS AND CLARK EXPEDITION BICENTENNIAL COMMEMORATIVE COIN ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1560) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1560

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lewis and Clark Expedition Bicentennial Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The expedition commanded by Meriwether Lewis and William Clark, which came to be called ''The Corps of Discovery'', was one of the most remarkable and productive scientific and military exploring expeditions in all American history.

(2) President Thomas Jefferson gave Lewis and Clark the mission to ''explore the Missouri River & such principal stream of it, as, by its course and communication with the waters of the Pacific Ocean, whether the Columbia, Oregon, Colorado, or any other river may offer the most direct and practical water communication across this continent for the purposes of commerce''.

(3) The Expedition, in response to President Jefferson's directive, greatly advanced our geographical knowledge of the continent and prepared the way for the extension of the American fur trade with American Indian tribes throughout the land.

(4) President Jefferson directed the explorers to take note of and carefully record the natural resources of the newly acquired territory known as Louisiana, as well as diligently report on the native inhabitants of the land.

(5) The Expedition departed St. Louis, Missouri, on May 14, 1804.

(6) The Expedition held its first meeting with American Indians at Council Bluff near present-day Fort Calhoun, Nebraska, in August 1804, spent its first winter at Fort Mandan, North Dakota, crossed the Rocky Mountains by the mouth of the Columbia River in mid-November of that year, and wintered at Fort Clatsop, near the present-day city of Astoria, Oregon.

(7) The Expedition returned to St. Louis, Missouri, on September 23, 1806, after a 28-month journey covering 8,000 miles during which it traversed 11 future States: Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington, and Oregon.

(8) Accounts from the journals of Lewis and Clark and the detailed maps that were prepared by the Expedition enhance knowledge of the western continent and routes for commerce.

(9) The Expedition significantly enhanced amicable relationships between the United States and the autonomous American Indian nations, and the friendship and respect fostered between American Indian tribes and the Expedition represents the best of diplomacy and relationships between divergent nations and cultures.

(10) The Lewis and Clark Expedition has been called the most perfect expedition of its kind in the history of the world and paved the way for the United States to become a great world power.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the bicentennial of the Lewis and Clark expedition, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue—

(1) not more than 200,000 $1 coins, each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper; and

(2) not more than 200,000 half dollar coins, each of which shall—

(A) weigh 12.50 grams;

(B) have a diameter of 1.205 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 4. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this title only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this title shall be emblematic of the expedition of Lewis and Clark.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this title there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the years ''1804–1806''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(3) OBVERSE OF COIN.—The obverse of each coin minted under this title shall bear the likeness of Thomas Jefferson, Meriwether Lewis and William Clark.

(4) GENERAL DESIGN.—In designing this coin, the Secretary shall also consider incorporating appropriate elements from the Jefferson Peace and Friendship Medal which Lewis and Clark presented to the Chiefs of the various Indian tribes they encountered and shall consider recognizing Native American culture.

(b) SELECTION.—The design for the coins minted under this title shall be selected by the Secretary after consultation with the Commission of Fine Arts and shall be reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 6. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this title shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this title.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this title beginning on January 1, 2003.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this title after December 31, 2003.

SEC. 7. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this title shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this title at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this title shall include a surcharge of—

(1) $10 per coin for the $1 coin; and

(2) $7 per coin for the half dollar coin.

SEC. 8. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

SEC. 9. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Subject to section 5134(f) of title 31, United States Code, the proceeds from the surcharges received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary as follows:

(1) NATIONAL LEWIS AND CLARK BICENTENNIAL COUNCIL.—⅔ to the National Lewis and Clark Bicentennial Council, for activities associated with commemorating the bicentennial of the Expedition.

(2) NATIONAL PARK SERVICE.—⅓ to the National Park Service for activities associated with commemorating the bicentennial of the Lewis and Clark Expedition.

(b) AUDITS.—Each organization that receives any payment from the Secretary under this section shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

SEC. 10. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the

Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Minnesota (Mr. VENTO) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

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

Mr. Speaker, I rise in support of H.R. 1560, the Lewis and Clark Commemorative Coin Act of 1998. This bill directs the minting of coins to commemorate the bicentennial of the incredible expedition conducted by the Corps of Discovery.

The Corps was commissioned by President Thomas Jefferson and led by Meriwether Lewis and William Clark. This expedition confirmed the extent of the Louisiana Purchase and pushed our national boundary from the Mississippi to the Pacific Ocean. It was an heroic and exhausting adventure. The gentleman from Nebraska (Mr. BEREUTER) has invested considerable energy of his own in obtaining the requisite cosponsors.

□ 1300

This bill also conforms in all respects to current coin reform legislation. It has already been approved by the Citizens Commemorative Coin Advisory Committee. It also meets other strictures of those reforms, including mintage limits and retention of surcharge payments until all of the government's costs are recovered from the program.

The amendment makes explicit the minting of the coin in the year 2003, the first year of the bicentennial celebration. I urge the adoption of H.R. 1560.

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

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

Mr. Speaker, I am pleased to rise in support of this measure, which has been spearheaded by our friend and the gentleman from Nebraska (Mr. BEREUTER), and to be a cosponsor on this measure. I know they worked hard in achieving the sponsorship and crafting the policy path this measure sets.

The idea, of course, is recognized, and of import the 200-year bicentennial of the Lewis and Clark expedition, an expedition that, indeed, made graphic the immence importance of the Louisiana Purchase by the United States, led by then, President Thomas Jefferson.

This was an important journey of over 8,000 miles and, of course, the map-making and the documentation of these areas through Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington and Oregon, obviously provided us with the knowledge, and an appreciation for the vastness of this purchase as well as the tremendous resources and the native population within these areas and the different topographies that would for many years be trodden by Americans on the journey of Western expansion.

The Lewis and Clark Expedition Bicentennial Coin Act, of course, celebrates this discovery and the exploits of these two individuals. Part of the dollars will go to the Lewis and Clark Bicentennial Council and part to the National Park Service as they prepare for the celebration. So we will be able to celebrate based on the enthusiasm of those that are interested in Lewis and Clark and their accomplishments, as well as, of course, coin collectors resources that will fund this Lewis and Clark Bicentennial celebration.

The expedition commanded by Meriwhether Lewis and William Clark was one of the most remarkable and productive scientific and military expeditions in American history.

At the direction of President Thomas Jefferson, Meriwhether Lewis and William Clark led a band of some 40 soldiers and civilians up the Missouri River, across the Rocky Mountains, and down the Columbia River to the Pacific Ocean. From 1804 to 1806, Lewis and Clark covered 8,000 miles and crossed 11 future states, including Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington, and Oregon.

Thanks to the pioneering spirit of Lewis and Clark, new maps were made of a vast territory, scores of previously unknown species of plants and animals were collected and studied, and with this new glimpse of previously unchartered territory, Americans were first inspired to push the American frontier to the Pacific Ocean.

The Lewis and Clark Expedition Bicentennial Commemorative Coin Act celebrates this historic, geographical and scientific exploration of the United States. Proceeds from the sale of these commemorative coins will benefit the Lewis and Clark Bicentennial Council and the National Park Service as they prepare for the bicentennial celebration of the Lewis and Clark expedition. This commemorative coin will be produced and sold at no cost to the American taxpayer.

This will be timely insofar as the 200-year anniversary, and I commend my colleagues that have brought this bill forward and ask Members to support it.

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

Mr. CASTLE. Mr. Speaker, I yield whatever time he may consume to the gentleman from Nebraska (Mr. BEREUTER), who has worked so very, very hard on this legislation obtaining the necessary cosponsors and is truly an expert on it.

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

Mr. BEREUTER. Mr. Speaker, I thank my colleague, the chairman of the subcommittee, for yielding me this time. I rise today to request the passage of H.R. 1560, the legislation introduced by this Member which authorizes the U.S. Department of the Treasury to mint 200,000 one-dollar coins and 200,000 half-dollar coins to commemorate the bicentennial of the Lewis and Clark expedition. The coins will be of legal tender. In addition, this measure will raise money to defer costs of the bicentennial celebrations.

I would like to thank my distinguished colleagues, especially the gentleman from Delaware (Mr. CASTLE) and the distinguished gentlewoman from California (Ms. WATERS) for their effort on H.R. 1560, respectively, as chairperson and ranking member of the Subcommittee on Domestic and International Monetary Policy of the Committee on Banking and Financial Services, and the gentleman from Minnesota (Mr. VENTO), who has just spoken.

President Thomas Jefferson, eager to explore newly acquired land from the Louisiana Purchase, chose Meriwether Lewis and William Clark to begin the expedition, which came to be called The Corps of Discovery. President Jefferson gave the following directive to Lewis and Clark to, ''explore the Missouri River and such principal streams of it, as by its course and communication with the waters of the Pacific Ocean, whether the Columbia, Oregon, Colorado or any other river, may offer the most direct and practicable water communication across this continent for the purposes of commerce.''

Lewis and Clark departed St. Louis on May 14, 1804 and returned to St. Louis 28 months later on September 23, 1806. Their journey of undaunted courage, recently chronicled in a very popular novel by Steven Ambrose, covered 8,000 miles of the land which now constitutes the States of Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington and Oregon, or some parts of them.

This expedition was one of the most remarkable and productive military and scientific exploring expeditions in all of American history. This expedition advanced our geographic knowledge of the continent and its beautiful natural resources. In addition, the expedition greatly enhanced amicable relationships and nurtured a mutual friendship and respects at that time between the United States and the various American Indian nations. Furthermore, Sacajawea, the young Native American woman who was a guide and interpreter for the expedition, has been singled out for acknowledgment and admiration.

I might say I am particularly looking forward to the bicentennial celebration because it is in my district in Nebraska where Lewis and Clark first met and consulted with the Indian tribes at what was called Council Bluffs, a site which is located near the location later chosen for the historic Fort Atkinson. I would hope we have celebrations on that site in 2004 which would perhaps emphasize the Native Americans' vital role in the Lewis & Clark Expedition.

In order for a commemorative coin bill to be considered by the House of Representatives, of course, it is necessary to acquire at least the requisite 290 cosponsors, or greater, for the legislation, and we met that with over 300.

I would say that this Member's gathering of those cosponsors was a labor of love and admiration for the Lewis and Clark expedition, and I wish to particularly recognize the contribution of our distinguished colleague, the gentleman from Oregon (Mr. BLUMENAUER), for his assistance in gaining those cosponsorships.

Furthermore, the distinguished Senator from North Dakota, Senator DORGAN, has simultaneously introduced a companion bill on this topic in the Senate, S. 2005.

Under H.R. 1560, these coins will include the likenesses of Thomas Jefferson, Meriwether Lewis, and William Clark, and will incorporate appropriate elements recognizing Native American culture. In its 1997 report, the congressionally authorized Citizens Commemorative Coin Advisory Committee recommended commemorating the Lewis and Clark expedition with the coin. This Lewis and Clark commemorative coin legislation assures that the coin can go into circulation in the year 2003. Moreover, the National Lewis and Clark Bicentennial Council, which supports this commemorative coin, is an outgrowth of the Lewis and Clark Trails Foundation, Inc., which was created in 1969 to continue the work of the 1964 congressionally established Lewis and Clark Trail Commission.

House Resolution 1560 provides that the net proceeds from the surcharge included in the price of the coin shall be distributed to the National Lewis and Clark Bicentennial Council, two-thirds, and the National Park Service for Lewis and Clark commemorative activities, one-third. This contribution to the Park Service could save taxpayers $1.13 million on currently planned events. The legislation also includes language requiring the Department of the Treasury to take actions necessary to ensure that the minting and issuing of the coin results in no net cost to the U.S. Government.

In closing, this Member believes that the courage and resilience of Lewis and Clark and their party, with the assistance of Native Americans along the expedition on both sides of the Continental Divide, left an indelible and lasting mark on the landscape of the United States as we know it today. Lewis and Clark, in 1804, began an expedition into the unknown wilderness of the West. They returned in 1806 with a wealth of knowledge and experience which has been invaluable in the development of the United States both as a country and a people.

I anticipate great fanfare and attendance during that 3-to-4-year period. We have already had huge numbers of foreign visitors asking how they can take part of that water trail, and I think this is going to be a remarkable celebration of a truly remarkable event. Therefore, this Member would encourage his colleagues to vote on H.R. 1560, the Lewis and Clark Commemorative Coin bill, and unless I have a signal otherwise, I would like to have a recorded vote for them to do that.

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

Mr. CASTLE. Mr. Speaker, I yield myself the balance of my time to thank the gentleman from Nebraska (Mr. BEREUTER) for his continuing and abiding interest in this subject. I think it is of great importance to the people of the United States of America. What Lewis and Clark did is extraordinary, particularly at the time in which they did it, and I think we should all recognize that. This piece of legislation, I think, goes a long ways towards doing that.

Mr. BLUMENAUER. Mr. Speaker, I rise today to express my support of H.R. 1560, the Lewis and Clark Expedition Bicentennial Commemorative Coin Act. I'd like to thank my friend and colleague Rep. BEREUTER for his leadership on this historically significant legislation. H.R. 1560 calls for the minting of dollar and half dollar coins honoring the astounding accomplishments of ''The Corps of Discovery.'' The proceeds from the sale of the coins will be distributed to the National Lewis and Clark Bicentennial Council and the National Park Service to defer the costs of bicentennial events and celebrations.

Passage of this Act is in keeping with our ongoing commitment to this important expedition which opened the American West, making it possible for me and my constituents to call Portland, Oregon home. In 1803, Congress appropriated twenty-five hundred dollars to fund a small expedition whose mission it was to explore the uncharted west and to find the quickest water route to the Pacific Ocean. Thomas Jefferson entrusted his Secretary and good friend Meriwether Lewis and William Clark to embark on America's most historic journey. On May 14, 1804 Meriwether Lewis, William Clark and their ''Corps of Discovery'' departed Wood River, IL on a journey to explore the uncharted wilderness west of the Mississippi River. Over the next four years, they would travel thousands of miles, encountering lands, rivers and cultures that no Americans ever had before.

Although they did not return from their journey with a direct water passageway across the continent, what they did bring was an invaluable wealth of knowledge. From Illinois to my home state of Oregon, and back to St. Louis, the Expedition covered 8,000 miles exploring what would become 11 future states. Their extensive journals and detailed maps depicted a rich landscape for those who until then could only imagine what lay beyond the Mississippi. Their expedition also exposed them to never before seen species of plants and animals. As well, Lewis and Clark succeeded in building and fostering friendships with the American Indian tribes they encountered during the Expedition.

From 2003 to 2006, through the efforts of the National Lewis and Clark Bicentennial Council, the National Park Service, State and local entities and several other interested groups, Americans will have various opportunities to join in the celebration of the 200th anniversary of the Lewis and Clark Expedition. Passage of H.R. 1560 is an important first step to ensuring that citizens all across this country have an opportunity to pay their respects to the history-shaping achievements of Lewis and Clark and ''The Corps of Discovery''.

I urge my colleagues to support H.R. 1560.

Mr. POMEROY. Mr. Speaker, I rise in strong support of H.R. 1560, the Lewis and Clark Bicentennial Commemorative Coin Act, and I want to personally thank Congressman Bereuter, the sponsor of the legislation, for his work on this issue.

Nearly two hundred years after the Corps of Discovery, Americans of all ages have begun a national pilgrimage to follow the steps of Meriwether Lewis and William Clark. The journey today stands as one of the most remarkable and productive scientific and military exploring expeditions in all of American History. H.R. 1560 recognizes this extraordinary journey and the discipline, sacrifice and strength shown by Lewis and Clark by authorizing the Treasury to mint one-dollar and half-dollar coins to commemorate the bicentennial of the expedition.

The bill will not only serve to highlight this historic expedition and the roles of Meriwether Lewis, William Clark, Thomas Jefferson and the many Native Americans who aided in the journey, but it will also provide a source of financial support for commemorative activities. After the cost of minting is covered, the proceeds from the sale of the coin will be distributed to the National Lewis and Clark Bicentennial Council and the National Park Service which will allow both entities to continue their work in planning and organizing bicentennial events.

As we continue preparing for the bicentennial of this historic expedition, it is important that Congress play an active role in supporting and promoting its commemoration. I urge my colleagues to recognize the importance of the Lewis and Clark expedition to the nation and the efforts of the bicentennial council and the National Park Service to highlight its bicentennial by passing this legislation.

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 1560, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. CASTLE. 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. 1560, the bill just considered.

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

There was no objection.

LLOYD D. GEORGE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R.

2225) to designate the Federal building and United States courthouse to be constructed on Las Vegas Boulevard between Bridger Avenue and Clark Avenue in Las Vegas, Nevada, as the ''Lloyd D. George Federal Building and United States Courthouse''.

The Clerk read as follows:

H.R. 2225

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse to be constructed on Las Vegas Boulevard between Bridger Avenue and Clark Avenue in Las Vegas, Nevada, shall be known and designated as the ''Lloyd D. George Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Lloyd D. George Federal Building and United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

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

House Resolution 2225 designates the Federal building and United States courthouse to be built in Las Vegas, Nevada, as the ''Lloyd D. George Federal Building and United States Courthouse''.

Judge Lloyd D. George was born in Montpelier, Idaho, and later moved to Las Vegas, Nevada. He earned his bachelor's degree from Brigham Young University in 1955, and that same year entered the United States Air Force. He participated as a fighter pilot in the Strategic Air Command, concluding his military service in 1958, holding the rank of captain. He then returned to school, where he earned his J.D. in 1961 from the University of California at Berkeley.

Judge George was admitted to the Nevada Bar in 1961 and began practicing in Las Vegas. In 1974, he was appointed by the 9th Circuit to preside over the United States Bankruptcy Court for the District of Nevada for a term of 14 years. In 1980, he became a Member of the 9th Circuit Bankruptcy Appellate Panels.

In 1994, President Ronald Reagan appointed Judge George to the United States District Court for the District of Nevada, where he was elevated in 1992 to Chief Judge of the Nevada District.

During his tenure on the bench, Chief Judge George held a variety of distinguished memberships. He was a board member on the Federal Judicial Center, a member of National Bankruptcy Conference, the chair of the Judicial Advisory for Bankruptcy Rules, the chair of the Judicial Committee on Administration of Bankruptcy System, a Fellow at the American College of Bankruptcy, and a member of the Judicial Committee on International Judicial Relations.

Mr. Speaker, I support the bill and urge my colleagues to support it.

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

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

I support this bill and I want to commend both the gentlemen from Nevada (Mr. ENSIGN) and (Mr. GIBBONS) for their hard work in bringing forth this meritorious designation. I have worked with the gentleman from Nevada (Mr. GIBBONS) specifically on many other occasions, and I commend him and his other colleague, the gentleman from Nevada (Mr. ENSIGN), for their efforts.

Judge George, in addition to all the plaudits made by our distinguished chairman, has served on various judicial committees in the 9th Circuit.

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In addition to all those official duties, very active in civic and professional associations in Nevada that distinguishes him from many other jurists, Judge George was the recipient of the Jurist of the Year Award and the Brigham Young Alumni Distinguished Service Award.

Judge George is the former president of the Clark County Association for retarded children, showing the diversity of the community activity which has established him as a strong community support. He has also served on the Advisory Committee for the Marriott School of Management. Taking the time with the people to advise in such a capacity, I think, underscores the type of involvement this jurist has given to his community and to the Nation.

Through his long and distinguished career, Judge George has been a mentor and an advisor to many young lawyers. That is a rarity. It is absolutely fitting and proper to honor Judge George with this designation, and I am proud to support the efforts of the gentleman from Nevada (Mr. ENSIGN) and the other gentleman from Nevada (Mr. GIBBONS).

H.R. 2225 is a bill to designate the federal building and U.S. courthouse to be constructed in Las Vegas, Nevada as the Lloyd D. George Federal Building and United States Courthouse.

Judge Lloyd George was appointed as a United States District Judge by President Reagan in 1984. Prior to that appointment he served on the United States Bankruptcy Bench for over 10 years.

He is a graduate of Brigham Young University and received his law degree from the University of California in 1961.

Judge George has served on various judicial committees in the 9th circuit.

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

Mr. KIM. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank my colleague and friend the gentleman from California (Mr. KIM) as well as my colleague and friend the gentleman from Ohio (Mr. TRAFICANT) for their eloquent remarks on this bill.

And on behalf of the gentleman from Nevada (Mr. ENSIGN) and myself and the great State of Nevada, I would encourage all of my colleagues to support H.R. 2225 in naming the Federal building and United States courthouse in Las Vegas as the ''Lloyd D. George Federal Building and United States Courthouse.''

It is an honor for me, Mr. Speaker, to come before this body to speak about a man who has given so much not just to the people of the State of Nevada but to the citizens and people of this great country. The naming of this building and this courthouse after Judge George will forever remind the people of Nevada, as well as all Americans, of a truly special man who has dedicated his public service and his personal professional career to the people of this country.

Mr. Speaker, I would also like to point out that Judge George served in the service of this country as more than a public service in the judiciary, but also as a man of integrity in military leadership as he was a member of our United States Air Force.

I encourage all Members and colleagues to support H.R. 2225 as a fitting way to recognize the honorable and distinguished career of Chief Judge George. Las Vegas, the State of Nevada, and the people of the United States will be very honored to have his name on our new Federal building and courthouse.

And so, Mr. Speaker, I urge my colleagues to support this bill as a true and fitting recognition of the great and honorable service of Judge Lloyd D. George.

Mr. OBERSTAR. Mr. Speaker, H.R. 2225 is a bill which will designate the federal building and United States Courthouse in Las Vegas, Nevada in honor of Chief Judge Lloyd D. George.

Judge George and his family have lived in Nevada for over 6 decades. He is an active civic leader, devoted father of four children and 11 grandchildren. Judge George has received numerous awards and honors such as the Jurist of the Year award, the Liberty Bell award for public service, Distinguished Alumni Service award from his alma mater Brigham Young University, and Professional recognition from the National Conference of Christians and Jews.

Judge George served the citizens of Nevada in the United States Bankruptcy Courts for 10 years prior to his appointment by President Reagan as a United States Judge in May 1984.

It is fitting and proper to designate the federal building and United States Courthouse in Las Vegas in honor of Judge George in recognition of his significant civic and professional contributions.

Mr. ENSIGN. Mr. Speaker, I would like to take this opportunity to encourage my colleagues to support H.R. 2225, a bill that will

designate the Federal building and United States Courthouse being constructed in Las Vegas, Nevada, as the ''Lloyd D. George Federal Building and United States Courthouse.'' This is an issue of great importance to me as well as all the citizens of Nevada.

On November 17, 1997, ground was broken for the future Lloyd D. George Federal Building and United States Courthouse. Las Vegas waited a long time for that day, and it was a great milestone for our community.

When the Las Vegas Courthouse is completed in the year 2000, there will be another dedication ceremony for the building and the distinguished Nevadan whose name will appear on the Courthouse. I would like to take the opportunity to recognize a thoroughly decent, wise gentleman whom I admire greatly: Chief Judge George.

Chief Judge George served on the United States Bankruptcy Bench for ten years before his appointment by President Reagan as United States District Judge in 1984. He has served on three and been the chairman of two United States Judicial Conference Committees. Judge George currently serves as a member of the Judicial Conference of the United States and at the request of Chief Justice Rehnquist he serves as a member of the Judicial Conference. He is also a member of the Judicial Council of the Ninth Circuit Court of Appeals, and has chaired the Executive Committee of the Judicial Conference of the Ninth Circuit. Additionally, he frequently lectures in the U.S. and abroad on various legal topics and has published a number of articles in legal periodicals.

Interestingly enough, Judge George went to high school and grade school just across the street from where the new courthouse will be located. That reminds me that while Nevada is a state which welcomes new residents by the thousands each year, there is something to be said for the Native Nevadan who loves this beautiful State so much that he would never think of calling anywhere else home. Successful people like Judge George could have easily left Nevada many years ago to pursue lucrative careers elsewhere. But Judge George chose to give something back to his hometown and his fellow Nevadans.

I hope that future generations of Nevadans will follow Judge George's example and remain in Nevada. Growing up in Nevada gave me a special understanding of this unique quality of life in Nevada, and I am grateful for such an opportunity.

Naming the Las Vegas Courthouse in honor of Judge George is an appropriate way to express the appreciation we have for his years of public service to his community, the State of Nevada, and the United States. Due to his level of commitment, all of these societies are better places.

The beautiful building that will soon stand in Las Vegas will be an enduring testament to Judge George's hard work, humility, wisdom, and service to others. It will also stand as a monument to the ideas we share about the Constitutional limits of our federal government and the rights which are reserved to the States and people.

Mr. Speaker, thank you again for your support, and I look forward to the passage of H.R. 2225 so it can be sent to the White House for the President's signature. It is probably the most fitting recognition we can give him.

Mr. TRAFICANT. Mr. Speaker, I urge an aye vote on the bill, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 2225.

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

A motion to reconsider was laid on the table.

RONALD V. DELLUMS FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3295) to designate the Federal building located at 1301 Clay Street in Oakland, California, as the ''Ronald V. Dellums Federal Building.''

The Clerk read as follows:

H.R. 3295

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

SECTION 1. DESIGNATION.

The Federal building located at 1301 Clay Street in Oakland, California, shall be known and designated as the ''Ronald V. Dellums Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Ronald V. Dellums Federal Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

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

Mr. Speaker, again, H.R. 3295 designates the Federal building located in Oakland, California, as ''Ronald Dellums Federal Building.''

Congressman Dellums was born in Oakland, California, on November 24, 1935. After 2 years of service in the U.S. Marine Corps, Congressman Dellums received an honorable discharge. He then followed educational pursuit and received his AA from Oakland City College in 1958, his BA from San Francisco State University in 1960, and his MSW from the University of California at Berkeley in 1962.

In his public role, Congressman Dellums served on the Berkeley City Council from 1967 to 1970, when he was then elected to the United States House of Representatives to represent northern Alameda County.

Congressman Dellums' first major effort after arriving in Washington was toward finding a resolution to the war in Indochina. This experience prepared him to be a strong advocate for arms reductions throughout his entire career.

In addition, Congressman Dellums championed issues involving civil rights, equal rights for women, human rights, and environment.

At the time of his retirement, Congressman Dellums was the ranking member on the House Committee on National Security. During his tenure, he also held chairmanship of the Committee on Armed Services and the Committee on the District of Columbia.

Throughout his 27-year career, Congressman Dellums served on a variety of other committees and caucuses, as well, including the Committee on Foreign Affairs, the Committee on the Post Office and Civil Service, the Permanent Select Committee on Intelligence, and the Congressional Black Caucus.

This is a fitting tribute to our esteemed colleague, and his compassion for causes will be deeply missed in this body.

I support the bill and urge my colleagues to support the bill.

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

Mr. TRAFICANT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MILLER), a distinguished leader on the Democrat side.

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

Mr. MILLER of California. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) for yielding.

Mr. Speaker, I rise in support of this bill and urge the House to pass it. I am proud to have authored this legislation to name the Federal building in Oakland, California, after Ronald V. Dellums, the man who represented the people of Oakland and Berkeley in Congress for 2½ decades.

The people who will go in and out of this building with Ron's name on it can take pride in knowing that Ron cared about them, he fought for them, and he left a mark in Congress and this country in their names.

I would like to thank the gentleman from Texas (Mr. ARMEY), the majority leader, for scheduling the bill on the floor today. And I also would like to thank the subcommittee chairman and the ranking member, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT), for their support in the full committee and to thank the full committee chairman and ranking member the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for their support of this legislation.

I also want to acknowledge the support of the gentleman from California (Mr. LEWIS) for his coauthorship of this bill. And I would like to thank Senator BARBARA BOXER for passing this legislation in the Senate in June.

Ron Dellums was truly a unique Member of Congress. His passion was

his fuel, and his passion did not blind him. He was clear, incisive, instructional, and inspirational. He was a tireless champion.

I know I speak for most of my colleagues when I say that rarely a day passes that I do not remark on how I miss his presence in this body. Ron Dellums was always known to be the best-dressed Member of Congress. He was known as one of the Congress' great orators, colorfully and articulately dancing in the well of the House to draw support for his positions. And he is known as one of the greatest advocates for peace, justice, and human rights.

Ron Dellums has been our modern-day drum major for peace. He saved us from many weapons systems that we did not need, could not afford, and probably could not control. As a titan in the movement for human rights, he brought the titans of apartheid to their knees and dragged a reluctant American Government along the way. He fought for the civil rights of all Americans. And more than any other Member of Congress, he helped to clearly illustrate how an overfed military budget was literally starving our children, our schools, and our communities.

And Congressman Ron Dellums served the people of America and fought for human rights around the world. He did not bid for the monied special interests that prey on Congress to answer their every narrow need. And he is always there to help his friends.

When it came time to downsize the military establishments in the Bay Area and across the United States, Ron fought to ensure the base closure process was fair and expeditious. He also made sure that in fact it was about economic conversion and the communities that were affected by base closing.

Perhaps in naming this Federal building in Oakland will serve as an opportunity to rededicate ourselves to the challenges that Ron Dellums championed. Maybe if we learn to carry the convictions of a more just society with us and to work every day as he did, just maybe we will be able to make America an even better place and a world just a bit safer.

With passage of this bill today, I look forward to the President's signature in naming the Federal building in Oakland after Ronald V. Dellums, Congressman, brother, and champion to us all.

Mr. KIM. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SOLOMON) chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from California (Mr. KIM) for yielding the time.

People might be surprised when this, one of the most conservative Members of the Republican Party, stands to pay tribute to one of the most liberal Members who ever served in this body, Ron Dellums.

I represent the Adirondack Mountains, about as far east as we can get. And Ron Dellums, of course, represented the other end of the country, out in California. And yet, this conservative Member respects Ron Dellums perhaps as much, if not more, than almost any other Member. And there is a reason for that: Because Ron Dellums is truly a great American.

Yes, he served in the Marine Corps, like I did many years ago. But when he came to this body, he did not speak often, but when he did, he spoke with sincerity. He spoke from his heart, and we knew that he was not playing to a crowd, that he really was debating the issues that he believed in.

When he became the chairman of the Committee on Armed Services, as it used to be called, many of us on our side of the aisle thought that he might not do a good job. But do my colleagues know something? He did one of the finest jobs that any Democrat from the other side of the aisle ever did as chairman of that committee. He was fair to all of us.

And that is why he and I never had a cross word, except for early in both of our careers, almost 20 years ago. And I can recall it was late at night, maybe 1:00 in the morning. We were in a furious debate on the floor and we got mad at each other. And after the debate was over, Ron Dellums came over to me and he said, ''Solomon, why don't we step outside and settle this.'' And I looked up at him, I say ''up at him'' because he was 5 inches taller and 80 pounds heavier, and I said, ''Your guns or mine?'' And he said, ''What do you mean?'' I said, ''Well, Ron, you are so much bigger and in so much better shape and you are younger, we have to handicap this.'' So I said, ''Your guns or mine?'' And he broke out in a smile and he said, ''Solomon, you are okay.''

And you know what? We never had a cross word after that time because we both respected each other. And that is why I stand here today in support of naming this building after a great American, a great Congressman named Ronald Dellums.

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

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) for yielding, and I commend him and the gentleman from California (Mr. KIM) and particularly the author of this resolution the gentleman from California (Mr. MILLER), his cosponsor the gentleman from California (Mr. LEWIS), and our great Senator, Senator BOXER, for their authorship of this.

How wonderful this is for us in the Congress of the United States to be naming a Federal building for someone who just a few short months ago we called ''colleague.'' And indeed it was an honor for every one of us who had ever had the privilege of calling him ''colleague'' to serve with Ron Dellums.

As has been mentioned by my colleagues, he served here with great dignity. He brought a brilliant intellect, great integrity, tremendous passion and energy to all of the issues that he cared about.

I think it is particularly appropriate that this conversation is taking place on a day when we are also honoring Thomas Edison, Lewis and Clark, fitting that Ron Dellums' name should be listed among the great pioneers of our country, because a pioneer he was indeed and is indeed.

Although he does not serve in Congress, he is still a leader for social and economic and environmental justice in our country and indeed throughout the world.

And as we all take great pride in the role America played in ending apartheid in South Africa, we must remember that it was not easy and it took great and tremendous leadership at the start and was met with resistance from the start. But Ron Dellums was there from the start. He fought that fight. And I cannot help but think that it has to be his proudest boast that he helped end apartheid in South Africa.

As a Bay Area Member, as a Member from California, I want to say what great pride his constituents take in Ron's service in Congress. Actually Ron has a Bay Area-wide constituency, actually a national constituency, because of his eloquent leadership and passionate leadership and the great intellect that he has brought to issues.

And so, I want to join my colleagues in support of this resolution. As the gentleman from California (Mr. MILLER) mentioned, for generations to come, young people will go to that Federal building and the name ''Ron Dellums'' in history will be synonymous with honor, integrity, concern about issues, social and economic justice in our country and throughout the world.

Thank you very much to those who led the way on this, the gentleman from California (Mr. MILLER) especially, for giving us the privilege in this House. In honoring Ron Dellums, we bring honor to this House of Representatives.

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

Mr. TRAFICANT. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I too would like to thank the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) for bringing this legislation to the floor. I want to thank the gentleman from California as well as the gentlewoman from California for their remarks, and for the opportunity to allow me to say a few words concerning this piece of legislation.

Mr. Speaker, in the years I have known and been a Member of this body, Ron Dellums' name stands out as a giant, in my opinion. There have been

a lot of misunderstandings among our colleagues about this gentleman, especially over the positions that he has taken on questions of national security and our defense posture.

If there was ever someone that I have always respected for what he has advocated so strongly over the years, Ron Dellums was not against our defense, but he was against corruption and the idea that you can buy a little bolt or a little nut that is worth only about 50 cents in a hardware store and is sold among the defense industry for $150. That is the kind of thing that Ron Dellums stood for.

I do not think there has ever been a Member that I have known who, when he stands up and makes his statement or gives a speech in this body, he speaks with such great passion and such a tremendous amount of understanding and knowledge on whatever issue he takes up. I have never known a gentleman that could speak with great eloquence without even the use of notes or anything such as Ron Dellums.

I think it is most fitting that our colleagues have brought forth this legislation to name a Federal Building after this gentleman, and I sincerely hope that my colleagues will support this piece of legislation.

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

Mr. MILLER of California. Mr. Speaker, I was reminded when the gentlewoman from California (Ms. PELOSI) talked about people going in and out of this building, people go to the Federal buildings very often seeking help, compassion and understanding. Very often their arguments are not recognized with dignity. Hopefully people will understand that this building and the people who work in it, it is named for a man who gave dignity to people's arguments and concerns, even when he so strongly disagreed with them.

Ron Dellums used to say that he arrived in Congress as an Afro-top bellbottom militant from Berkley, and he rose to become chairman of the Committee on National Security. One of the amazing things was after he became chairman of the Committee on National Security, where there were serious disagreements about military policy, national policies, the future, procurements and all this, the people who disagreed with him so much on the issues commented how fairly they had been treated by him in those hearings and how fairly they had been treated in front of the Committee on Rules, because he believed that people should be able to and that this body could only function if people were allowed to bring amendments to the floor and have a free and fair and open debate on those issues.

So when we name this building for Ron Dellums, we do so in the spirit of what should be the best about the Congress of the United States, what should be the best about public service, and what should be the best about public servants looking at their constituents and recognizing their dignity and recognizing their needs and understanding the need to be heard on their arguments, even when you disagree with them.

So, again, I want to thank the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) for bringing this legislation to the floor, because I think here truly we do honor the best of the Federal Government when we seek to name this building after Congressman Ron Dellums.

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

Mr. Speaker, he was a liberal, he was a Democrat, but he was a great American. I have heard him called so many things on the floor. I look back at the history of Ron Dellums, and what a great Member we had in our midst. What an orator. It is so fitting to see the gentleman from New York (Chairman SOLOMON), one of our great Members, discuss here some of the little anecdotes of Ron's great involvement in our Congress.

Just in passing, I don't want to embarrass her, but Susan Brita of our staff at the Committee on Transportation, the Subcommittee on Public Buildings and Economic Development, said she can remember the day when Ron Dellums brought the mayor in from Oakland, and he was lobbying to get free land to have this courthouse built, this very same courthouse, that will appropriately be named in his honor.

I have had a few run-in's with Ron. I disagreed with him on troops on the border and I disagreed with him on some other issues, but I will tell you what: He was always straight up, looked you right in the eye and told you what he felt, right to your face, and you had to appreciate that.

But I want to go step further here today. Nelson Mandela and his great efforts in South Africa can never be overshadowed, but there is one real big one here today that has to be laid on the platter of service of Ron Dellums: Ron Dellums had as much to do with ending apartheid in South Africa and developing self-determination in that nation as any other American. He deserves absolutely this great and fitting tribute.

So if Ron is out there watching, and he should be, I want him to change his position on the border and securing our national security. His powerful voice could help our country end that plight. But I want to raise my voice today and say Ron Dellums, you deserve this. And to see one of his former colleagues, the fine Senator from Illinois here, Mr. DURBIN, it is so great to see him. I am sure if he could take the mike, I would like to yield to you, Senator, and I am sure you would like to say this.

So, on behalf of the fine Senator who took his time to come over, Ron Dellums, you deserve this. You are an absolutely great American. You stood in the well and you stood on this side for things that were not popular years ago, but they are not only popular today, they are the law today, and that is the tribute, when you put that name on that courthouse.

H.R. 3295, is a bill to honor Ron Dellums by naming the federal building in Oakland, CA the ''Ron V. Dellums Federal Building.''

As you know, Ron represented the 9th district of California for 26 years and during that period distinguished himself in many, many ways.

He fought tirelessly for vigorous examination of the state of our military establishment including its purposes, its budget, and other issues involving racial and sexual discrimination.

He was a dynamic advocate for arms reduction and peaceful resolution of international conflict. Ron's interests extended to healthcare, civil rights, Congressional authority, and alternative budgets.

He was a great friend, a mentor, always a gentleman, and leader. His kindness and humor are missed by all.

I support this bill and urge my colleagues to join me in support of H.R. 3295.

Mr. OBERSTAR. Mr. Speaker, H.R. 3295 is a bill to designate the federal building in Oakland, CA, in honor of our colleague, Ron Dellums.

For over a quarter century Ron represented the 9th district of California. Elected to Congress against the backdrop of the Vietnam War, Congressman Dellums worked to end that conflict and remained a steadfast advocate for peaceful solutions to conflict.

Ron became a leader for such diverse issues as rational military policy, comprehensive and progressive healthcare, and social justice for all.

He was an early and out spoken critic of the racist apartheid policies of South Africa. He was a determined advocate of Congressional authority to declare war. He led the fight against racial and sexual harassment in the military forces. He was sponsor of the alternative agendas for the Congressional Black Caucus.

Ron was always a gentleman, a consensus builder, a mentor, and great friend to all members. His humor and judgment are sorely missed.

With great enthusiasm I support H.R. 3295, a bill to honor Ron Dellums by designating the federal building in Oakland, CA, as the Ronald V. Dellums Federal Building.

Ms. LEE. Mr. Speaker, I rise in strong support of H.R. 3295, which designates a federal building in Oakland, California as the ''Ronald V. Dellums Federal Building.'' The naming of this building after my predecessor, Ronald V. Dellums, is an honor that many of his constituents, his colleagues, and his supporters from across this nation have awaited; it is a mark of recognition, a symbol of their appreciation, our appreciation, for the role that he played, the leadership that he gave, the work that he did, and the spiritual uplift that he gave to the critical issues of our times.

Ron, as constituents, colleagues, friends and family call him, from the time of his first office as a member of the Berkeley City Council, became the focus and the leader of a ever-growing group of people who were hungry for leadership on the critical issues of the

late 1960s and the 1970s. These people activists who were upset, angry about the Vietnam War, angry about injustices to Blacks and people of color, and yearning to be part of a larger America that would be moral and ethical domestically and internationally. Like his elder contemporary Martin Luther King, Jr., Ron Dellums, joined the activists for civil rights and activists for peace. For over two decades, this coalition provided some of the greatest political energies and social and political achievements that we have known.

This coalition propelled him to the House of Representatives where, as a result of his distinguished work in the Armed Services Committee, now the National Security Committee, he was elected to be the Chair and later the Ranking Member of that committee. He was valued and loved because of the role that he took on that committee and on the floor of Congress. He spoke the fears and doubts about an involvement in the war in Southeast Asia; he addressed, passionately, the need for social and economic justice domestically and abroad. He helped to forge the annual Alternative Budget which was a product of the Congressional Black Caucus and the Congressional Progressive Caucus. This budget was of tremendous importance to his district and to national constituents because it provided a necessary voice to many of their deepest moral considerations.

The people who worked with Ron, who supported Ron, who became the people who love Ron, I know will value this designation. I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf of this bill, which designates the Federal Building located on Clay Street in Oakland, California, the ''Ronald V. Dellums Federal Building.''

With the announcement of his sudden retirement from the Congress last month, Representative Ronald V. Dellums, the esteemed former chairman of the House National Security Committee (previously called the House Armed Services Committee), began to write the final chapter of a brilliant legacy of public service spanning well over three decades, that simply cannot go without recognition.

After a distinguished tour of service in the United States Marine Corps, Congressman Dellums began to prepare himself to pursue a career of helping others. Congressman Dellums was the first member of his family to attend college, and completed his studies with a Masters Degree in Social Work from the University of California. The Congressman's chosen field was that of psychiatric social work before he realized his true calling was in the area of public interest.

While serving as a well-respected community activist in the Bay Area, Congressman Dellums was persuaded by friends that he could be an even greater good to the local community by serving on the Berkeley City Council. The Congressman consented to these requests, and was elected to the Berkeley City Council in 1966. After four years on the City Council, in 1970, Congressman Dellums challenged the incumbent of the Ninth Congressional District of California, and won. From this point on, I guess one could say that the ''rest was history''.

Dellums, upon his arrival in Washington in 1971, emerged as one of the most controversial figures on Capitol Hill. Always willing to be a balanced and independent voice in times of crisis, Congressman Dellums soon rose to national prominence as one of the most intelligent and articulate members of this Congress. Congressman Dellums was widely recognized as the kind of man that did not just give lipservice to his announced legislative priorities, but actually worked tirelessly to meet these objectives in order to better serve his constituency and the nation at large. There is only one word that can accurately described a man like this, integrity.

Mr. Dellums, first as Chairman of the Acquisitions Subcommittee and then as the Full Committee Chairman, showed the kind of exemplary dignity befitting of the Chairman's gavel. Even though Congressman Dellums was always an advocate of lower military spending, he never used the power of the Chair as a means of impeding any opposing views held by his colleagues. Dellums used only his intellect and his vote as a way of expressing his views on pending legislation, and I am sure that this is how the Framers of the Constitution envisioned a Congressional Representative would conduct his or herself.

I honestly cannot think of a higher compliment to give to a lawmaker than to say that they consistently stood upon their convictions in the face of opposition with honor and dignity. Ronald V. Dellums, without exception, remained this kind of man of convictions, during his nearly thirty years of service in the United States Congress, and this must be applauded. Like Robert Frost said, Congressman Dellums took ''the road less traveled by, and that has made all of the difference''.

In conclusion, I believe that designating a federal building in honor of Congressman Dellums is the absolute least we could do. It is but a small part in his legacy, one which will leave an imprint of his dedication to public service in the minds of all of the federal employees in this building, while that imprint remains firmly in the hearts of the Members of this elected body.

Mr. TRAFICANT. Mr. Speaker, I urge an ''aye'' vote, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 3295.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3295.

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

There was no objection.

COMMEMORATING 50 YEARS OF RELATIONS BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 459) commemorating 50 years of relations between the United States and the Republic of Korea, as amended.

The Clerk read as follows:

H. RES. 459

Whereas the Republic of Korea was established 50 years ago on August 15, 1948;

Whereas the United States and the Republic of Korea have long had a close relationship based on mutual respect, shared security goals, and common interests and values;

Whereas the United States relies on the Republic of Korea as a partner and treaty ally in fostering regional stability, enhancing prosperity, and promoting peace and democracy;

Whereas the American military personnel who are, and have been, stationed on the Korean Peninsula have been key in deterring armed aggression for more than 4 decades;

Whereas South Korean soldiers fought alongside American troops on the battlefields of Korea and Vietnam;

Whereas the Republic of Korea has embraced economic reform and free market principles in response to current economic circumstances;

Whereas the Republic of Korea is an important trading partner of the United States, the recipient of significant direct American investment, and a prominent investor in the United States;

Whereas the large Korean-American community has made significant contributions to American society and culture;

Whereas the people of the Republic of Korea have demonstrated their strong commitment to democratic principles and practices through free and fair elections; and

Whereas the state visit of President Kim Dae-jung to the United States offered the people of the United States and the people of South Korea an opportunity to renew their commitment to international cooperation on issues of mutual interest and concern: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Republic of Korea on the 50th anniversary of its founding;

(2) commends the people of the Republic of Korea on the peaceful democratic transition that has taken place during the most recent Presidential elections;

(3) supports the government of President Kim Dae-jung as it takes appropriate measures to address the problems in the Korean economy;

(4) confirms that the question of peace, security, and reunification on the Korean Peninsula is, first and foremost, a matter for the Korean people to decide and that the Four-Party Peace Talks complement direct North-South dialog; and

(5) looks forward to a broadening and deepening of friendship and cooperation with the Republic of Korea in the years ahead for the mutual benefit of the people of the United States and the people of the Republic of Korea.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 459.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I am proud to have been able to introduce this resolution commemorating 50 years of relations between our Nation and the Republic of Korea. It is only fitting that the House makes note of this special relationship that the United States and the Republic of Korea have shared since 1948, nearly half a century.

The United States has important strategic, economic and political interests at stake in Northeast Asia, and maintaining stability remains an overriding U.S. security concern in that region. South Korean soldiers have stood shoulder-to-shoulder with American troops on the battlefields of Korea and Vietnam in order to protect and advance these mutual interests.

Today, South Korea remains an important partner and ally in guarding the peace and maintaining stability in Northeast Asia. To support these objectives, 37,000 American servicemen and women are stationed in South Korea protecting freedom and democracy, which is threatened on a daily basis by the communist government and armed forces of the Democratic People's Republic of Korea.

The United States is pleased with the flourishing of democracy in South Korea. The Republic of Korea serves as an example to others in the region and encourages progress and the furthering of democratic principles and practices, respect for human rights and the enhancement of the rule of law.

Our Nation is blessed with a large Korean-American community, which has made immeasurable contributions to our American society and culture. Congress looks forward to broadening and deepening of our friendship, our cooperation and solidarity with the Republic of Korea in the years ahead, for the mutual benefit of the peoples of our Nation and the Republic of Korea.

Accordingly, Mr. Speaker, I urge my colleagues to support this timely resolution commemorating the distinctive ties between the peoples and governments of our two great nations.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for his authorship of this piece of legislation.

Mr. Speaker, the resolution commends 50 years of relations between the United States and the Republic of Korea. The resolution also congratulates the Republic of Korea on its 50th anniversary of its founding. The resolution also supports the new president, Kim Dae-Jung, and the government, and deals with the Republic of Korea's economic problems. The resolution also confirms that the questions of peace, security and reunification of the Korean peninsula are matters for the Korean people to decide, and that the four party talks compliment direct North-South dialogue.

Mr. Speaker, the principle author, as I said earlier, the gentleman from New York, and the gentleman from New York (Mr. ACKERMAN), the gentleman from New Jersey (Mr. PAYNE), the gentleman from California (Mr. BERMAN), the gentleman from California (Mr. LANTOS), myself, and the gentleman from California (Mr. SHERMAN) are cosponsors of this piece of legislation. The resolution was drafted to welcome president Kim Dae-Jung upon his visit to Washington in June. The resolution was passed by the Asia Pacific subcommittee on May 13th of this year. Technical amendments were made in the full committee markup which was held July 21st of this year.

Mr. Speaker, the administration has no objection to this resolution. As a cosponsor of this resolution, I commend the gentleman from New York for bringing it to our attention.

I expect this resolution will be widely supported because there is great admiration in this body for the people and the government of South Korea. The American people and South Korean people have stood shoulder-to-shoulder during some of the most difficult periods of the past half century. I have no doubt that they will continue to stand shoulder-to-shoulder during the next half century.

This resolution reaffirms our commitment to and to keep our affection for the people of South Korea. This resolution deserves our support, and I urge my colleagues to vote yes on this important resolution.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield four minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for bringing this resolution to the floor.

Mr. Speaker, on a hot summer day almost 50 years ago the forces of freedom and democracy rallied to stop a vicious invasion of the Republic of Korea by the communist forces of North Korea and the People's Republic of China. Let us never forget, yes, and the People's Republic of China. On the Korean peninsula, the free world met that challenge of stopping and eventually sending the evil forces of godless communism to the trash heap of history. In that time of testing, America and the Republic of Korea became the very best of allies. The bonds forged between our two countries have anchored our strategic relationship with Asia. In partnership with the hard-working, freedom-loving people of the Republic of Korea, both our countries have prospered and both our countries have grown to be an alliance role model for the entire free world.

Today, with the Korean people facing a time of economic trouble, I recently had the honor of visiting with the leaders of the Republic of Korea and our military installations up near the DMZ at Camp Casey and other areas. Without question, the Korean people have the vision and they have the courage to face their current economic problems with a little help from us.

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Korea will set a shining example for the rest of Asia in working through a difficult economic downturn. The people of Korea have the will, they have the vision, to turn their economic problems around. I am personally extremely bullish on the Republic of Korea in the long run.

When the history of this time is written, the courage and the leadership the Republic of Korea showed during the fifties, by throwing back communist invaders, will be repeated by their leadership in bringing back the rest of Asia from financial hardship. But never forget that America and Korea have a real and dangerous enemy in North Korea today. It is still there, threatening at this very minute. And there are others who share their atheistic Communist philosophy.

We must both remain strong and vigilant to ensure that the North is not foolish enough to attempt another invasion.

Our vigilance and our deterrence come at a price, however. America's young men and women in uniform are called upon even in times of relative peace to make the supreme sacrifice.

This summer, just a month or two ago, two American soldiers died while serving in Korea, swept away in the devastating floods there. This was a sobering reminder of the commitment made by America to serve this theater, to protect the peace and to stand by this strong ally of ours. That is a testament to our faith in Korea. And I would call on my fellow Members to give additional resources to the United States Army to immediately help repair the flood damage, over $300 million worth of damage, but more importantly to increase their combat readiness to maintain the deterrence possible only through a position of strength and power.

In closing, let me on behalf of a grateful nation, say to President Kim Dae-Jung and the Korean people: ''America thanks you for standing with us shoulder to shoulder in defending our two countries against those that would take away our most cherished possession, and that is our freedom and our democracy.'' I thank the gentleman for bringing this resolution to the floor.

Mr. GILMAN. I thank the distinguished chairman of our Rules Committee, the gentleman from New York (Mr. SOLOMON), who has been a longstanding champion of Korea, for his eloquent remarks.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. KIM).

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

Mr. KIM. Mr. Speaker, I rise today in strong support of House Resolution 459 commemorating 50 years of relations between the United States and the Republic of Korea and commemorating the Korean people for their steadfast commitment to democracy.

As you know, I was born in Korea while it was under occupation by the Japanese military in the late 1930s. I was a little boy in Seoul when the Republic of Korea gained its independence in 1948 and, like many, I witnessed communist invasion from the North in 1950 and the allies' successful liberation of Seoul for good in 1951.

To me personally, the United States has been Korea's strongest and most dependable ally over the last 50 years. From my earliest encounter with the U.S. during the war, I knew I wanted to be an American. Many others like me also came to America and added a special cultural and emotional tie between America and Korea.

Today, the Korean-American community is thriving and serves as a bridge between the U.S. and Korea. I am very proud of that.

The timing of this expression of support by the U.S. Congress for the Republic of Korea could not be better. The people of South Korea are struggling with an extraordinary economic crisis that has affected every segment of society, but they are doing so honorably and with a sense of purpose.

Much of the credit can be attributed to newly elected President Kim Dae-Jung, whose grasp of problems and understanding of what must be done gives me hope for the future of Korea. Implementation of needed reforms will be a painful process, but in the end, one that will result in a much stronger and more competitive Korea, a Korea whose citizens will be more prosperous and more secure in the knowledge that the economic system is a sound one.

However, sadly, the people of South Korea must also contend with an increasingly belligerent North Korea. The recent test firing of the Taepo Dong I missile over Japanese air space ushers in a new era of insecurity in an already unstable region. This overly hostile act has raised tensions considerably among our allies in the Far East. The Taepo Dong I missile was estimated to have a warhead capability of 3,000 pounds and could carry conventional weapons, or weapons of mass destruction.

As the economic meltdown in North Korea continues and the mass starvation being reported accelerates, the always unpredictable regime of Kim Jong-il will become more desperate and more dangerous.

House Resolution 459 sends a strong signal to the government of North and South Korea, as well as to the 37,000 American troops stationed along the border, that the United States is unwavering in its support of South Korea.

House Resolution 459 is an important symbol recognizing the long and special relationship between the United States and the Republic of Korea. This resolution serves as a valuable reminder of our genuine relationship and friendship, and I call on my colleagues to wholeheartedly support this legislation.

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

Mr. Speaker, I want to thank the gentleman from New York (Mr. SOLOMON) and the gentleman from California (Mr. KIM) for their eloquent statements. I would be remiss if I did not recognize the fact that many of our colleagues are Korean veterans or veterans of the Korean War, and probably more than anyone in this body would have a greater sense of sensitivity and understanding and appreciation of the sacrifices that our veterans made during the Korean War.

I remember a Chinese proverbial statement saying that there are many acquaintances, but very few friend. Mr. Speaker, I want to exemplify that statement with the fact that during the Vietnam War, as much as I can recall, our Korean friends were the only ones that committed forces sufficient enough to help us fight the Vietnam War. And I think this is truly a real tribute to the people and to the leaders of Korea where there are many acquaintances, but there are very few friends, and when the chips are down, Mr. Speaker, we really know who our real friends are. I want to pay this special tribute, not only to President Kim Dae-Jung, but also to the good people of Korea and to say again that the resolution really, really deserves their attention.

Again, I urge my colleagues to support this resolution and I thank the gentleman from New York for his sponsorship of this resolution. Again, I hope that my colleagues will vote in favor of this resolution.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H. Res. 459, a resolution commemorating 50 years of relations between the United States and the Republic of Korea. H. Res. 459 was introduced by the distinguished gentleman from New York, the Chairman of the Committee on International Relations [Mr. GILMAN] on June 5th, and referred to the Subcommittee on Asia and the Pacific. The people of Korea have no better friend in the U.S. Congress than the gentleman from New York, and this Member commends the gentleman for his efforts to craft a strong bipartisan statement of support for U.S.-Korea relations. This Member is pleased to join his chairman in cosponsoring this important resolution.

Over the past fifty years America has maintained a strong, multifaceted relationship with South Korea that includes a range of security, economic, and political issues. Throughout the Cold War, we have remained close allies and firm friends. The 1953 Mutual Defense Treaty is not only important to the security of South Korea but to the peace and stability of northeast Asia as well.

Despite the recent financial instability, South Korea's economy experienced remarkable growth since the end of the Korean War. Today the United States is South Korea's largest trading partner and largest export market. In turn, South Korea is America's seventh largest trading partner, fifth largest export market, and fourth largest market for U.S. agricultural products.

As Chairman of the Subcommittee with oversight responsibility over the Korean Peninsula, this Member has marveled at the determination of the Korean people to address and speedily resolve the economic difficulties that have caused their financial crisis. The Republic of Korea has made significant strides in reforming, restructuring and opening its economy and breaking the old monopolies that have choked the economy. Also, newly-elected President Kim Dae Jung has committed his administration to making further structural reforms designed to resolve the country's economic and financial problems and restore international confidence in South Korea's economy.

Mr. Speaker, H. Res. 459 sends a strong message of the importance our bilateral relationship and our commitment to strengthening this partnership as we enter the 21st century.

This Member urges adoption of H. Res. 459.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 459, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

SENSE OF THE HOUSE DEPLORING TRAGIC AND SENSELESS MURDER OF BISHOP JUAN JOSE GERARDI

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 421) expressing the sense of the House of Representatives deploring the tragic and senseless murder of Bishop Juan Jose Gerardi, calling on the Government of Guatemala to expeditiously bring those responsible for the crime to justice, and calling on the people of Guatemala to reaffirm their commitment to continue to implement the peace accords without interruption.

The Clerk read as follows:

H. RES. 421

Whereas on December 29, 1996, the Government of Guatemala and the representatives

of the Unidad Revolucionaria Nacional Guatemalteca signed a historic peace accord ending 36 years of armed confrontation;

Whereas the peace accords, which included as the primary goals lasting peace, national reconciliation, and political stability for all Guatemalans, are being successfully implemented;

Whereas the peace accords included the creation of individual commissions to implement a wide range of reforms to the political, social, and judicial systems of Guatemala, including an enhanced respect for human rights and the rule of law;

Whereas, despite the fact that crime and violence remain prevalent in Guatemala, the human rights situation has improved over the last several years, allowing for the creation of special investigative commissions on human rights abuses, the prosecution of those involved in past human rights-related crimes, and the ability of human rights groups to operate with freedom;

Whereas, in recognition that the human rights situation in Guatemala had improved significantly, the United Nations Human Rights Commission voted to remove Guatemala from its list of countries under observation for abuses;

Whereas on Sunday, April 26, 1998, Guatemalan Roman Catholic Bishop Juan Jose Gerardi was brutally and senselessly murdered just 48 hours after presenting a landmark report detailing significant human rights atrocities associated with the 36-year civil war in Guatemala;

Whereas Bishop Gerardi, while considered a common man, dedicated to his ministry, was also considered one of Guatemala's most progressive clergymen, an outspoken human rights advocate, and was the author of the recent report ''Guatemala: Never Again'', the first comprehensive examination of human rights violations committed during the decades of political violence which engulfed that nation;

Whereas the slaying of Bishop Gerardi casts a pall over the effectiveness of the peace accords and raises questions regarding the national commitment to human rights and freedom of expression; and

Whereas the expeditious and successful resolution of the tragic death of Bishop Gerardi is critical for the continuation of support for the peace accords: Now, therefore, be it

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

(1) the Government of Guatemala, including the national police and the military, should commit themselves to take all steps necessary to resolve the heinous murder of Guatemalan Roman Catholic Bishop Juan Jose Gerardi;

(2) in order to deter continued human rights abuses, resolve other human rights cases, and improve the citizens' sense of personal security, the Government of Guatemala should continue its efforts to establish effective civilian law enforcement and judicial institutions;

(3) the Government and people of Guatemala should make a renewed commitment to successfully implement the peace accords, especially those accords concerning human rights; and

(4) the United States Government should provide all necessary support to the investigation of the murder of Bishop Gerardi and to continue to support the full implementation of the peace accords.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 421.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Res. 421. I agreed to cosponsor this resolution, having been shocked by the news of the senseless murder of his eminence, Bishop Juan Jose Gerardi.

A great deal of progress has been made in Guatemala since the signing of the Peace Accords. It is a terrible tragedy for Guatemala to suffer the loss of one of its most steadfast champions of human rights. This brutal act occurred just as the process of examining the painful legacy of past abuses by security forces and guerillas was beginning in earnest.

Just days before he was murdered, Bishop Gerardi issued the Catholic Church's report on human rights abuses during Guatemala's 3 decade-long guerrilla conflict.

This past Sunday, The Washington Post ran a prominent story on Bishop Gerardi and on the critically important church report he oversaw, entitled, ''Guatemala: Never Again.'' The Post article chronicles Bishop Gerardi's extraordinary leadership in defending the church and the indigenous peoples of Guatemala who were, to quote the Post story, ''Caught in the middle, recruited by both sides, and frequently the victims of harsh, irregular warfare.''

Mr. Speaker, I support this resolution and especially its call on the government of Guatemala, including the national police and the military, to take all steps necessary to resolve the killing of Bishop Gerardi.

This is an historic opportunity for President Alvaro Arzu to lead his people in breaking with impunity. Reformist elements in the Guatemalan Army who are working to create a professional military, as well as their former guerrilla adversaries in the National Guatemalan Revolutionary Union, the URNG, should seize this opportunity to demonstrate their commitment to resolving this crime.

Accordingly, Mr. Speaker, I urge my colleagues to fully support this measure.

Mr. Speaker, I include at this time for the RECORD the article from the Washington Post which I referred to earlier in my comments.

[From the Washington Post, Sept. 6, 1998]

A LOOK AT . . . A MURDER IN GUATEMALA: THE MYSTERIOUS DEATH OF BISHOP GERARDI

(By Terri Shaw)

GUATEMALA CITY.—On April 24, Bishop Juan Jose Gerardi stood in front of the altar of the capital's Spanish colonial style Metropolitan Cathedral to present to his nation the results of a report detailing three decades of horrific civil strife in Guatemala, with information about more than 400 massacres, thousands of murders, rapes and cases of torture. It concluded that 79 percent of the abuses were committed by government forces and 9 percent by the leftist guerrillas opposing them. Entitled ''Guatemala: Never Again,'' the report was based on thousands of interviews conducted with survivors, witnesses and even perpetrators of the abuses.

Gerardi's message accompanying the report was hardly comforting to a nation where many prefer to forget the ordeal of the conflict that ended only two years ago. ''Facing our personal and collective reality is not an option that can be accepted or rejected,'' he declared, knowing that the report would not be well received by supporters of the military, or by the many Guatemalans who have remained aloof from the conflict. ''It is a requirement for every human being, for every society that hopes to become human and be free.''

Two days later, the bishop was dead. His body was found in the garage of his parish house, his head bashed in with a heavy object. He was 75 years old.

Four months later, the country is still absorbed by Gerardi's death and the details of the murder investigation, which to date has yielded no clear culprit. Opinion is divided over whether the murder was an assassination or a common crime. Competing theories say that Gerardi was killed by members of the armed forces—the initial suspicion of many—or by a priest who lived with him and who has been detained for questioning but not formally charged. While the media here follow the case closely and Guatemalans discuss it avidly, the content of the church's report has largely been overshadowed.

One morning last month, a steady trickle of buyers picked up copies of the four-volume report, priced at $40, at the headquarters of the Office of Human Rights of the Archdiocese of Guatemala next door to the cathedral. But while every Guatemalan I encountered during a recent visit had something to say about the investigation of the murder, only one—a retired banker—said he had actually read the report.

Perhaps no one would have been more disappointed than Gerardi himself. Persuading Guatemalans to face the painful truths about the war was his personal mission. Born in Guatemala City to a couple of Italian descent, Gerardi became a traditional churchman who did not speak out on political issues until the late 1970s when violence between leftist guerrillas and government forces intensified in the mountainous province of El Quiche where he worked. Most residents of the spectacularly beautiful region are Indians who live on tiny subsistence farms and still practice their traditional cultures.

As various leftist rebel groups battled Guatemala's military-dominated governments, these Indians were caught in the middle—recruited by both sides and frequently the victims of harsh irregular warfare.

Gerardi began to take a more open political stand when the army and paramilitary groups allied with it targeted church workers, accusing them of supporting the guerrillas. In 1976, the Rev. William Woods, an American Maryknoll missionary who was working with a peasant cooperative, was killed. A church biography of Gerardi called this the ''beginning of systematic persecution against the church in El Quiche.'' In the early '80s, according to Tom Quigley, a policy adviser to the U.S. Catholic Conference, ''Quichie was the Wild West,'' and scores of priests and lay leaders were killed.

Gerardi tried to persuade military and government officials to moderate the army's brutal methods, but he was unsuccessful. In 1980, he took the unusual step of withdrawing all Catholic religious workers from the province after he himself was shot at.

Gerardi went to Rome for a conference and told Pope John Paul II about the attacks on Indian communities and the church. The pope issued a letter shortly thereafter condemning the violence and Gerardi flew back to Guatemala City, but was turned away at the airport. He went into exile in Costa Rica.

''It is not convenient for me to go back now,'' he told June Erlick, a reporter for National Catholic Reporter, at the archdiocese in the Costa Rica capital, San Jose, where he was living. ''In two days, in four days, in two weeks, I would be dead. And if I weren't, someone close to me would be.''

Two years in exile did not radicalize Gerardi, however. He spurned invitations to join groups backing the guerrillas and refused to support about a dozen priests living in Nicaragua who formed what they called a ''Guatemala church in exile.'' In 1982, when it was safer to work in Guatemala, he returned. In 1984 he was named auxiliary bishop, and in 1988 he joined a National Reconciliation Commission that encouraged meetings involving representatives of the guerrillas, the government and other groups, laying the groundwork for the peace accords that finally brought an end to the 36-year war in 1996.

In 1990, he formed the Human Rights Office of the archdiocese and in 1995 began the historic memory project. This effort, which was financed in part by European foundations, involved training 600 lay people who lived where the fighting took place to conduct interviews with witnesses, survivors and, in some cases, perpetrators of abuses. About two-thirds of the interviews were conducted in the languages spoken by the Indians who make up a majority of the Guatemalan population and who are a disproportionate number of the victims of abuses chronicled in the report.

The project—generally called REHMI, its Spanish acronym—was conceived in part as a supplement to the work of a Historic Clarification Commission formed by the peace accords. The commission's mandate was to investigate human rights abuses committed during the conflict, but not to name those responsible. The church's report, on the other hand, does name names and does assign responsibility to the leaders of the guerrilla organizations and of the army and paramilitary groups allied with it.

The REHMI report also demanded that both the army and the guerrillas publicly acknowledge responsibility for abuses and apologize. So far representatives of both groups have admitted only to ''errors.''

Gerardi's mission remains to be completed. Edgar Gutierrez, who directed the REHMI project, points out that the negotiations that ended the war were conducted by the leaders of the government and the guerrillas, not the people themselves. ''The population, in general, remained divided,'' he said. ''Since there is no reconciliation within the population affected by the armed conflict, the church now will work to bring about the reconstitution of the social fabric.''

The REHMI report ends with recommendations of ways to help Guatemalans come to terms with their past and live together peacefully. These include concrete measures that could be taken by the government, such as financial restitution and humanitarian aid for survivors, attention to human rights cases in the courts and investigation of the cases of people who disappeared. The report also asks the guerrillas to ''clarify the deaths and disappearances it was responsible for'' and ''recognize the murders of civilian noncombatants.'' And it recommends symbolic measures such as commemorative ceremonies and monuments to the victims.

It is a daunting agenda for a traumatized country of 11.6 million where it is easier to forget than forgive—but one that Gerardi did not flinch from promoting. He closed his last speech in the cathedral with a biblical quote that he said was brought to mind by the ''memory of these painful facts'':

And the Lord said to Cain, Where is Abel thy brother? And he said, I know not; Am I my brother's keeper?

And He said, What hast thou done? The voice of they brother's blood crieth unto me from the ground.

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

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

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

Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for his leadership and management of this bill before the body.

Mr. Speaker, this legislation was introduced and authored by the gentleman from Texas (Mr. BRADY), and it has the bipartisan support of all of the members of the Subcommittee on the Western Hemisphere as cosponsors.

Mr. Speaker, the resolution calls for the government of Guatemala to denounce the murder of Bishop Juan Jose Gerardi and to commit to take all necessary steps to resolve the murder. Bishop Gerardi, an auxiliary bishop of Guatemala City, was the author of the Guatemalan Church's narrative on the Civil War, released 2 days before he was murdered outside his home in Guatemala City. It was by far the highest profile murder in Guatemala since the signing of the Peace Accords in December 1996.

Mr. Speaker, ''tragic'' and ''senseless'' are appropriate words to define the murder of Bishop Gerardi. There are very few people who worked as hard as he did to bring to Guatemala a new sense of respect for human rights. It is now 5 months since this brutal incident took place, but it is timely that we focus our attention on this murder today.

The investigation of the murder is bogged down and we have heard very little public expressions of frustration from the people in Guatemala in following the investigation. We are right to express our ongoing interest in this case, and our commitment to seeing a successful investigation and prosecution. The United States has already provided substantial assistance to Guatemala and has pledged further support for the implementation of Guatemala's Peace Accords.

□ 1400

I believe that we pledged $260 million in assistance over 4 years now, and that support is contingent on all parties remaining committed to the letter and spirit of the accords. Guatemala's response to Bishop Gerardi's killing is an indicator of the willingness to implement those accords.

I believe, Mr. Speaker, that we can expect much more progress, and that we ought to continue to follow this case closely as an indicator of the government's commitment to human rights and its commitment to the spirit of the peace accords.

Mr. Speaker, this resolution deserves our support, and I urge my colleagues to join me in voting yes on this important resolution.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. BRADY), who is the original sponsor of this measure.

Mr. BRADY of Texas. Mr. Speaker, House Resolution 421 is a bipartisan effort introduced with the strong support and leadership of the chairman, the gentleman from New York (Mr. BEN GILMAN), and the chairman of the Subcommittee on the Western Hemisphere, the gentleman from California (Mr. ELTON GALLEGLY).

It expresss the sense of the House of Representatives deploring the tragic and senseless murder of Bishop Juan Gerardi, to call on the government of Guatemala to expeditiously bring those responsible for the crime to justice, and to call on the people of Guatemala to reaffirm their commitment to continue to implement the peace accords without interruption to bring attention.

In some ways it is appropriate that we are considering this resolution today. It was on this day in 1776 that our Second Continental Congress authorized the use of the name ''the United States'' for our young Nation. Historians tell us no other subject more appropriately demonstrates one of the important steps taken by our Founding Fathers in our Nation's move towards independence and freedom.

Just as we have achieved that goal, Bishop Gerardi's report, which was a monumental, historic report entitled ''Guatemala: Never Again,'' was and is an important step in Guatemalans' efforts at achieving their peace and their freedom.

As we may recall, late in the evening on Sunday, April 26 of this year, Bishop Gerardi was brutally bludgeoned to death in his garage as he returned from his usual Sunday night dinner with his sister and her family.

Specifically, the skull of Bishop Gerardi was crushed by a wedge of concrete. The autopsy revealed that the Bishop had been bashed in the head repeatedly, and in the face, at least 17 times. Mr. Speaker, the Bishop's face was bashed so badly that another priest living in the church's compound could only recognize his body by a ring on one of the fingers.

This attack occurred just 2 days after Bishop Gerardi, one of Guatemala's, and indeed, our world's, foremost

human rights activists, released a report providing the most extensive account of human rights atrocities committed during the 36-year civil war that plagued the country until the peace accords were signed in December of 1996.

One aspect of that agreement called for the conflict to be investigated to determine the truth for historical purposes. This effort was led by the Bishop. This report indicated that while both the Guatemalan military and the guerillas committed war crimes, the military was responsible for most of the deaths, almost 80 percent of the 150,000 unarmed civilians killed during the civil war, and for the disappearance of at least 50,000 more. Additionally, the document also detailed how at least 1.5 million people were victimized, to varying degrees.

Almost immediately after word of this attack became public, Guatemalan President Arzu formed a commission to investigate the Bishop's death. At the same time, our FBI sent several people to Guatemala to assist the government with their investigation. Since those agents' return, the FBI has sent other agents to the country to assist in the investigation as needed.

Because the investigation is still ongoing, we would do more harm than good by commenting on any of the various paths the investigation has taken so far. Rather, what we must do is to continue to provide the Guatemalan government and the people the necessary support to help solve this murder, to bring to justice those responsible for committing it, and to continue implementation of the peace accords.

The question in this resolution for human rights activists throughout the world that must be answered is not who murdered Bishop Gerardi, but rather, who ordered Bishop Gerardi murdered.

In one of his last public speeches, he closed with a biblical quote brought to mind by the memory of the painful facts of his report. He said, ''And the Lord said to Cain, where is Abel, thy brother? And he said, I know not. Am I my brother's keeper? And he said, what hast thou done? The voice of thy brother's blood cryeth unto me from the ground.''

Mr. Speaker, the voice of Bishop Gerardi's blood cries to the people of Guatemala and to the world from the ground to determine and to call for justice to be brought. We must not and should not let this murder destroy the peace so many people have worked so hard to bring about.

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

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

Mr. Speaker, our colleague, the gentleman from California (Mr. GALLEGLY), the distinguished chairman of our Subcommittee on the Western Hemisphere, is unfortunately detained today, but I will be submitting a statement on his behalf under leave previously obtained.

Mr. GALLEGLY. Mr. Speaker, in December, 1996, the Government of Guatemala and representatives of the UNRG signed a historic peace agreement ending some 36 years of armed confrontation.

Since that historic day, peace and the implementation of the peace accords, especially with respect to political stability, national reconciliation, the observance of human rights and freedom of expression, have made significant gains in Guatemala. In fact, in recognition of the progress being made on human rights, the United Nations Human Rights Commission recently removed Guatemala from its list of countries under observation for abuses.

Unfortunately, the progress toward reconciliation in Guatemala was rudely shattered on April 26 when Roman Catholic Bishop Juan Gerardi, a leading human rights crusader and author of a recently released report detailing the human rights abuses committed during the years of conflict, was brutally and senselessly murdered outside his residence in Guatemala City.

The murder shocked the people of Guatemala and called into question national attitudes about human rights on the part of some in that country.

House Resolution 421, introduced by our Colleague, KEVIN BRADY of Texas, expresses our outrage over this murder and calls on the Government of Guatemala to do everything in its power to resolve this crime and bring those responsible to swift justice.

To that end, I want to commend President Arzu for acting quickly to establish a high level Commission to help in the investigation, and the efforts made to date to resolve the murder. However, progress has been slow and the effort continues to need the strong support and cooperation of the police and military.

Equally important, however, is that this bill calls on the government and people of Guatemala not to give up on the peace and reconciliation process and to make a renewed commitment to carry out the provisions of the peace accords despite this tragic and unfortunate set back.

On May 13, the Western Hemisphere Subcommittee marked up this resolution and unanimously adopted it.

I urge passage of this resolution.

Mrs. MORELLA. Mr. Speaker, I rise in strong support of House Resolution 421, deploring the murder of Bishop Juan Jose Gerardi, and I thank the gentleman from Texas, Mr. BRADY, for having introduced this resolution.

I join with all of the people of Guatemala in mourning and deploring the brutal murder of Bishop Juan Jose Gerardi, the head of the Catholic Church's human rights office. Many of us who have followed developments in Guatemala since the signing of the historic peace agreement in 1996 are deeply concerned about the negative impact which the slaying of Bishop Gerardi will have on the process of peace and reconciliation in Guatemala.

This would be especially unfortunate because the Guatemalan government has shown great determination to implement the broad-ranging commitments laid out in the peace accords since the signing of the accords. There have been many positive evaluations from the U.N. Mission in Guatemala and other international and Guatemalan organizations of the political will that the Arzu government has demonstrated and of important advances in the peace process.

The murder of Bishop Gerardi took place less than two days after he had presented the Catholic Church's landmark report, ''Never Again,'' on the human rights violations committed during the civil war. The report documented the killings, disappearances, and massacres of the more than 30-year war, assigning blame for more than 80 percent of them on the security forces. Given Guatemalan history and the timing of the murder, there is widespread presumption in Guatemala of official involvement in the murder. This belief, and shortcomings in the investigation of the crime, has cast a pall over the peace process and chilled the climate of respect for human rights.

It is a measure of great progress in democratic government and respect for human rights that few believe that the murder of the Bishop was carried out by institutions of the State. Nonetheless, there is concern that the government has not sufficiently investigated the role which former and current military officials may have had in the crime; two suspects, a retired military officer and a current officer, were named several weeks ago by Church sources as having been involved, but they have still not been questioned. In addition, petitions to exhume the body of Bishop Gerardi to evaluate conflicting autopsy reports have not been acted on by the courts, even though every passing day makes it more likely that an autopsy would not clarify outstanding questions. The crime scene was not properly secured to assure the reliability of forensic evidence collected.

It is critical to the success of the peace process, and to the faith of the Guatemala people in the institutions of democratic government, that this case be fully investigated and that all clues be followed, regardless of where the evidence leads. The investigation must be complete, credible, and transparent, and the Guatemalan people must have faith that it will be carried out in such a manner.

In addition, there can be no better way for the government and the people of Guatemala to honor the life and work of Bishop Gerardi than to maintain a clear and strong commitment to fully implement the peace accords.

Mr. LANTOS. Mr. Speaker, I rise in strong support of House Resolution 421, and I commend the Gentleman from Texas, Congressman BRADY, as well as the cosponsors of this important resolution for their work on this bill.

Mr. Speaker, before us today is legislation which highlights one of the most tragic losses in the fight for human rights world-wide. The violent death of Guatemala's outstanding spiritual leader and human rights defender, Monsignor Juan Jose Gerardi, the Bishop who served as General Director of the Guatemalan Archbishop's Human Rights Office, is not only a tragic loss for Guatemala, but also for the process of reconciliation in civil-worn torn Guatemala and its search for truth.

I previously had an opportunity to express to Bishop Gerardi's coworkers and the Guatemalan people the condolences of the U.S. Congress and the American people for the tragic loss of Bishop Gerardi, and would like to take this opportunity to do so again.

Mr. Speaker, Bishop Gerardi was murdered on April 26th, 1998—only two days after he publicly presented the report ''Guatemala:

Never Again.'' This report represents an outstanding and extremely difficult effort to establish the death toll of 36 years of civil war, which is estimated to be at least 150,000, in addition to some 50,000 estimated disappearances. This crucial report—which clearly placed the blame for the majority of human rights abuses during the civil war upon the Guatemalan army—was prepared by the interdiocesan project, Recovery of Historical Memory (REMHI), which the Bishop coordinated. Needless to say, there is complete documentation for only a small number of cases, and the efforts by the Archbishop's Human Rights Office will continue. Let us never forget that these staggering estimates reflect the suffering and pains of hundreds of thousands of individuals, families, and loved ones, which no statistics can ever do justice.

Mr. Speaker, I also would like to take this opportunity to thank my good friends and distinguished colleagues, Congresswomen NANCY PELOSI of California and CONNIE MORELLA of Maryland, as well as Congressman GEORGE MILLER of California for leading a recent delegation in conjunction with the Robert F. Kennedy Memorial Center for Human Rights, which went to Guatemala to examine the impact of the murder of Bishop Gerardi on the future of the peace process and to check the status of the investigation launched by the Guatemalan authorities. Our resolution today clearly shows to all parties involved how seriously we in the United States Congress and in the U.S. government take these brutal efforts to silence this human rights activist. The guilty parties must be brought to justice.

While the world mourns the tragic loss of Bishop Gerardi, the efforts to implement the peace process must continue. Only by establishing the basic democratic principle of accountability will the Peace Accords be successful. Otherwise, the removal of Guatemala from the U.N. Human Rights Commission list of Countries under observation for human rights abuses could prove to be premature.

In order to assist the people in Guatemala to achieve the goals expressed in the peace accords, I have introduced H.R. 2635, the Human Rights Information Act, which provides Truth Commissions, such as the one in Guatemala, with the necessary information to document and prosecute human rights abuses which occurred in their country. The bi-partisan Human Rights Information Act is currently cosponsored by 92 of our distinguished colleagues in the House. I commend the outstanding human rights leadership of my friend and colleague, Congressman STEVEN HORN, the Chairman of the Subcommittee on Government Management, Information and Technology, for holding a hearing on this bill. I hope it will be possible to mark up this bill as soon as possible, before we run out of time in this Congress.

Mr. Speaker, I urge all of my colleagues to support this resolution.

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 421.

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

A motion to reconsider was laid on the table.

CONCERNING THE NEW TRIBES MISSION HOSTAGE CRISIS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 277) concerning the New Tribes Mission hostage crisis.

The Clerk read as follows:

H. CON. RES. 277

Whereas Mark Rich, David Mankins, and Rick Tenenoff of the Sanford, Florida, based New Tribes Mission were abducted on January 31, 1993, from the Kuna Indian village of Pucuro in the Darien Province of Panama;

Whereas the wives and children of these American citizens, Tania Rich (daughters—Tamra and Jessica), Nancy Mankins (son—Chad, daughter—Sarah), and Patti Tenenoff (son—Richard Lee III, daughters—Dora and Connie), have lived the past 5 years without knowledge of the safety of these 3 men;

Whereas Mark Rich, David Mankins, and Rick Tenenoff presently are believed to be the longest held United States hostages;

Whereas this kidnapping represents a gross violation of the 3 missionaries' human rights and is not an isolated incident in Colombia where, since 1980, 83 innocent Americans have been held hostage by the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN);

Whereas the FARC and the ELN guerrilla groups in Colombia have both been designated terrorist organizations by the Department of State;

Whereas Colombia is engaged in a high-level conflict with these guerrilla insurgency groups, a number of whom are protectorates of the deadly drug trade;

Whereas the FARC has recently threatened officials of the United States Government and kidnapped additional United States citizens in Colombia;

Whereas the region of Colombia where the 3 American missionaries are believed to be held is controlled not by the Colombian Government, but rather by the FARC;

Whereas on December 9, 1997, the President of Colombia stated on an internationally televised episode of Larry King Live that the FARC ''in some ways have admitted indirectly that they have the missionaries'';

Whereas Human Rights Watch has stated that ''The FARC has an obligation to unconditionally free the 3 missionaries, with all necessary guarantees'' and Amnesty International has declared their ''request that the FARC respect international humanitarian norms, guarantee the life and physical safety of the missionaries and unconditionally free them and all other hostages'';

Whereas congressional inquiries regarding the 3 missionaries have been made to United States Government entities, including, the White House, the Department of State, the Department of Defense, the Department of Justice, and the Federal Bureau of Investigation;

Whereas congressional inquiries regarding the 3 missionaries have been made to Amnesty International, Pax Christi, His Holiness the Pope John Paul II, and the International Committee of the Red Cross, which has provided assurances that their Colombian delegation ''is still actively working in favor of the missing members of the New Tribes Mission'';

Whereas 58 Members of Congress and Senators signed letters to 8 different heads of state, including Costa Rica, Mexico, Panama, Spain, Venezuela, Guatemala, Colombia, and Portugal, in attendance at the Iberian-American Conference in Venezuela in November of 1997, requesting any and all assistance in order to bring about a favorable outcome to this unfortunate event;

Whereas no official confirmation of life or death has been made by any United States Government entity, nongovernmental organization, foreign government, or religious institution;

Whereas the distinction between a ''terrorist activity'' and a ''criminal activity'' perpetrated on an American citizen traveling abroad should not be a limiting factor in terms of United States governmental investigation; and

Whereas every consideration to safety and prudence regarding action by the United States Government, foreign governments, nongovernmental organizations, international institutions, and other groups in this matter should be of the highest priority: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the President of the United States and his emissaries should raise the kidnapping of Mark Rich, David Mankins, and Rick Tenenoff of the New Tribes Mission and other American victims in Colombia to all relevant foreign governments, nongovernmental organizations, and religious institutions at every opportunity until a favorable outcome is achieved;

(2) the international community should encourage any and all groups believed to have information on this case to come forward to help the families of the kidnapped missionaries;

(3) all appropriate information obtained by the United States Government, foreign governments, international institutions, nongovernmental organizations, and religious institutions should be turned over in a timely basis to the New Tribes Mission crisis response team;

(4) a copy of this resolution shall be transmitted to the President, the Secretary of State, the National Security Advisor, the Secretary of Defense, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, the President of the Republic of Costa Rica, the President of the United Mexican States, the President of the Republic of Panama, the King of Spain, the President of the Republic of Venezuela, the President of the Republic of Guatemala, the President of the Republic of Colombia, the President of the Republic of Portugal, and His Holiness Pope John Paul II; and

(5) a copy of this resolution shall be transmitted to the New Tribes Mission, Amnesty International, Pax Christi, and the International Committee of the Red Cross.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on House Concurrent Resolution 277.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 277 concerning the New Tribes Mission hostage crisis. I want to commend our colleagues on the committee: the gentleman from Missouri (Mr. BLUNT), for introducing this concurrent resolution highlighting the plight of the New Tribes missionaries in Columbia; and I understand that the gentleman from Florida (Mr. MICA) and the gentleman from Indiana (Mr. BURTON) contributed to the drafting of this resolution, and have been actively engaged on behalf of the families of these victims of terrorist kidnappings. This resolution received the unanimous support of our committee, and was referred to the suspension calendar.

Since 1980, Mr. Speaker, 83 innocent Americans have been held hostage in Columbia. Twelve of these Americans are known to have been murdered. In February, 1997, American geologist Frank Pescatore was brutally killed by the narcoterrorist group that calls itself the National Liberation Army, the ELM.

In 1995, the Florida-based New Tribes Mission lost two other missionaries, Steve Welsh and Timothy Van Dyke, who were murdered by another narcoterrorist group that calls itself the Revolutionary Armed Forces of Columbia, the FARC. These kidnappings and the suffering of the victims and their families have been virtually unnoticed and have been underreported in the media. Moreover, in Columbia, kidnappers act with substantial impunity. Ninety-seven percent of crimes in Columbia are never brought to justice.

In March, our Committee on International Relations held a hearing in which we heard testimony from three Americans whose lives were callously and inexorably altered by kidnapping at the hands of Columbia narcoterrorists. The testimony of Mrs. Tania Rich and the other kidnapped missionaries' wives was particularly moving.

Mr. Speaker, now is the time for the missionaries' captives to come forward with any information they may have on their fate and their well-being. Accordingly, I invite all of our colleagues to join in approving this resolution today.

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

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

Mr. Speaker, again I thank the gentleman from New York, the chairman of the Committee on International Relations, for his management of this legislation now before us. I want to commend the gentleman from Missouri (Mr. BLUNT) for his authorship of this legislation.

Mr. Speaker, the resolution calls for the President and his representatives to raise the kidnapping of these three missionaries and all other American victims of kidnapping in Columbia with relevant governments, NGOs, and religious institutions at every opportunity.

The resolution also calls on the international community to encourage all groups with information on this case to come forward. Also, the resolution states that all appropriate information on the case of these three missionaries be provided to the New Tribes Mission crisis response team.

Mr. Speaker, it seems that kidnapping is literally an industry now in Columbia, where thousands of people are taken and held for ransom every year. No case, however, is as cynical and senseless as the case of Mark Rich, David Mankins, and Rick Tenenoff. These three men were on mission in southern Panama when they were kidnapped in January of 1993. If Columbia insurgents are as serious about peace as they say they are, then the least we can expect from them is an accounting of where these three men are and what has happened to them.

Mr. Speaker, the drafters of this resolution have been very active in raising the profile of this very regrettable case, and they ought to be commended for their efforts, especially the gentleman from Florida (Mr. MICA) and the gentleman from Indiana (Mr. BURTON).

This resolution deserves our support, Mr. Speaker, and I urge my colleagues to join me in voting yes on this legislation.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, it is with great sadness that I am compelled to rise today to urge the House to support House Resolution 277, because it means that Columbian guerillas are still holding David Mankins, Mark Rich, and Rick Tenenoff as hostages.

As we know, in January of 1993 the Columbian guerillas crossed the border into Panama and kidnapped David, Richard, and Mark from an Indian village where they were doing humanitarian work. These three American missionaries have now been held for over 5 years by the guerillas. I believe that is the longest held Americans ever, as hostages. Credible reports suggest that they are still alive.

Last year a number of Latin American ambassadors pledged to assist in resolving this hostage situation. In addition, the governments of other countries in Central and South America learned of the case and pledged their support in working to secure the release of Mr. Mankins, Mr. Rich, and Mr. Tenenoff.

The commitments of assistance from a number of these governments has been very encouraging. In July of last year, Assistant Secretary of State John Shattuck committed to doing everything possible to secure the release of these three Americans. Unfortunately, despite all these pledges of assistance from other countries, the Americans remain as hostages.

Mr. Speaker, American citizens' lives are at stake, and now have been for over 5 years. We must continue our efforts on behalf of these men. I urge President Clinton, Secretary Albright, the State Department, and all other appropriate American officials to work to bring an immediate end to this tragic hostage situation. I urge the House to support House Resolution 277 to pledge our assistance in bringing David Mankins, Mark Rich, and Rick Tenenoff, home to their families.

I also again offer my continued to support, assistance and prayers to Mrs. Mankins, Mrs. Rich, and Mrs. Tenenoff and their families as they seek the release of their husbands and fathers. I call on all of my colleagues to stand firmly against terrorism of any kind.

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

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

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. PITTS) for his eloquent remarks in support of this resolution.

Mr. GALLEGLY. Mr. Speaker, on January 31, 1993, armed Colombian guerrillas from the FARC organization crossed the border between Colombia and Panama and kidnapped three American missionaries of the New Tribes Mission. These innocent American citizens were then taken back into Colombia and held for millions of dollars of ransom.

Since that day almost 6 years ago, the fate of Rick Tenenoff, David Mankins, and Mark Rich remains unknown. Their families wait anxiously every day for some news of their loved ones. I want to applaud the FARC for their recent release of U.S. businessman, Donald Lee Cary who they held captive for more than five months, but I want to express my disappointment with the FARC for their silence on the issue of the New Tribes missionaries. The FARC guerrillas have chosen not to provide any information on the whereabouts of these missionaries. They won't even say whether they are still alive or not.

I want to commend our colleague, ROY BLUNT for introducing H. Con. Res. 277 asking the Colombian guerrillas to release these American citizens or to provide some information as to their fate. For the families, this is the least that can be done.

I urge my colleagues to support this resolution and I call on the FARC to release whatever information they have about these citizens.

Mr. WOLF. Mr. Speaker, on January 31, 1993, armed guerillas entered in Kuna village of Pucaro in Southern Panama and stormed the homes of Mark Rich, David Mankins, and Rick Teneoff. The men were missionaries for new Tribes Mission who lived in the village with their families. The guerillas tied up the men in their homes and ordered their wives to prepare packages of clothing. Then they all—the gun-toting guerillas and the three American missionaries—disappeared into the night. The three men have not been heard from again—that was over 5½ years ago.

The three men are believed to be the longest held American hostages in our history.

It is believed the men are being held by the Revolutionary Armed Forces of Colombia or FARC—an organization designated by the State Department as a terrorist group. It is believed the men were taken to Northern Colombia into an area controlled by the FARC. We know little else. We don't know whether the men are dead or alive. We don't know the exact location of whether they are being held. Very little information has become available.

For over 5 years, the families of these men have longed for the return of their loved ones—Mark has two daughters, David has a son and a daughter, and Rick has two daughters. These children have all spent the last years of their young lives without their fathers. Their mothers—Tania Rich, Nancy Mankins, and Patti Teneoff—have been without their husbands. They have spent each day praying for some shred of information that may give them a ray of hope.

They have lobbied the State Department and FB to do more. They have written to President Clinton. They have met with Latin American leaders who may have influence with the FARC. They have presented their pleas to Congress. They are speaking out and doing what they can. But we must help.

I rise in strong support of H. Con. Res. 277 which condemns the kidnapping of the New Tribes Missionaries and urges the United States government to do everything possible to press for their release. It sends the message that U.S. Congress cares about this case and is committed to working for the release of these men. Resolving these cases is never easy, but there be must be more the U.S. government can and should do.

We must try everthing possible to help return these men to their families. The kidnapping of American citizens is not acceptable and must be punished. Indecisive or unenthusiastic intervention on behalf of the American government puts American citizens everywhere at risk.

My heart goes out to the Rich, Mankins, and Teneoff families. We are with you and will do what we can to help you.

I urge you to vote in favor of H. Con. Res. 277.

Mr. MICA. Mr. Speaker, I rise today to support this resolution and encourage my colleagues and the United States Government to highlight the plight of three missionaries from my district in Sanford, Florida, who are being held captive by a narco-terrorist group in Colombia. The Congress must ask every federal government agency to bring greater attention to the plight of these men and their families.

New Tribes Mission, founded in 1945, places missionaries around the world. With approximately 3,500 missionaries working in isolated areas worldwide, no one can dispute the courageous work and positive influences these dedicated individuals bring to so many. Their work, however, is sometimes marked by danger.

On January 31, 1993, three New Tribes Missionaries: David Mankins, Mark Rich, and Rick Tenenoff were taken from their families in their village in Pucuro, Panama by armed guerrillas, who crossed the nearby border back into Colombia. This was over five years ago! Still, these three husbands and fathers, believed to be the longest held U.S. hostages, have not been reunited with their loved ones. They were not wealthy, well placed or international figures. They were there with limited resources on a mission of faith.

Mr. Speaker, I have worked closely with many of our colleagues in efforts to seek their release. We have made numerous inquiries with various U.S. government entities, including the White House, the State Department, the Department of Defense, the Department of Justice, and the Federal Bureau of Investigation and the intelligence community. We have also solicited support from human rights organizations such as Amnesty International, Pax Christi, and the International Committee of the Red Cross.

We were joined by fifty-seven Members of Congress and U.S. Senators, in contacting foreign leaders and participants in the 1997 Iberian-American Conference on Human Rights urging their support in raising this issue with Colombia and with all relevant governments and organizations. While this effort was met with wide support, these men still have not been returned.

These three missionaries are not people of sizable wealth or corporate executives. They are families of modest means who certainly cannot afford large ransoms. Colombian guerrillas, largely funded by the drug trade, have nothing to gain from holding these men. The United States must not forget these American lives. These lives are of equal value to any American, even those of substantial wealth and power. This resolution emphasizes Congress's commitment to the cause of freeing these men.

In closing, Mr. Speaker, we must face the prospect of what this sad story holds for the children of these fine Americans. David Mankins has not seen his children, Sarah and Chad, get married. Rick Tenenoff's son has told his mother he would go and stay with the guerillas just be with his father. And Jessica, Mark Rich's youngest daughter said, ''I would give away all my toys, even Cubby [her teddybear], if it would bring Daddy back.''—Heartbreaking. Let us not forget these men and their families. I urge my colleagues to join me in supporting H. Con. Res. 277, and hope that this effort further encourages those in power to act now & use every possible resource to free these American hostages, these devoted missionaries, these longed for husbands and fathers.

Mr. BLUNT. Mr. Speaker, I would like to submit the following statement for the RECORD regarding H. Con. Res. 277, the New Tribes Mission Resolution:

I invite all of my colleagues to join me today in approving legislation that I introduced, H. Con. Res. 277, the New Tribes Mission Resolution.

On January 31, 1993 three Americans, Mark Rich, David Mankins, and Rick Tennenoff were abducted from the Kuna Indian village of Pucuro in the Darian Province of Panama, and were taken to Colombia by the Colombian Revolutionary Armed Forces (FARC). These men, missionaries from the New Tribes Mission headquartered in Sanford, Florida, are now believed to be the longest held American hostages in Colombia.

After five years of uncertainty about the fate of these men, their families and other members of the New Tribes Mission deserve closure. Congress must take action to urge the missionaries' captors to come forward and release any information they may have on the fate and well being of these hostages.

My resolution expresses the sense of Congress that any individual or group with knowledge of the whereabouts of the New Tribes Mission missionaries be encouraged to come forward. It also seeks to bring international attention to the abduction and to pressure the Colombian government to release any information they may have about the fate of these men.

Accordingly, I welcome the support of all of my colleagues in approving this bipartisan and humanitarian legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 277.

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

A motion to reconsider was laid on the table.

□ 1415

CALLING FOR AN END TO RECENT CONFLICT BETWEEN ERITREA AND ETHIOPIA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 292) calling for an end to the recent conflict between Eritrea and Ethiopia, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 292

Whereas the 1991 ouster of the Mengistu dictatorship led to relative peace and stability in Eritrea and Ethiopia;

Whereas in 1993 Eritrea became independent after an internationally supervised referendum and the Government of Ethiopia accepted the result of the referendum;

Whereas the Governments of Eritrea and Ethiopia have worked closely on a wide range of issues over the past several years;

Whereas the Government of Eritrea and Ethiopia enjoy warm relations with the United States;

Whereas on May 6, 1998, a military confrontation erupted between Eritrea and Ethiopia, resulting in the deaths of hundreds of innocent civilians and the displacement of tens of thousands of people;

Whereas the peoples of Eritrea and Ethiopia have suffered for decades due to war and manmade famines and do not deserve once again to suffer due to armed conflict;

Whereas the conflict between Eritrea and Ethiopia could destabilize the entire subregion and lead to a massive humanitarian crisis;

Whereas the Governments of Eritrea and Ethiopia have both stated that they are committed to a peaceful resolution of the conflict; and

Whereas the Governments of the United States and Rawanda, as well as countries in the region, have put forth proposals for resolving the conflict: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) calls on both Eritrea and Ethiopia immediately to bring an end to the violence between the two countries;

(2) commends the executive branch of the United States Government for brokering a

moratorium on air raids between Eritrea and Ethiopia;

(3) commends the recent efforts of the United States facilitation team to resolve the crisis, and encourages continued United States engagement toward a peaceful resolution of the conflict; and

(4) calls on President Isaias Afewerki and Prime Minister Meles Zenawi to end the conflict peacefully before it escalates into a full-scale war.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 292.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California (Mr. CAMPBELL), a member of our Committee on International Relations, for introducing this important resolution.

The conflict between Ethiopia and Eritrea is a tragic one. Although there is no fighting at this time, hundreds of lives have already been lost and there is expectation that the fighting will resume soon.

These two nations, which are closely linked by language, by culture, and by history, are two of Africa's most promising nations, which makes the current conflict all the more terrible.

Mr. Speaker, with this resolution, we stand with the innocent victims of this senseless conflict and with those who are working for peace between these two nations.

Again, I thank the gentleman from California (Mr. CAMPBELL) for introducing this resolution, along with the gentleman from New Jersey (Mr. PAYNE), another member of our committee. They traveled to both of these nations recently and have provided valuable expertise, leadership, and insight to our committee on this issue. Accordingly, I urge my colleagues to support this resolution.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I wish to thank the gentleman from California (Mr. CAMPBELL) and the gentleman from New Jersey (Mr. PAYNE) for their joint sponsorship of this legislation. It is a fact that it does have the bipartisan support of the committee as well.

Mr. Speaker, the resolution before us calls on both Eritrea and Ethiopia immediately to bring an end to the violence between the two countries. The legislation also commends the United States executive branch for brokering a moratorium on air raids between Eritrea and Ethiopia. The resolution commends the recent efforts of the U.S. facilitation team to resolve the crisis and encourages continued U.S. engagement towards a peaceful resolution of the conflict.

The legislation also calls for President Afewerki and Prime Minister Meles Zenawi to end the conflict peacefully before it escalates into a full-scale war.

Mr. Speaker, the sides are deeply committed to their positions. This is in significant part a personality duel between the two leaders. The resolution will have little impact on that, Mr. Speaker. Nevertheless, the Congress should urge both sides to renounce the further use of force and the United States should continue to actively promote a political settlement.

The resolution puts the Congress on record in support of these goals. This resolution deserves our support, Mr. Speaker, and I urge my colleagues to vote in support of this legislation.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CAMPBELL), a member of our Committee on International Relations.

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for his kindness and courtesy to me, and for yielding me this time.

Mr. Speaker, I rise to offer support for this resolution, House Concurrent Resolution 292. I recognize my good friend and colleague, the gentleman from New Jersey (Mr. PAYNE) who has been in many ways my tutor in matters of great importance to my heart, and particularly in this difficult area of the Horn of Africa.

What can we do in this resolution, Mr. Speaker? We can do very little. I recognize that. But at the most basic level we can say that we notice and we care that things that happen in what would be considered by most Americans a remote part of the world, the Horn of Africa, does touch all of us in the United States as lovers of freedom.

We have nothing but praise for the way the people of Eritrea and Ethiopia fought for their freedom from a tyranny of many years, from artifacts of the Cold War, and, eventually, in the case of Eritrea itself, in receiving independence from Ethiopia. And at the time there was such optimism because this was a peaceful transition, which is regrettably rare in the world and regrettably rare in Africa.

The first thing we can do is say we observe, we know what is happening, and we do care.

Second, this resolution which I drafted with the help of my colleague, the gentleman from New Jersey (Mr. PAYNE), and I wish to say the help as well of the administration, does not choose sides. This resolution does not say that we have decided which side is right. And it is important that we do not enter into that judgment.

Nevertheless, I do wish to call attention to the fact that the Assistant Secretary of State, Susan Rice, has been a substantial player in bringing about what cease-fire exists right now; that she deserves a great degree of credit; that I here give her that credit on the floor. I know I will be joined by my colleagues in so doing. And that in the achievement of a cease-fire, we have at least some progress.

Mr. Speaker, the next step is for the people of Eritrea and Ethiopia, of course. But it seems to me, and I believe many members of our committee, that the delineation of the border between Eritrea and Ethiopia should be given to an international organization, whether it is the Organization of African Unity or the United Nations Secretariat or the World Court. That even while there is no actual settlement of the conflict, the beginning of the delineation between the two countries can proceed—from which, both countries say, all of the conflict follows.

So the second main point I would say is whereas we are observing and we do care about this, we are not choosing sides, but the delineation of the border ought to proceed while the bullets are not flying. And then whoever is determined to own what property at the end of that delineation will be the result of a neutral, a third-party process.

Lastly, Mr. Speaker, a personal note. I have traveled to Africa with the gentleman from New Jersey (Mr. PAYNE), my good friend and colleague, my tutor, as I call him, and have made Africa my focus. And it is of great personal sadness to me that this war broke out. I address these words more to my friends in Eritrea and Ethiopia than to our colleagues here today, Mr. Speaker, when I say it is difficult to draw the attention of the United States to the tremendous amount of good that we can do with a small investment of caring, a small investment of our resources in this part of the world, and whatever success the gentleman from New Jersey has had for the years that he has been here doing this before I came back to Congress and began to work with him, whatever success we have had, is cast into jeopardy. Cast into jeopardy by the illustration of war between these two countries—because the easiest thing is to say no. The easiest thing is to find a reason not to be concerned, to turn one's back, to vote for foreign aid to countries that will help one politically instead of for a little bit of assistance that can save some lives or make a

child see who would otherwise go blind, and vindicate the trust that the people of Eritrea and Ethiopia have given to their democratic leadership.

So, I conclude by making that observation. Mr. Speaker, to those watching in the governments of Eritrea and Ethiopia, know the harm that this war has done to those of us in this country who would seek to help the progress of people who have done so much on their own to the commendation of all of those who have observed it.

Mr. Speaker, I thank the gentleman from New York (Chairman GILMAN) for allowing me to present the argument in favor of H. Con. Res. 292 and for his courtesy to me on the committee on this and everything else.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume, just to say to the gentleman from California (Mr. CAMPBELL) that I thank him for his eloquent words in support of this resolution, and for introducing the resolution to the House.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE) to speak on behalf of this piece of legislation.

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

Mr. PAYNE. Mr. Speaker, to the gentleman from American Samoa (Mr. FALEOMAVAEGA), I say thank you for that gracious commitment for all the time that I may consume. Unfortunately, I am not in the Senate, so therefore I will keep my comments brief. Although we are not supposed to address the other House, I apologize.

Mr. Speaker, let me first of all say that I rise in strong support of the resolution, H. Con. Res. 292, to end the conflict between Eritrea and Ethiopia. I would like to commend both the gentleman from New York (Chairman GILMAN) and the gentleman from Indiana (Mr. HAMILTON), ranking member on the Committee on International Relations, for bringing this resolution swiftly to the floor.

Let me take a moment to express my real admiration and appreciation to the gentleman from California (Mr. CAMPBELL), who became active on the Subcommittee on Africa at the beginning of the last term and who has added so much to the committee from the other side of the aisle.

Mr. Speaker, I think that there has not been a time in the history of the committee that a new member has taken the initiative and has really made such a difference, and I really express my appreciation to the gentleman from the leadership position who has enabled many of these projects to move forward. I really feel that the committee is very, very privileged to have him as a member.

Mr. Speaker, I would also like to thank the gentleman from California (Chairman ROYCE) and the gentleman from Florida (Mr. HASTINGS) for their input on this resolution.

Mr. Speaker, it is very timely. As we have heard from my colleagues, although a cessation of hostilities is presently the mood on the ground, the situation is still at best tenuous. I am very concerned about the situation for the entire East Africa region.

Eritrea became an independent State in 1993 following an internationally monitored referendum, which incidentally was supposed to take place in 1962, but because of political maneuvers, the vote was never taken. But we were glad that the international monitors in 1993 allowed the Eritreans to vote and overwhelmingly they voted for independence from Ethiopia.

Since that time, though, the President has been forced to deal with the Eritrean Islamic Jihad, the EIJ, a small Sudan-based insurgent group that has mounted terrorist attacks in northern and west Eritrea. Increased EIJ activities, coupled with the buildup of Sudanese forces on the western border, has led the government to increase security and deploy the Army to the west.

The Lords Resistance Army, LRA problem in northern Uganda; the 2.6 million people in southern Sudan who are in imminent danger of starvation, many who have been suffering from slavery that is still practiced in that country of Sudan; the bombing and the terrorist threats in Nairobi and Dar es Salaam, has shown that very much is at stake and allies have to stay together at this time.

With that said, I think it is imperative that we resolve the situation in Ethiopia and Eritrea. I am anxious to see a resolve to the present impasse. I believe that the facts surrounding May 6 are at best sketchy and we still do not know exactly what happened. But as the gentleman from California (Mr. CAMPBELL) said, we are not here to say who is at fault, who is to blame. That is behind us. We need to move forward.

Mr. Speaker, I know that respect for one's sovereignty and maintaining territorial integrity are very serious foreign objectives; however, this is not a simple border dispute and it represents a bigger issue for more serious underlying problems, I believe.

In a world where border disputes are not that common but rarely result in full escalation of hostilities resulting in war, I could not understand why a full escalation of war occurred, especially between these two friends and neighbors, persons who fought together.

I cannot condone the killing of innocent men, women, and children, whether it is in Asmara Addis, Mekele or Badme. I am friends, as is the gentleman from California (Mr. CAMPBELL), with both Prime Minister Meles and President Isaias, who we have spoken to, as well as their ambassadors here in this country on numerous occasions. And we have both urged them to halt all air strikes, pull back their ground forces, and create a lasting solution for peace and stability in the region.

I cannot condone the minor Ethiopian migration in other parts of the border, nor can I condone the takeover of Badme by the Eritreans and the supposedly binding nature of the Italian colonial boundaries.

□ 1430

Let me say that I am becoming increasingly concerned about the expulsion of both countries. A simultaneous full demarcation in the Yigra triangle in northwestern Ethiopia is in order.

I am pleased by the swift, quick, and decisive action in the region taken by the Assistant Secretary of State, Dr. Susan Rice, who during, her short tenure as assistant secretary, has made tremendous inroads in Africa.

I would like to conclude by saying that both countries fought against the Ethiopian Marxist regime of Mengistu dictatorship and have common interests of containing regional actors. All of this ended in 1991, and since that time an exemplary relationship of friendship and cooperation had been forged between their peoples and governments of these two countries. It would be a shame if this stalemate continued.

The Eritreans and the Ethiopians are brothers and sisters, and it is sad and most embarrassing for this to have happened. Lives have been lost and damage has been done, but we must move forward. The U.S. should continue to work on and actively promote a political settlement.

Mr. Speaker, I support this resolution and urge my colleagues to do the same.

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

Mr. Speaker, I do want to commend and respond to the statements made earlier by the gentleman from New Jersey (Mr. PAYNE), to commend the gentleman from California (Mr. CAMPBELL), not only for his eloquence, but certainly for his keen interest on the very, very important international relationships that our country has with the various nations of Africa.

In the years that I have spent as a member of the Committee on International Relations, my good friend and colleague, the gentleman from New Jersey (Mr. PAYNE) has always been my stalwart and senior member who understands more than most members on the committee of the important issues affecting not only the nations of Africa but certainly our relations with them.

Again, I want to thank the gentleman from California (Mr. CAMPBELL) for taking an active interest in this important piece of legislation. I urge my colleagues to support this bill.

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

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House

suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 292, as amended.

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

A motion to reconsider was laid on the table.

JAMES T. LEONARD, SR. POST OFFICE BUILDING

Mr. SESSIONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3810) to designate the United States Post Office located at 202 Center Street in Garwood, New Jersey, as the ''James T. Leonard, Sr. Post Office''.

The Clerk read as follows:

H.R. 3810

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

SECTION 1. DESIGNATION.

The United States Post Office located at 202 Center Street in Garwood, New Jersey, shall be known and designated as the ''James T. Leonard, Sr. Post Office''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the ''James T. Leonard, Sr. Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 3810 was introduced by my distinguished colleague, the gentleman from New Jersey (Mr. FRANKS). The legislation was introduced on May 7, 1998, and is cosponsored by the entire House delegation from the State of New Jersey pursuant to the policy of the Committee on Government Reform and Oversight.

H.R. 3810 designates the building of the United States Postal Service located at 202 Center Street in Garwood, New Jersey as the James T. Leonard, Sr. Post Office Building.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I want to thank the gentleman from Texas for yielding to me.

Mr. Speaker, I rise today in support of the bill to name the United States Post Office in Garwood, New Jersey, after James T. Leonard, Sr.

James Leonard was one of those special individuals who devoted his life to serving his community. Whether it was founding the local rescue squad, volunteering with the fire department, or serving as a special police officer, he was always there to lend a hand to people in need.

To his friends and neighbors in this small Union County community in which he lived, Judge Leonard was affectionately known as ''Mr. Garwood.''

During his 6 decades of service to his community, James served as mayor, councilman, recorder, magistrate, and finally judge of the Garwood Municipal Court. By the time he retired in 1989, Judge Leonard had earned the distinction of being the last municipal court judge in New Jersey who was not a lawyer. He was also one of the longest serving municipal court judges.

I urge my colleagues to support H.R. 3810 so that we could pay tribute to a great American who gave so much to the community he loved. Naming the Garwood Post Office after James T. Leonard, Sr. is a fitting honor to a man who will always be remembered as ''Mr. Garwood.''

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

Mr. Speaker, I would like to, first of all, join with my colleague from Texas in urging the House to favorably consider H.R. 3810. This is one of the many of the naming bills that we will consider today, but it is singularly important to the sponsor of this bill and has been cosponsored by the entire New Jersey delegation. I would like to rise in favorable support of this bill and ask for its consideration before the House.

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

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

Mr. Speaker, in its resolution number 98191, dated April 14, 1998, the mayor and the council of the Borough of Garwood, Union County, New Jersey formally requested that the Garwood Post Office be named in honor of Mr. James T. Leonard. I also urge all Members to support this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SESSIONS) that the House suspend the rules and pass the bill H.R. 3810.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SESSIONS. 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. 3810, the bill just passed.

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

There was no objection.

RAY J. FAVRE POST OFFICE BUILDING

Mr. SESSIONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2623) to designate the United States Post Office located at 16250 Highway 603 in Kiln, Mississippi, as the ''Ray J. Favre Post Office Building''.

The Clerk read as follows:

H.R. 2623

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

SECTION 1. DESIGNATION.

The United States Post Office located at 16250 Highway 603 in Kiln, Mississippi, shall be known and designated as the ''Ray J. Favre Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the ''Ray J. Favre Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 2623 was introduced on October 7, 1997, by our distinguished colleague from Mississippi (Mr. TAYLOR). The legislation enjoys the cosponsorship of the entire House delegation from the State of his Mississippi pursuant to the policy of the Committee on Government Reform and Oversight.

H.R. 2623 designates the building of the United States Postal Service located at 16250 Highway 603 in Kiln, Mississippi as the ''Ray J. Favre Post Office.''

Mr. Favre was appointed postmaster of Kiln in 1940 and served in that position until his retirement in 1976. He was known for his prompt, courteous, and efficient service to all who use the postal facility. On many occasions, he went beyond the call of duty to provide aid and assistance, particularly to the people who were indigent.

The Hancock County Board of Supervisors honored Mr. Favre on his retirement by proclaiming August 29, 1976, as ''Ray Favre Day'' in Hancock County. The Veterans of Foreign Wars also held ceremonies at their post honoring him upon his retirement. He was a member of several civic associations in Kiln until his death in April of 1996.

The Hancock County Board of Supervisors unanimously requested that the Kiln Post Office be named in Mr. Favre's honor.

Mr. Speaker, I urge our colleagues to support this legislation and to honor Mr. Favre as a dedicated postal employee for his consistent work during his daily employment and for his exemplary work in the community.

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

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

Mr. Speaker, let me also rise in support of H.R. 2623. The House would have to take note that the only reason that

this bill is before us, and one of the greatest pleasures that I have had as ranking member of this Subcommittee on Postal Service, is that I have the opportunity to work so closely with my colleague, the gentleman from the great State of Mississippi (Mr. TAYLOR) who introduced and sponsored this legislation.

Mr. Speaker, I yield whatever time he would need to the gentleman from Mississippi (Mr. TAYLOR) for him to articulate to the House his reasons for offering this legislation.

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to thank the gentleman from Texas (Mr. SESSIONS) and the gentleman from Pennsylvania (Mr. FATTAH).

I would like to tell my fellow members that this could well be the tale of two Favres. A few years ago, after the Dallas Cowboys defeated the Green Bay Packers in the NFL championship game on a Sunday, the following Friday, I visited a fish fry at St. Paul's Catholic School in Pass Christian, Mississippi.

The purpose of the fish fry was to raise money for the elementary school, and it was done in a competition, where the group that raised the most money got to name the king and queen of St. Paul's carnival parade in Pass Christian.

One of the contestants was a lovely lady by the name of Bonita Favre. She has the distinction of being the mother of three wonderful children, one of whom is Bret Favre.

During the week that transpired between the Packers loss to the Cowboys and this Friday night, Bret was named Most Valuable Player of the NFL. So when I go to the fish fry on Friday night at Pass Christian, you would fully expect the recently appointed Most Valuable Player of the NFL to show up in a limousine, probably a Hollywood starlet on each arm, probably enough jewelry around his neck to retire the national debt.

Let us just say that I was very pleasantly surprised as I walked into the school cafeteria and looked over in the corner to see a young man who had just been named the most valuable of the NFL in a T-shirt, wearing a pair of brown khaki pants and some tennis shoes.

He is over in the corner, not talking to reporters, but playing rock, paper, and scissors with two local teenagers. I was thinking to myself I have seen all the people that have a lot of fame and idolization, and sometimes it does good things for them, and sometimes it ruins them. The first thought of mine is he is obviously handling this very well.

Bret probably could have very easily written a check for his mom to win this contest, but they decided to do it the way everyone else does, with fish fries where the local fisherman donate the fish and the shrimp and the oysters. The local men get together, clean them, and prepare them. Everyone goes through the line at $5 a pop.

I just thought it was absolutely remarkable that this young man, the son of two public schoolteachers in rural Mississippi, had done so well in such a short amount of time and handled it so well.

Based on that, I wrote the Hancock County Board of Supervisors and said there is going to be a new post office in Kiln, Mississippi, the community nearest to where Bret is from. He is actually from a smaller community called Fenton. Maybe we should name it in honor of him.

The board, in their wisdom, came back and really gave me a lesson in life. They said, think about it. This young man has had his photograph on the cover of almost every magazine and newspaper in the world. He has already been the Most Valuable Player. He will undoubtedly in his lifetime, and he since has won a couple of Super Bowls, won a Super Bowl and appeared in another. He gets plenty of idolization. Let us do something in honoring a good person.

If you have had the great privilege of seeing the movie ''Saving Private Ryan,'' you know one of the most moving scenes at the end is when Private Ryan, the character who plays Private Ryan is crying at the grave site of one of the people, Captain John Miller, who saves his life. He turns to his wife and says, Am I a good man? Tell me I am a good man.

The person that the Hancock County Board of Supervisors chose to honor with this post office was a good man. It marks the fourth good man that I have had the privilege of helping to, working with my colleagues, to name a building after.

The first was my immediate predecessor, Congressman Larkin Smith, former sheriff and congressman, very well respected, someone else who worked himself up from his bootstraps and died tragically in a plane crash.

Another was an incredibly brave young Mississippian from Eastabuchie, Mississippi, by the name of Roy Wheat who threw himself on a land mine during the Vietnam War to save the lives of three other Marines, who was later awarded the Congressional Medal of Honor.

A third was probably the most lovable man any city in Mississippi produced, by the name of Johnny Longo, who served for better than 30 years as an elected official in his hometown of Waverly, Mississippi.

Being a good man is more than receiving a Medal of Honor. It is more than being a Congressman. It is more than being a lifetime elected official. Being a good man is the greatest compliment that any of us can hope to obtain when it is all said and done about us.

□ 1445

Mr. Favre spent his life serving his hometown of Kiln, Mississippi. For 36 years he was their postmaster. He married a local girl in 1945, was the loving father of Rae Ann Normand, Nancy V. Smith and Edward R. Favre. He was very active in his church. But more than anything else, he served the people he loved for 36 years.

About 4 years ago a heck of a lot of people were elected to Congress because they said they hated their country; they hated the people who worked for their country. I thought that was wrong then. I still think that is wrong. Mr. Favre loved his country and he loved serving his country. He did not need the limelight, he just wanted to do a good job.

So I stand before my colleagues today, number one, to thank the Hancock County Board of Supervisors for honoring a good man, and I ask my fellow Members of Congress to do the same. And let us see to it that this great public servant, who served that community so well for so long, is honored in an appropriate manner.

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

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

Once again we have heard from the gentleman from Mississippi about people who have served our country not only as good husbands and fathers but also as postal employees, and I too give thanks for Mr. Favre, for his 36 years of service to the people of Mississippi and the people of the United States.

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Texas (Mr. SESSIONS) that the House suspend the rules and pass the bill, H.R. 2623.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SESSIONS. 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. 2623, the bill just passed.

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

There was no objection.

JEROME ANTHONY AMBRO, JR. POST OFFICE BUILDING

Mr. SESSIONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3167) to designate the United States Post Office located at 297 Larkfield Road in East Northport, New York, as the ''Jerome Anthony Ambro, Jr. Post Office Building''.

The Clerk read as follows:

H.R. 3167

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

SECTION 1. DESIGNATION.

The United States Post Office located at 297 Larkfield Road in East Northport, New York, shall be known and designated as the ''Jerome Anthony Ambro, Jr. Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the ''Jerome Anthony Ambro, Jr. Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 3167 was introduced by the gentleman from New York (Mr. ACKERMAN). The legislation was introduced on February 5, 1998 and is cosponsored by the entire House delegation from the State of New York pursuant to the policy of the Committee on Government Reform and Oversight.

H.R. 3167 designates the building of the United States Postal Service located at 297 Larkfield Road in East Northport, New York, as the ''Jerome Anthony Ambro, Jr. Post Office Building''.

Jerome Anthony Ambro, Jr., a lifelong New Yorker, was born in Brooklyn. He graduated from New York University and served in the United States Army military police. Mr. Ambro served four terms as Huntington Town Supervisor and as a member of the Suffolk County Board of Supervisors. He was elected to Congress in 1974 and served three terms representing the 3rd District of New York. Mr. Ambro was elected leader of the 1982 freshman Members who were elected after Watergate. He served as Chairman of the House Subcommittee on Natural Resources and Environment and was known for his tireless work for senior citizens, strengthening Social Security, and his role in passing the clean air and clean water legislation. Mr. Ambro died at age 64 in 1993.

Mr. Speaker, I urge all my colleagues to support this legislation.

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

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 3167.

Our effort here, Mr. Speaker, is to name a post office in honor of a former colleague, and this was offered by the gentleman from the great State of New York (Mr. ACKERMAN). It is in honor of a gentleman whose record of service in this House speaks for itself, I think all would agree, in terms of his fight on behalf of senior citizens and the protection of Social Security and in terms of his efforts in passing the Clean Air Act, his acknowledged leadership by his colleagues when he was elected head of the freshman class, some 82 Members.

The other point that I would make is that he served even before his election here to Congress. He was a member of the armed forces and, in part, during his service there, was a military police officer. My older brother served as a military police officer, so I have a certain affection for those who serve in that role or have served in that role. And I also think it is important to note his recognized contributions in his local community.

So I would join with my colleague from Texas and ask that we favorably support this bill unanimously out of the House and that we do our part, which is to acknowledge his service and his dedication to public service, through the naming of this post office in his hometown.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of H.R. 3167, a bill to designate the United States Post Office located in East Northport, New York, as the ''Jerome Anthony Ambro, Jr. Post Office Building.'' This legislation is a fitting tribute to a great man and selfless public servant.

I am proud to be the sponsor of this legislation. The fact that all 31 members of the New York Delegation cosponsored the bill demonstrates the respect we all have for Jerome Anthony Ambro, Jr. In addition, both Senators from New York have sponsored similar legislation in the other body. It doesn't stop there. The Huntington Town Board—the local government representing the community where the post office is located—unanimously approved a resolution urging Congress to pass this legislation.

The reason this bill has such widespread support, from the grassroots to the Capitol, is that Jerry, as his friends called him, served his constituents, colleagues and country well. Unfortunately, our nation sustained a major loss when Jerry passed away in 1993 from diabetes complications.

Jerry was a lifelong New Yorker, and he never forgot his roots. Following his service in the United States Army, Jerry served his constituents admirably for four terms as the Huntington Town Supervisor. In that role, he worked diligently to improve environmental protection and senior citizen services on Long Island.

Following his local success, Jerry was elected to three terms in the U.S. House of Representatives where he served as Chairman of the Science Subcommittee on Natural Resources and the Environment. He played a leading role in passing clean air and clean water legislation that improved our country's quality of life. Jerry also was a tireless advocate for senior citizens, fighting for the strengthening of Social Security.

Jerry Ambro's distinguished public service in local government and the House of Representatives deserves to be honored. The East Northport Post Office will be a legacy to Jerry's tireless efforts to improve the lives of New Yorkers.

I thank the chairman and the ranking member of the Postal Service Subcommittee for their cooperation in moving this legislation, and I strongly urge all of my colleagues to support this important bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SESSIONS) that the House suspend the rules and pass the bill, H.R. 3167.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SESSIONS. 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. 3167, the bill just passed.

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

There was no objection.

EDGAR C. CAMPBELL, SR. POST OFFICE BUILDING

Mr. SESSIONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3939) to designate the United States Postal Service building located at 658 63rd Street, Philadelphia, Pennsylvania, as the ''Edgar C. Campbell, Sr., Post Office Building''.

The Clerk read as follows:

H.R. 3939

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

SECTION 1. EDGAR C. CAMPBELL, SR., POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 658 63rd Street, in Philadelphia, Pennsylvania, shall be known and designated as the ''Edgar C. Campbell, Sr., Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''Edgar C. Campbell, Sr., Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 3939 was introduced by our distinguished colleague and ranking member of the Subcommittee on Postal Service, the gentleman from Pennsylvania (Mr. FATTAH). The legislation was introduced on May 21, 1998, and enjoys the cosponsorship of the entire House delegation from Pennsylvania pursuant to the policy of the Committee on Government Reform and Oversight.

H.R. 3939 designates the building of the United States Postal Service located at 658 63rd Street in Philadelphia, Pennsylvania, be known as the

''Edgar C. Campbell, Sr., Post Office Building''.

Mr. Campbell senior was elected to five terms of city-wide office, including Councilman-at-Large and Clerk of the Quarter Sessions Court.

Mr. Speaker, I urge our colleagues to support this legislation, which is to honor Mr. Edgar C. Campbell, Sr.

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

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume, obviously in support of H.R. 3939, a bill that I have authored and does indeed have the full support of the entire Pennsylvania delegation.

On many occasions we do this to honor the people that we are naming the buildings after, and in so many respects Edgar C. Campbell, Sr., honored us by his willingness to work and dedicate his life to public service. I knew him well personally. He taught me some of the more painful lessons of local politics, beating me in some of my earlier efforts at public office.

He was known as the ''Dean of Black Politics'' in Philadelphia, but also had a hand in most all of the politics of our local city in Philadelphia. He was someone who served both on the city council and as clerk of the court. He served as what we call the ward leader, that is, the local political leader of the 4th Ward executive committee, which is the ward I was raised in and came of age in politically.

Edgar C. Campbell, Sr.'s legacy continues through the great work of his daughter, who is now the ward leader there and head of a group of ward leaders, and also the leader of our local party, the leader of one of the head offices of our local Democratic party organization.

So I just want to have the House understand the tremendous contributions of this person, who was a gentleman, but also had a way to make sure that everyone understood that he had a sense about politics and he understood how to make it work to the benefit of the people who were his neighbors, who entrusted him with the responsibility of serving in public office.

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

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

I did not know that Mr. Edgar C. Campbell, Sr., was a mentor of the gentleman from Pennsylvania (Mr. FATTAH), but I must state that he must have been a gentleman who taught well, because he has always not only been a gentleman but fought vigorously for all those things he believes in.

Mr. Speaker, it is an honor for us to name this post office in his honor, and it is great that the gentleman has brought this forth, and we appreciate that.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SESSIONS) that the House suspend the rules and pass the bill, H.R. 3939.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SESSIONS. 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. 3939, the bill just passed.

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

There was no objection.

DAVID P. RICHARDSON, JR., POST OFFICE BUILDING

Mr. SESSIONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3999) to designate the United States Postal Service building located at 5209 Greene Street, Philadelphia, Pennsylvania, as the ''David P. Richardson, Jr., Post Office Building''.

The Clerk read as follows:

H.R. 3999

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

SECTION 1. DAVID P. RICHARDSON, JR., POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 5209 Greene Street, in Philadelphia, Pennsylvania, shall be known and designated as the ''David P. Richardson, Jr., Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''David P. Richardson, Jr., Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 3999 was introduced by the gentleman from Pennsylvania (Mr. FATTAH), who is the ranking member of the Subcommittee on Postal Service. The legislation was introduced on June 5, 1998, and enjoys the cosponsorship of the entire House delegation from the State of Pennsylvania pursuant to the policy of the Committee on Government Reform and Oversight.

H.R. 3999 designates the building of the United States Postal Service located at 5209 Greene Street, Philadelphia, Pennsylvania, as the ''David P. Richardson, Jr., Post Office Building''.

Mr. Richardson served 11 terms in the Pennsylvania House of Representatives. He was involved in many community and professional organizations, including the Urban League of Philadelphia, the National Association of State Legislators, and the Greater Germantown Youth Corporation. He was the recipient of numerous honors and awards for his civic involvement.

☐ 1500

Mr. Richardson died in 1995.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

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

Mr. Speaker, I also rise in support of H.R. 3999, which would name a postal facility in the Germantown section of Philadelphia after a former colleague who I served in the State House with, David P. Richardson. He served for some 11 terms as a state legislator from Philadelphia. I served in the State House for 3 terms and then as a state senator in which our districts were contiguous to each other and also briefly as a Member of Congress while he was still alive.

David P. Richardson was a state legislator. But he was more than that. He was elected by his colleagues as the president of the National Association of Black State Legislators in our Nation. He was the president of that association but also served on the Executive Committee of the National Conference of State Legislators.

He was at home in Harrisburg, in our state capital, the chairman, or as we would say, the ''powerful chairman,'' of the health and welfare committee for so many years that none could remember a previous chairman.

David P. Richardson served his constituents well. He was a former product of the public schools of Philadelphia, Germantown High School. He is someone who is well-respected for all of his work. His legacy will be with us for a great time to come. And this post office in the heart of his State House district will remind his constituents that David P. Richardson and his work should not ever be forgotten.

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

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

May the spirit of what we have done here today and us working together live and enrich these communities of these post offices of which we have dedicated not only to the people of these communities but also for the spirit in which these gentlemen lived their lives.

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

The SPEAKER pro tempore (Mr. Gillmor). The question is on the motion offered by the gentleman from Texas (Mr. SESSIONS) that the House suspend the rules and pass the bill, H.R. 3999.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SESSIONS. 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. 3999.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 3 o'clock and 3 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EVERETT) at 5 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question of each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 678, by the yeas and nays;

H.R. 1560, by the yeas and nays; and

H.R. 459, by the yeas and nays.

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

THOMAS ALVA EDISON COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 678, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 678, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 1, not voting 36, as follows:

[Roll No. 417]

YEAS—397

Abercrombie	Armey	Ballenger
Aderholt	Bachus	Barr
Allen	Baesler	Barrett (NE)
Andrews	Baker	Barrett (WI)
Archer	Baldacci	Bartlett
Barton	Filner	Livingston
Bass	Foley	LoBiondo
Bateman	Forbes	Lofgren
Becerra	Fossella	Lowey
Bentsen	Fowler	Lucas
Bereuter	Fox	Luther
Berry	Frank (MA)	Maloney (CT)
Bilbray	Franks (NJ)	Maloney (NY)
Bilirakis	Frelinghuysen	Manton
Bishop	Frost	Manzullo
Blagojevich	Gallegly	Markey
Bliley	Ganske	Martinez
Blunt	Gejdenson	Mascara
Boehlert	Gekas	Matsui
Boehner	Gephardt	McCarthy (MO)
Bonilla	Gibbons	McCarthy (NY)
Bonior	Gilchrest	McCollum
Bono	Gillmor	McCrery
Boswell	Gilman	McDade
Boucher	Goode	McDermott
Boyd	Goodlatte	McGovern
Brady (PA)	Goodling	McHale
Brady (TX)	Gordon	McHugh
Brown (CA)	Goss	McInnis
Brown (OH)	Graham	McIntosh
Bryant	Granger	McIntyre
Bunning	Green	McKeon
Burr	Greenwood	McKinney
Burton	Gutierrez	McNulty
Callahan	Gutknecht	Meehan
Calvert	Hall (OH)	Meek (FL)
Camp	Hall (TX)	Meeks (NY)
Campbell	Hamilton	Menendez
Canady	Hansen	Metcalf
Cannon	Harman	Mica
Capps	Hastert	Millender-McDonald
Cardin	Hastings (FL)	Miller (CA)
Carson	Hastings (WA)	Miller (FL)
Castle	Hayworth	Minge
Chabot	Hefley	Mink
Chambliss	Hefner	Mollohan
Chenoweth	Herger	Moran (KS)
Christensen	Hill	Morella
Clay	Hilleary	Murtha
Clayton	Hilliard	Myrick
Clement	Hinchey	Nadler
Clyburn	Hinojosa	Neal
Coble	Hobson	Nethercutt
Coburn	Holden	Neumann
Collins	Horn	Ney
Combest	Hostettler	Northup
Condit	Houghton	Norwood
Conyers	Hoyer	Nussle
Cook	Hulshof	Oberstar
Cooksey	Hunter	Obey
Costello	Hutchinson	Olver
Cox	Hyde	Ortiz
Coyne	Inglis	Owens
Cramer	Istook	Oxley
Crane	Jackson (IL)	Packard
Crapo	Jackson-Lee (TX)	Pallone
Cubin	Jefferson	Pappas
Cummings	Jenkins	Parker
Cunningham	Johnson (CT)	Pascrell
Danner	Johnson (WI)	Pastor
Davis (FL)	Johnson, E. B.	Paxon
Davis (IL)	Johnson, Sam	Payne
Deal	Jones	Pease
DeFazio	Kanjorski	Pelosi
DeGette	Kasich	Peterson (MN)
Delahunt	Kelly	Peterson (PA)
DeLauro	Kennedy (RI)	Petri
DeLay	Kildee	Pickering
Diaz-Balart	Kilpatrick	Pickett
Dickey	Kim	Pitts
Dicks	Kind (WI)	Pombo
Dingell	King (NY)	Pomeroy
Doggett	Kingston	Porter
Dooley	Kleczka	Portman
Doolittle	Klink	Price (NC)
Doyle	Klug	Quinn
Dreier	Knollenberg	Radanovich
Duncan	Kucinich	Rahall
Dunn	LaFalce	Ramstad
Edwards	LaHood	Rangel
Ehlers	Lantos	Redmond
Emerson	Largent	Regula
Engel	Latham	Reyes
English	LaTourette	Riley
Ensign	Lazio	Rivers
Eshoo	Leach	Rodriguez
Etheridge	Lee	Roemer
Evans	Levin	Rogan
Everett	Lewis (CA)	Rogers
Ewing	Lewis (GA)	Rohrabacher
Farr	Lewis (KY)	Ros-Lehtinen
Fattah	Linder	Rothman
Fawell	Lipinski	Roybal-Allard
Fazio	Royce	Smith (OR)
Ryun	Smith (TX)	Tierney
Sabo	Snowbarger	Torres
Salmon	Snyder	Traficant
Sanchez	Solomon	Turner
Sanders	Souder	Upton
Sandlin	Spence	Velazquez
Sanford	Spratt	Vento
Sawyer	Stabenow	Visclosky
Saxton	Stark	Walsh
Scarborough	Stearns	Wamp
Schaffer, Bob	Stenholm	Waters
Scott	Stokes	Watkins
Sensenbrenner	Strickland	Watt (NC)
Serrano	Stump	Watts (OK)
Sessions	Stupak	Waxman
Shadegg	Sununu	Weldon (FL)
Shaw	Talent	Weldon (PA)
Shays	Tanner	Weller
Sherman	Tauscher	Weygand
Shimkus	Tauzin	White
Shuster	Taylor (MS)	Whitfield
Sisisky	Taylor (NC)	Wicker
Skaggs	Thomas	Wilson
Skeen	Thompson	Wise
Skelton	Thornberry	Wolf
Slaughter	Thune	Woolsey
Smith (MI)	Thurman	Wynn
Smith (NJ)	Tiahrt	Yates
		Young (FL)

NAYS—1

Paul

NOT VOTING—36

Ackerman	Furse	Poshard
Barcia	Gonzalez	Pryce (OH)
Berman	Hoekstra	Riggs
Blumenauer	Hooley	Roukema
Borski	John	Rush
Brown (FL)	Kaptur	Schaefer, Dan
Buyer	Kennedy (MA)	Schumer
Davis (VA)	Kennelly	Smith, Adam
Deutsch	Kolbe	Smith, Linda
Dixon	Lampson	Towns
Ehrlich	Moakley	Wexler
Ford	Moran (VA)	Young (AK)

□ 1722

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to require the Secretary of the Treasury to mint coins in commemoration of Thomas Alva Edison and the 125th anniversary of Edison's invention of the light bulb, and for other purposes.''.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional motion to suspend the rules on which the Chair has postponed further consideration.

LEWIS AND CLARK EXPEDITION BICENTENNIAL COMMEMORATIVE COIN ACT

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 1560, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the

bill, H.R. 1560, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 2, not voting 34, as follows:

[Roll No. 418]

YEAS—398

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—2

Boehner
Paul

NOT VOTING—34

Ackerman
Barcia
Blumenauer
Borski
Brown (FL)
Buyer
Deutsch
Dixon
Ehrlich
Ford
Furse
Gonzalez
Hoekstra
Hooley
John
Kennedy (MA)
Kennelly
Kolbe
Lampson
Lewis (CA)
Meek (FL)
Moakley
Poshard
Pryce (OH)
Riggs
Roukema
Rush
Schaefer, Dan
Schumer
Smith, Adam
Smith, Linda
Towns
Wexler
Young (AK)

☐ 1732

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMEMORATING 50 YEARS OF RELATIONS BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA

The SPEAKER. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 459, as amended.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 459, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 34, as follows:

[Roll No. 419]

YEAS—400

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley

Packard	Sabo	Stupak
Pallone	Salmon	Sununu
Pappas	Sanchez	Talent
Parker	Sanders	Tanner
Pascrell	Sandlin	Tauscher
Pastor	Sanford	Tauzin
Paul	Sawyer	Taylor (MS)
Paxon	Saxton	Taylor (NC)
Payne	Scarborough	Thomas
Pease	Schaffer, Bob	Thompson
Pelosi	Scott	Thornberry
Peterson (MN)	Sensenbrenner	Thune
Peterson (PA)	Serrano	Thurman
Petri	Sessions	Tiahrt
Pickering	Shadegg	Tierney
Pickett	Shaw	Torres
Pitts	Shays	Traficant
Pombo	Sherman	Turner
Pomeroy	Shimkus	Upton
Porter	Shuster	Velazquez
Portman	Sisisky	Vento
Price (NC)	Skaggs	Visclosky
Quinn	Skeen	Walsh
Radanovich	Skelton	Wamp
Rahall	Slaughter	Waters
Ramstad	Smith (MI)	Watkins
Rangel	Smith (NJ)	Watt (NC)
Redmond	Smith (OR)	Watts (OK)
Regula	Smith (TX)	Waxman
Reyes	Snowbarger	Weldon (FL)
Riley	Snyder	Weldon (PA)
Rivers	Solomon	Weller
Rodriguez	Souder	Weygand
Roemer	Spence	White
Rogan	Spratt	Whitfield
Rogers	Stabenow	Wicker
Rohrabacher	Stark	Wilson
Ros-Lehtinen	Stearns	Wise
Rothman	Stenholm	Woolsey
Roybal-Allard	Stokes	Wynn
Royce	Strickland	Yates
Ryun	Stump	Young (FL)

NOT VOTING—34

Ackerman	Hoekstra	Roukema
Barcia	Hooley	Rush
Borski	John	Schaefer, Dan
Brown (FL)	Kennedy (MA)	Schumer
Burr	Kennedy (RI)	Smith, Adam
Buyer	Kennelly	Smith, Linda
Deutsch	Kolbe	Towns
Ehrlich	Lampson	Wexler
Ford	Moakley	Wolf
Furse	Poshard	Young (AK)
Gonzalez	Pryce (OH)	
Graham	Riggs	

☐ 1741

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was absent from the chamber today for rollcall votes 417, 418 and 419. Had I been present, I would like the RECORD to reflect that I would have voted ''aye'' on each of these votes.

PERSONAL EXPLANATION

Mr. FORD. Mr. Speaker, today I was unavoidably detained and missed the following rollcall votes:

Rollcall No. 417—H.R. 678, Thomas Alva Edison Sesquicentennial Commemorative Coin Act;

Rollcall No. 418—H.R. 1560, Lewis and Clark Expedition Bicentennial Commemorative Coin Act; and

Rollcall No. 419—H. Res. 459, Commemorating 50 Years of Relations between the United States and the Republic of Korea.

Had I been present, I would have voted ''aye'' on Rollcall Nos. 417, 418, and 419.

COMMUNICATION FROM INDEPENDENT COUNSEL KENNETH W. STARR

The Speaker laid before the House the following communication from Kenneth W. Starr, Independent Counsel:

OFFICE OF THE INDEPENDENT COUNSEL,
Washington, DC, September 9, 1998.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

Hon. RICHARD A. GEPHARDT,
Democratic Leader, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER AND REPRESENTATIVE GEPHARDT: Today this Office has delivered to the Sergeant at Arms, the Honorable Wilson Livingood, 36 sealed boxes containing two complete copies of a Referral to the House of Representatives. This Referral is filed in conformity with the requirements of Title 28, United States Code, Section 595(c), which provides that ''[a]n independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives . . . that may constitute grounds for an impeachment.''

This Referral contains confidential material and material protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure. Disclosure of this material to the House of Representatives has been authorized by the United States Court of Appeals for the District of Columbia Circuit, Division for the Purpose of Appointing Independent Counsels. A copy of that order is attached. The contents of the Referral may not be publicly disclosed unless and until authorized by the House of Representatives. Many of the supporting materials contain information of a personal nature that I respectfully urge the House to treat as confidential.

I respectfully request that the Sergeant at Arms maintain this Referral in a sealed and secure condition and deliver this sealed Referral to the House of Representatives at a time and place to be determined by the House consistent with its own Rules. Until such time as the Sergeant at Arms is directed to deliver this Referral, I consider it a record of the Office of the Independent Counsel, and executive department of the Executive Branch. I respectfully request that the Referral remain sealed until its formal receipt by the House. Jefferson's Manual, §706(c) (citing Speaker O'Neill's ruling of July 31, 1980, CONG. REC. at 20765).

Respectfully yours,

KENNETH W. STARR,
Independent Counsel.

☐ 1745

The SPEAKER. The accompanying court order will appear at this point in the Congressional RECORD.

The text of the court order is as follows:

U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

DIVISION FOR THE PURPOSE OF APPOINTING INDEPENDENT COUNSELS

Ethics in Government Act of 1978, As Amended

In Re: Madison Guaranty Savings & Loan Association, Division No. 94–1.

Before: Sentelle, Presiding Judge, and Butzner and Fay, Senior Circuit Judges.

ORDER

Upon consideration of the ''Ex Parte Motion for Approval of Disclosure of Matters Occurring Before a Grand Jury'' filed by Independent Counsel Kenneth W. Starr on July 2, 1998, the Court finds that it is appropriate for the Independent Counsel to convey the materials described in that motion to the House of Representatives. Accordingly, it is

ORDERED that the motion be granted. The Court hereby authorizes the Independent Counsel to deliver to the House of Representatives materials that the Independent Counsel determines constitute information of the type described in 28 U.S.C. §595(c). This authorization constitutes an order for purposes of Federal Rule of Criminal Procedure 6(e)(3)(C)(i) permitting disclosure of all grand jury material that the independent counsel deems necessary to comply with the requirements of §595(c). This order may be disclosed as required in connection with the Independent Counsel's compliance with his statutory mandate.

PER CURIAM
FOR THE COURT:
Mark J. Langer,
Clerk
BY
MARILYN R. SARGENT,
Chief Deputy Clerk.

PARLIAMENTARY INQUIRIES

Mr. DINGELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGELL. Mr. Speaker, I note that the Rules of the House say that any document in any committee is available to any Member of this House upon proper presentation by that Member to this committee. Will that rule prevail with regard to the documents referred to?

The SPEAKER. The documents currently do not belong to any committee and are in possession of the House under armed guard. The House will consider a rule to deal with the documents. At that time, the gentleman may have an ample opportunity, to debate it.

The majority is working very closely with the minority leader and the ranking minority member of the Committee on the Judiciary and with the Members on both sides of the Committee on Rules to develop a rule which may come to the Committee on Rules. This hopefully will be a clearly bipartisan rule with a broad base of support which will handle a complex group of documents in a way that will both meet the public interest and the needs of the Members.

Mr. DINGELL. Mr. Speaker, I have a further parliamentary inquiry. As I note that the Rules of the House require that any document in the possession of any committee or in the possession of the House is available to any Member of this House upon demand; is that correct?

The SPEAKER. Only with respect to committee files. Documents initially in the possession of the whole House can be handled in a different manner. And until the Committee on Rules and the House has determined where these documents will go and in what manner they will be handled, they will be maintained under armed guard in a room that the Sergeant at Arms is responsible for.

Mr. DINGELL. Mr. Speaker, again, I have a further parliamentary inquiry. The documents are in the custody of the Speaker, are they not?

The SPEAKER. At the direction of the Chair, the documents are in the custody of the Sergeant at Arms on behalf of the House. No Member of the House, neither the Speaker nor the minority leader nor any other Member nor any staff member, has access to these documents.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, how would a Member of the House who seeks to see these documents go about seeing them?

The SPEAKER. The most efficient way could be for the gentleman from Mississippi to meet with either the minority leader or the ranking minority member of the Committee on the Judiciary and explain how he wishes them to be handled, so that as the rule is written tonight or tomorrow morning it is written in a manner that fits the gentleman's interest. That is the way for an individual Member to be effective on this topic. On the Republican side, Members could meet with the gentleman from Illinois (Mr. HYDE) or the gentleman from New York (Mr. SOLOMON).

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a further parliamentary inquiry. If it is the understanding of a Member that the people that the Speaker has mentioned would not be in favor of releasing the report, what recourse then would a Member, or hopefully a majority of Members, have in seeking these documents?

The SPEAKER. The Chair will not speculate on relations inside the gentleman's party. The gentleman will have to discern that for himself. The Chair will not speculate on how that might work out. The gentleman would also, as a Member, have a right to vote against a proposed rule.

Mr. TAYLOR of Mississippi. Mr. Speaker, is that the sole recourse?

The SPEAKER. The Chair will not speculate, but the gentleman may want to sit down with the Parliamentarian and determine what other recourse he might have.

The SPEAKER. The Chair recognizes the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I would say to the honorable gentleman from Michigan (Mr. DINGELL) and the gentleman from Mississippi (Mr. TAYLOR) that there are ongoing meetings right this minute between the staffs of the Committee on the Judiciary on both sides of the aisle and the Committee on Rules on both sides of the aisle to make a determination of how to expedite this matter. And I would suggest to any and all Members that they go to their respective party leaders, because that input is being put in right now and sometime this evening we will come to some kind of bipartisan decision and bring that rule to the floor tomorrow.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2863, MIGRATORY BIRD TREATY REFORM ACT OF 1998

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–698) on the resolution (H. Res. 521) providing for the consideration of the bill (H.R. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2538, GUADALUPE-HIDALGO TREATY LAND CLAIMS ACT OF 1998

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–699) on the resolution (H. Res. 522) providing for consideration of the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty, which was referred to the House Calendar and ordered to be printed.

REAPPOINTMENT AS MEMBER TO THE NATIONAL SKILL STANDARDS BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 503(b)(3) of Public Law 103–227, the Chair announces the Speaker's reappointment of the following Member on the part of the House to the National Skills Standard Board for a 4-year term:

Mr. William E. Weisgerber, Iona, Michigan.

There was no objection.

APPOINTMENT OF MEMBER TO COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) as amended by section 2(d) of Public Law 102–586, the Chair announces the Speaker's appointment of the following member on the part of the House to the Coordinating Council on Juvenile Justice and Delinquency Prevention:

Mr. Gordon A. Martin, Roxbury, Massachusetts to a 2-year term.

There was no objection.

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 Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. STUPAK 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 gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. CONYERS 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 gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

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

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

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

RONALD V. DELLUMS FEDERAL BUILDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I rise today in support of H.R. 3295 which designates a Federal building in Oakland, California, as the Ronald V. Dellums Federal Building. The naming of this building after my distinguished predecessor, Ronald V. Dellums, is truly an honor that many of his constituents his colleagues and his supporters from across the Nation have awaited as a mark of recognition and as a symbol of our appreciation for the role that he played, the leadership that he gave, the work that he did, and the spiritual uplift that he gave to the critical issues of our time.

Ron, as constituents, colleagues, family, and friends call him, we have

called him that from the time actually of his membership on the Berkeley City Council in 1967, Ron became the focus and the leader of an ever growing group of people who were hungry for leadership on the critical issues of the late 1960s and the 1970s. These were people, activists who were upset about the Vietnam war, angry about injustices against blacks, people of color, women, and all those yearning to be a part of the larger America that would be moral and ethical in our domestic and foreign policy.

Ron V. Dellums, like his elder contemporary, Dr. Martin Luther King, Jr., ignited the activists for civil rights and activists for peace. For over two decades, this coalition provided some of the greatest political energies and social and political achievements that we have ever known.

This coalition propelled Ron to the House of Representatives where as a result of his distinguished work in the Armed Services Committee, now the Committee on National Security, he was elected to the chair and later the ranking member of that committee. He was valued and loved because of the role that he played on that committee and on the floor of Congress.

He spoke to the fears and the doubts regarding the war in Southeast Asia. He addressed passionately the need for social and economic justice at home and abroad. He also helped to forge the annual Alternative Budget, which was a product of the Congressional Black Caucus and the Congressional Progressive Caucus. This budget was of tremendous importance to his district and his national constituents because it provided a necessary voice for many of our deepest moral considerations.

The people who worked with Ron, who supported Ron, who became the people also who loved Ron, value this designation of the Ronald V. Dellums Federal Building. I want to thank my colleagues for honoring Ronald V. Dellums by designating this building in his name.

LABOR DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE of Texas) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this week we celebrated Labor Day, and I believe that it is important to acknowledge the working men and women of America, for it is on their good and hard work, their tenacity and determination, their appreciation for excellence and equality that this Nation was built.

So if I might, Mr. Speaker, let me pay tribute to all of America's workers, men and women, single parents, senior citizens, young people who go to work every day and make this country a better place.

All over the Nation we celebrate Labor Day in many different ways. Families gather together. And I thought it was important to bring to the attention of this body maybe something that is not particularly associated with Labor Day, people working, but to emphasize how we can improve this Nation.

Mr. Speaker, I live in Houston, Texas, near the coast, so many celebrate Labor Day by going to their beloved Gulf waters. This past weekend a family from Beaumont went to those waters to celebrate Labor Day. The family of four enjoying an outing out together happened to be African-American. Those family members joined on what was claimed to be a flimsy raft and went out into the rough waters seeking to have a good time.

□ 1800

I think there is nothing wrong with a family having a good time. Tragically, the raft overturned. But I would like to pay tribute to Holly Shaffer, a white woman in Galveston. I say that for a reason. For quoting from the Houston Chronicle, here are Holly Shaffer's words,

''Shaffer said she was sitting in her pick up truck watching two families go in and out of the surf when one group began struggling. She said other help might have arrived sooner, but a man she asked to call for help on his cellular telephone refused to do so. The man remarked they are black, they are probably drunk, she said. He got out of his car and stood there for 5 minutes, she added. I was seeing red by then. Holly then had to run across the street to a restaurant to seek help. Then she ran back across the street to get whatever she had out of her car and ran down the rugged rocks to be able to save one of the people who had overturned.''

I say that because it is important for us to uplift the goodness of America, and Holly Shaffer emphasizes that. How tragic it is that, in 1998, on a day when we celebrate working Americans of all hues and colors and ethnic backgrounds, this quote in Texas signifies the cancer that still plagues America.

That is why I think it is important to note and say thank you to two very fine scholars, William Bowen of Princeton University and Darek Bok of Harvard University who today have presented a report that should end and silence forever those who want to kill affirmative action and civil rights in America.

The study says affirmative action created black middle class. There is no doubt, with absolute documentation, finite research to indicate that those African-Americans who were able to be race-based admitted into institutions of higher learning, elitist institutions like Yale and Harvard and Princeton in the 1970s and 1980s clearly carved out the path of black middle class in America.

In fact, the article goes on to say that, more than their counterparts, and a Hispanic study will follow, those individuals became civic leaders. They became doctors and lawyers. They became active and contributors in their community.

The shape of the report draws upon data about students who entered college in 1976 and 1989. It emphasizes in particular that race neutral admissions policy would be disastrous for American society, reducing black percentages to top schools to less than 2 percent.

As an illustration of what that would mean, they constructed a rough profile of 700 black students admitted in 1976 under race conscious policies. Of the 700, 225 doctorates, 70 are now medical doctors, 60 are lawyers, 125 are business executives, and more than 300 are civic leaders. Their average annual salary are $71,000, as reported from the New York Times, as I am reading from the Houston Chronicle, Wednesday, September 9, 1998.

Mr. Speaker, I think this puts to rest, I hope, as we begin the debate in the years to come and the future months as we listen to the courts, looking at cases in Michigan and elsewhere around this Nation, we cannot snuff out the opportunities for African-Americans, women, and other minorities because someone believes that we have enough.

Because we hear comments like they are drunk and probably black when people are losing their lives in the rough waters off the Gulf of Mexico, I think it is clear that we have a cancer in this community that we need to address.

This Congress must come on the side or come down on the side of affirmative action. We must support those who believe in equal opportunity.

The documentation by William Bowen and Derek Bok are clear deciding factors that suggest, without affirmative action in the 1960s and 1970s and 1980s, the affirmative action would not have created the black middle class that now serves and contributes to America. I hope we can stand for once on the side of equality and opportunity and carve out the cancer of racism for once and for all as we move into the 21st Century.

A WORLDWIDE FINANCIAL CRISIS

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

Mr. PAUL. Mr. Speaker, we are now experiencing a worldwide financial crisis. It may yet prove to be the worst in all of history.

There have been a lot of wringing of hands as to the cause, but the source of the problem is not a mystery. It is a currency induced crisis.

Although tax, spending, regulatory policies and special interest cronyism compounds the problems, all nations of the world operate with a fiat monetary system. We have been operating with one for 27 years. It has allowed the financial bubble to develop.

Easy credit and artificially low interest rates starts a chain reaction that, by its very nature, guarantees a future

correction. Depending on the particulars of fiscal and monetary policy and political perceptions, the boom part of the cycle lasts for unpredictable lengths of time.

The later bad consequences of inflating a currency are certain, no matter how beneficial the earlier ones seem. The dollar has played a major roll in the worldwide financial bubble since the dollar is the reserve currency of the world. It is readily accepted and used to further inflate most other world currencies.

Noted free market economists Ludwig Von Mises astutely observed in 1940:

> No political party and no government has ever tried to make a conscious deflationary effort. The unpopularity of deflation is evidenced by the fact that inflationists constantly talk of the evils of deflation in order to give their demands for inflation and credit expansion the appearance of justification.

Since we hear no talk of sound money and we can be assured no government will deliberately deflate, we should remain vigilant against the politically popular policy of inflation, the deliberate debasement of the currency.

Beneficiaries of easy credit demand the policy of currency inflation continue. Creating money and credit out of thin air gives the illusion of the perfect counterfeiter, appearing legal and helpful to many. The power to inflate a currency guarantees a lender of last resort for risky borrowing, domestic and international. It accommodates deficit spending, permitting spending on extravagant welfare programs and unwarranted international militarism, something for everyone.

The welfare poor like it. The welfare rich like it. The foreign welfare recipients like it. It seems everyone likes it until the artificial nature of the financial bubble becomes apparent as it is now.

Fiat money and its low interest rates cause mal-investment, over capacity, rising prices in one industry or another, excessive debt and over speculation worldwide. We have had all of this. The current system has generated a nearly $30 trillion derivatives market. This is a modern day phenomenon, having allowed a greater speculative binge than anything known in financial history. But the current prices signals an end of an era and it does not bode well for anyone.

The near anarchy in Russia, the food riots in Indonesia, and the growing recession in Japan are signs of conditions spreading across the globe. Unfortunately, there is no sign that correct policy will soon be instituted, anyplace.

Capitalism erroneously is being blamed. No mention is made that no country today is truly capitalist in following a sound monetary policy.

A lot of lip service is given to free trade but, with only casual observation, one realizes that which is being promoted as free trade is internationalism and managed trade through organizations and programs such as NAFTA, the World Trade Organization, the IMF, the World Bank, foreign aid, subsidized exports, and a U.N. directed foreign policy. Economic sanctions by those professing free trade are commonplace and growing.

Today's protectionists rely on these programs in an effort to outwit their competitors along with demanding currency devaluations in a futile effort to enhance exports.

Markets inevitably devalue currencies that have been inflated by the monetary authorities. The degree depends on the amount of previous monetary inflation and political perceptions but, on the short run, countries frequently accelerate the devaluation in a competitive fashion in an effort to gain a competitive edge against their trading partners. This is why China, despite the denials, will likely accept the policy of official devaluation.

But our concerns here in the Congress should be for the dollar. We should not be so arrogant as to dictate policies to others since we have no authority to do so, whether it be Japan, Indonesia, Mexico, or Russia. We should resist this no matter how tempting it might seem. And we certainly should not use dollars to prop up other currencies or economies whether it be Mexico or anyone else.

Bailouts compound the problems and encourages others to mismanage their economies while expecting a bailout for themselves from Uncle Sam. But most importantly, it undermines the value of the dollar.

Since returning to Congress in January of 1997, I have repeatedly warned that our monetary policy is seriously flawed and will eventually lead to a dollar crisis. This, in spite of the fact that the dollar has been riding high in American bonds, and up until recently our stock markets have been a haven for the ravaged world financial markets.

Foreign Central Banks for years have been willing holders of our dollars, helping to finance our profligate ways, diminishing price inflation here at home, by buying up more dollars than our own central bank. But conditions are changing. In spite of many reasons for capital to flow into dollars assets in the last few years, foreign central banks have dumped $85 billion of their U.S. bond holdings. Considering our large negative trade balance, it is not a surprise to see this happening. And as this dumping of U.S. dollars accelerates, more pressure will be put on the dollar.

What can we expect from our illustrious central planners, the Federal Reserve? Just as difficult as it is for an addict to gradually cut back on drugs, economic planners refuse to accept the cutting back of credit creation the markets have become addicted to. Long life may be dependent on sound medical advice and drug abstinence, but feeling good on the short run drives the addict.

Likewise, an economy feels good by perpetuating for as long as possible the easy credit that brought us the good times in the first place while the long life of the currency, the economy, and the political system causes little concern. Because there is little interest for the long term in Russia and East Asia, chaos and political strife has prevailed. This we cannot afford in the United States.

Today, essentially all politicians, economists, and investors are strongly urging the Fed to do what they do best, inflate the currency, arguing that a liquidity crisis must be avoided at all costs. All that is required, they say, are low interest rates. But this can only be achieved by creating new money even faster, and M3 is already growing at a 9 percent annualized rate. This is inflation and the source of the problem. It appears the Fed is ready to accommodate.

Central planning, Soviet style, is a known failure. But we have not yet given up on our type of central planning through a powerful and secretive central bank that dictates interest rates and amounts of credit available to the system. Fine tuning and economic management has been left to the Fed. It is at its pinnacle of power under, ironically, a once gold standard, free market proponent, Alan Greenspan who leads it.

Let there be no doubt about it. The good times came with the generous credit creation and low interest rates. And Greenspan will yield to the politicians' pressure to continue the process. Turning off the money spigot and allowing the markets to work will never be seriously considered.

But eventually, the markets will rule. Credit creation may lower rates for a time, but when confidence is undermined, an inflation premium will emerge and rates will rise regardless. Lack of demand for loans in Indonesia and elsewhere in East Asia has not lowered rates. In a country with a collapsing currency, rates can and will rise especially if inflating the money supply is the tool of choice in an effort to stimulate the economy.

Inflating the money supply presents a great danger to the future of the dollar and the economy and our political system.

□ 1815

The worldwide financial bubble is like nothing ever witnessed before and it is collapsing. The Y2K problem will compound our problems, not to mention the instability of the U.S. presidency.

It is time to consider the fundamentals underlying our financial and economic system. The welfare state is unsustainable as are our worldwide commitments to bail out everyone and to intervene in every fight, even those that have been ongoing for hundreds if not thousands of years.

A limited government, designed to protect liberty and provide for a national defense is one that could be easily managed with minimal taxes, but it

would also require that we follow the advice of the founders who explicitly admonished us not to ''emit bills of credit,'' that is paper money, and to use only silver and gold as legal tender.

We need to lay plans for our future because we are rapidly approaching a time of crisis and chaos. We surely do not want to leave the solution to FEMA and presidential executive orders.

Let me quote from a famous economist who was writing in 1966 about the Great Depression:

The Fed succeeded, but it nearly destroyed the economies of the world in the process. The excess credit which the Fed pumped into the economy spilled over into the stock market, triggering a fantastic speculative boom. Belatedly, Federal Reserve officials attempted to sop up the excess reserves and finally succeeded in braking the boom.

But it was too late; by 1929 the speculative imbalances had become so overwhelming that the attempt precipitated a sharp retrenching and a consequent demoralizing of business confidence. As a result, the American economy collapsed.

Great Britain fared even worse, and rather than absorb the full consequences of her previous folly, she abandoned the gold standard completely in 1931, tearing asunder what remained of the fabric of confidence and inducing a worldwide series of bank failures. The world economies plunged into the Great Depression of the 1930s.

With a logic reminiscent of a generation earlier, statists argued the gold standard was largely to blame for the credit debacle which led to the Great Depression. If the gold standard had not existed, they argued, Britain's abandonment of gold payments in 1931 would not have caused the failure of banks all over the world. The irony was that since 1913, we had not been on a gold standard, but on what may be termed a mixed gold standard; yet it is gold that took the blame.

Further quoting from this economist from 1966:

But the opposition to the gold standard in any form, from a growing number of welfare state advocates, was prompted by a much subtler insight: the realization that the gold standard is incompatible with chronic deficit spending, the hallmark of the welfare state. Stripped of its academic jargon, the welfare state is nothing more than a mechanism by which governments confiscate the wealth of the productive members of a society to support a wide variety of welfare schemes. A substantial part of the confiscation is effected by taxation. But the welfare statists were quick to recognize that if they wished to retain political power, the amount of taxation had to be limited and they had to resort to programs of massive deficit spending, i.e., they had to borrow money, by issuing government bonds, to finance welfare expenditures on a large scale.

Under a gold standard, the amount of credit that an economy can support is determined by the economy's tangible assets, since every credit instrument is ultimately a claim on some tangible asset. But government bonds are not backed by tangible wealth, only by the government's promise to pay out of future tax revenues, and cannot be easily absorbed by the financial markets. A large volume of new government bonds can be sold to the public only at progressively higher interest rates. Thus, government deficit spending under a gold standard is severely limited.

The abandonment of the gold standard made it possible for the welfare statists to use the banking system as a means to an unlimited expansion of credit. They have created paper reserves in the form of government bonds which, through a complex series of steps, the banks accept in place of tangible assets and treat them as if they were an actual deposit as the equivalent of what was formerly a deposit of gold. The holder of a government bond or of a bank deposit created by paper reserves believes that he has a valid claim on a real asset. But the fact is there are no more claims outstanding than real assets.

In the absence of the gold standard, there is no way to protect savings from confiscation through inflation. There is no safe store of value. If there were, the government would have to make its holding illegal, as was done in the case for gold. If everyone decided, for example, to convert all his bank assets to silver or copper or any other good, and thereafter declined to accept checks for payment for goods, bank deposits would lose their purchasing power and government-created bank credit would be worthless as a claim on goods.

The financial policy of the welfare state requires that there be no way for the owners of wealth to protect themselves.

This is the shabby secret of the welfare statists' tirades against gold. Deficit spending is simply a scheme for the hidden confiscation of wealth. Gold stands in the way of this insidious process. It stands as a protector of property rights. If one grasps this, one has no difficulty in understanding the statists' antagonism toward the gold standard.

The economist who wrote this in 1966 was Alan Greenspan. He was right then. He is wrong now. Deliberate debasement of a currency cannot assure perpetual wealth, only hardship, the type of hardship we are now witnessing in East Asia and spreading around the world, moving now into Central and South America. And we here in the United States follow the same policy, and we are vulnerable no matter how beneficial and how it appears that we are doing today.

Congress has an explicit constitutional responsibility in the area of money and finance, and we must assume this responsibility. Secretive plans by a central bank to manipulate money and credit with the pretense of helping us is unacceptable, and before the trust in the dollar is lost we should work diligently to restore soundness to our monetary system. Without trust, the current system cannot last, and there is every reason to believe that the disintegration of trust throughout the world can and will spread to this country.

It is an obligation on our part, Members of Congress, to look into this matter, study it and at least be prepared for the problems that we will have to confront. We cannot continue with the system that we have. That is what the markets are telling us today. The worldwide financial crisis is not a figment of anybody's imagination, it is real, and we are reading about it every day and it threatens the life savings of every single American.

The value of the currency is crucial to protecting the assets of all retirees. This issue, I believe, is one of the most serious issues that we as Members of Congress have the responsibility of looking into and confronting and doing something about it. But as long as we accept the notion that the central planner of this country, the Federal Reserve, remains totally secret, without true supervision by the Congress, we are derelict in our duty.

It is up to us to do something. And as the crisis worsens, I believe it will become more apparent that our responsibility to look into this is quite evident.

MEDICAL RED-LINING: ECONOMIC CREDENTIALS FOR PHYSICIANS

The SPEAKER pro tempore (Mr. EVERETT). The gentleman from California (Mr. CAMPBELL) is recognized for the remaining time of the gentleman from Texas (Mr. PAUL).

Mr. CAMPBELL. Mr. Speaker, Robert Weinmann is a medical doctor, president of the Union of American Physicians and Dentists, an independent labor union based in Oakland, California. He is a resident of San Jose.

Dr. Weinmann was kind enough to lend his support for a bill that I drafted that was heard in the Committee on the Judiciary just about a month and a half ago, and in his testimony he put forward the argument in favor of my bill which would create an antitrust exemption for health care professionals to present a united front when they are met with a united front on the other side by an HMO or some other intermediary.

Dr. Weinmann requested that I read his op-ed on this subject personally, and I am pleased to do so, and it is from the San Francisco Examiner of Friday, January 12, 1996. Its title is: Medical red-lining: ''Economic credentials'' for physicians.

Credentialing for physicians, a dimension that could be disastrous to patients, it is called ''economic credentialing.'' The term refers to the use of economic or financial criteria to decide whether or not a doctor should have the medical staff membership or privileges without which he cannot practice at his local hospital.

Physicians document their medical education and training when they apply for hospital medical staff membership for the privilege of practicing and performing surgery in a hospital. Credentialing committees in hospitals make sure that physicians do not practice in specialties in which they have no training. This scrutiny of medical credentials ensures that patients get properly trained doctors.

Whereas medical credentials determine the expertise of physicians to evaluate their knowledge and judgment and to grant them the privilege of practicing in a particular hospital, ''economic credentials'' do not measure physicians' expertise, knowledge or judgment. Nonetheless, ''economic credentials'' are becoming more important than medical credentials in determining medical staff membership or privileges.

How do ''economic credentials'' work? Data retrieval is key. Let us assume one doctor has 100 patients for whom his diagnostic tests and treatment costs $2,000. Let us assume another doctor has 100 patients and that this doctor's prescribed diagnostic

tests and treatment cost $3,000. We can say that the cost ratio of the first doctor is 20-to-1, whereas the cost ratio of the second doctor is 30-to-1.

In certain managed care plans, such as health maintenance organizations, HMOs, with prepaid premiums, the doctor with the 20-to-1 cost ratio has preferable ''economic credentials'' in comparison with the doctor whose ratio is 30-to-1. If the managed care plan is going to make a profit, it will do better with the first doctor than with the second. So the plan gives the boot to the second doctor and welcomes the first one.

Essential to this program is knowing how much doctors actually cost the program in terms of expenses meted out for patients' medical care. These expenses used to be called medical care. Now they are characterized as losses, or expenses that rob corporate owners or shareholders of profit.

Keeping track of this data and using it to grant doctors membership in HMOs, independent practice associations, or hospitals is the backbone of economic credentialing. Unfortunately, this backbone is spineless and without soul. It doesn't care a whit about patients as people, but only about patients as progenitors of cost and expenses. Companies want to minimize these costs to enhance profits.

The danger is that physicians' ''economic credentials'' will become more vital to managed care companies than their medical credentials. Court decisions have not shot down economic credentialing.

In Florida, a doctor was denied membership on a hospital staff because he was already a heart surgery director at another hospital. In other words, his services were declined not because he could not measure up medically, but because he was viewed as an economic competitor.

In Los Angeles, a doctor was terminated from a health care plan based solely on a business and financial management analysis. The company told the doctor that, ''This decision in no way is a reflection on your performance.'' An inquiry has been launched to discover if medical red-lining occurred.

In San Jose, a group of doctors in a managed care organization were issued an edict telling them that coronary stents, a type of heart surgery, no longer would be authorized. To ensure that the doctors took the edict to heart, so to speak, they were hammered with the following declaration, ''If any charges are incurred for such (coronary stents), the cost resulting from such will be deducted from your income.''

Patients need to know that before they join any managed care plan they must make sure the plan manages to take care of them before it takes care of its owners.

□ 1830

This advice will not be easy to follow. In some plans, doctors operate under ''gag'' or ''no-cause'' clauses, legally imposed conditions, whereby participating doctors agree not to discuss with patients the plan's financial incentives for doctors.

Additionally, a doctor's criticism of a plan's refusal to provide diagnostic testing or recommended treatment may be treated as corporate disloyalty and grounds for dismissal.

In the meantime, it behooves patients and doctors alike to learn how the health insurance industry works. Otherwise, we risk being red-lined out of whatever health care coverage we believe we may still have.

This ends the editorial by Dr. Robert Weinmann in the San Francisco Examiner of Friday, January 12, 1996.

2000 CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I rise this evening to clarify the status of planning for the 2000 Census.

Some of my colleagues tried to give the impression that the Census Bureau is pursuing an illegal course of action by planning for a scientific census that will count all Americans. Nothing could be further from the truth.

There are three issues here: Number one, what have the courts said? Secondly, what were the terms of the agreement between the administration and Congress passed by the Commerce, Justice, State Appropriations bill last November? And thirdly, what is the appropriate course of action for the future?

Last month, the District Court for the District of Columbia issued a ruling in the case of the U.S. House of Representatives v. the Department of Commerce. That court ruled that the use of sampling in the census violates the provisions of Title 13 of the United States Code.

If this were the first ruling on this issue, this might be news, but it is not. The fact of the matter is, three district courts have ruled on this issue since 1980 and all three have come to the opposite conclusion.

Let me read to my colleagues a few of the other courts' decisions so that we can make up our own mind about the guidance from the courts.

In 1980, the United States District Court for the Eastern District of Michigan said, ''The words 'actual enumeration' in Article 1, section 2, clause 3 do not prohibit an accurate statistical adjustment of the decennial census to obtain a more accurate count.''

That court went on to address Title 13 and said, ''There is nothing contained in Title 13, United States Code, section 195, as amended, which would suggest that the Congress was interested in terminating the Census Bureau's practice, manifested in the 1970 census, of adjusting the census returns to account for people who were not enumerated. All that section 195 does is prohibit the use of figures derived solely by statistical techniques.''

In that same year, the United States District Court for the Eastern District of Pennsylvania said, ''The court holds that the Census Act permits the Bureau to make statistical adjustments to the headcount in determining the population for apportionment.''

In 1993, these concepts were restated by the District Court for the Eastern District of New York, which said, ''It is no longer novel or in any sense new law to declare that statistical adjustment of the decennial census is both legal and constitutional.''

Three separate district courts have ruled that the use of modern statistical methods to correct the census is both legal and constitutional. One district court has said that it is illegal and did not address the constitutional issue.

When agreement was reached last November to pursue the legality and constitutionality of the census plans in the courts, all agreed that the ultimate answer must come from the Supreme Court. This division among the district courts, even though it is 3 to 1, simply reinforces the wisdom of that decision.

If we were to draw a conclusion from the district courts, the smart money would be on the side of the Census Bureau. But that is not what we agreed to, and it is irresponsible to now chastise the Census Bureau for continuing down the path laid out last November.

Where do we go from here? The answer is obvious. We stay the course. That is not what the Republican majority is doing. Instead, they want to hold the funding for the second half of the 1999 census hostage because they fear that the Supreme Court will rule in favor of the Census Bureau.

The Republican majority's fight against the census has always been an issue of political survival, not one of getting the most accurate count. We need a scientific census, one that will count all Americans. We need to support the professional Census Bureau plan.

MANAGED CARE REFORM

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

Mr. PALLONE. Mr. Speaker, it is not my intention to use all the time this evening, but I did want to spend some time this evening to talk about managed care reform.

Today, after having spent the last month in their districts, Members of the House returned from Congress' annual August recess. And the month of August always provides Members with an extended opportunity to hear what is on their constituents' minds. And I just wanted to assure my colleagues that the number one issue on people's minds, at least in my district, continues to be managed care reform.

I think over the last 4 weeks I held about 20 town meetings or forums in

various municipalities in my district, and it was the issue people were most concerned about before we left in August and it continues to be the one that I hear most about at town hall meetings and the open houses that I have had in my district offices. And I think it will be the major issue that people worry about in terms of legislative action in this Congress and that we need to address the issue before this Congress adjourns sometime in October.

One of the things that a lot of people ask me is exactly what type of reform we have in mind. And I talk specifically about the Patients' Bill of Rights, which is the legislation that myself and other Democrats put forth before the House before the August break.

The Patients' Bill of Rights, the Democratic Patients' Bill of Rights, basically provides a number of patient protections, if you will, for Americans that are in a managed care organization, or HMO.

And just to give an example of some of the patient protections that we do provide in the Democratic bill, most important is the return of medical decision-making to patients and health care professionals, not insurance company bureaucrats.

Most of the people who have attended my town meetings or come to my district office complain to me about the fact that a decision about what kind of procedure or operation they might have or whether they are able to stay in the hospital after a particular operation or particular care that they need that that decision is increasingly made by the insurance company and not by the doctor.

The doctor may say to them, ''Well, I really think you should be staying in the hospital a few more days,'' or the doctor may recommend a particular medical procedure or operation and the insurance company decides that they will not pay for it because they do not deem that operation medically necessary.

Well, it should not be the insurance company that makes that decision. It should be the physician in consultation with the patient. And that is what the Democrats are trying to do with our Patients' Bill of Rights, bring that decision about what is medically necessary back to the physician and the patient, to the health care professionals, not the insurance company bureaucrats.

The other major patient protection that we provide in our Democratic bill relates to access to specialists, including access to pediatric specialists for children. Many people have complained to me that if they need a specialist, sometimes a specialist is not available within the managed care network or that they do not feel that the person that they are referred to within the managed care HMO network really has the expertise that is necessary with regard to the care that they need.

And what we say in our Democratic bill is that they have to be guaranteed access to a specialist. If in fact these specialists within the HMO network are not adequate, for example, if the HMO decides that they can see a pediatrician but not a pediatrician that has a specific type of expertise, then they have the right under the Democratic bill to go outside the network and the insurance company would have to pay for that specialist that is necessary even though it is not a doctor that operates within the HMO.

The other major issue that I hear constantly from constituents, probably even more so than any other, is coverage for emergency room care. Many insurance policies now that come under managed care, or HMOs, would say that in a given circumstance they might have to go to an emergency room, to a hospital, that is further away from where they are located, or if they do go to the emergency room, they may decide afterwards that it really was not an emergency, and therefore, they are not going to cover the care and they have to pay for it out of their own pocket.

Well, what the Democratic bill says is that if the average person, it is a standard we call a ''prudent layperson'' standard, if the average person, the average citizen, would feel that at a particular time they need to go to an emergency room because they have a particular type of pain or they have suffered a particular kind of injury, then they have the ability to go to the closest emergency room and the insurance company has to pay the bill.

It really is common sense. Most of these patient protections, Mr. Speaker, are nothing more than common-sense proposals that I think most Americans would feel that we already have. But we do not; we do not have these guarantees, and we need to make these patient protections, these guarantees, we need to make them the law of the land.

The other issue that comes up and another patient protection in the Democratic bill is the right to talk freely with doctors and nurses about every medical option. What we have found is that many of the HMOs now will simply tell the doctor that they cannot talk to the patient about a particular medical option, say, a particular procedure or operation, if they do not cover it. It is called a ''gag rule.'' They basically implement a gag rule and limit what the doctor or the nurse can say.

That is not right. We live in a country where we value freedom of speech, and certainly we would expect that our physician would be able to tell us freely whether we need a particular procedure and what kinds of procedures or care are available.

The Democratic bill basically guarantees that there would be no gag rule and that the physician or the nurse would have the right to talk freely with the patient about medical options that might be necessary.

Also, in our Democratic bill we have an appeals process and real legal accountability for insurance company decisions.

Now, let me talk a little bit about that. What I find is a lot of people will come to my office or they will testify at some of the hearings that we have had in Congress, and they will say that if the insurance company or the HMO denied them care and said that they could not have a particular procedure or said that they had to leave the hospital, and they tried to appeal it, they either filed a grievance or they called up the insurance company and said they did not agree with their decision and would like to have it reviewed, that right now, for most people, that is not really an option because the review, if there is one, is done internally by the HMO, by the insurance company, and they simply review their own decision and decide that they are wrong and that is the way that it is going to be.

Well, what we do in the Democratic bill is, we say that there will be an external review procedure, that it will not be the insurance company that they go to if they have a grievance or they want to appeal the denial of care. They get to go to an outside board that they do not appoint and they cannot influence that will decide whether or not that decision was accurate; and if it was not, they have the power to overturn the insurance company and guarantee that the care is provided or that the care is reimbursed for and paid for.

In addition to that, for many people now, if they are in what we call an ERISA plan, which is a plan where their company that is helping pay for the insurance is self-insured and, therefore, it comes under the Federal Government's review, that they may not have a right to sue the HMO or the managed care organization for damages that are inflicted because they denied them care. They cannot go to court and recover for the damages that occurred because they were denied a particular type of care.

Well, that is not right. People should be free, in my opinion, to be able to go to court and sue the HMO, sue the managed care organization, if they have been denied care and they suffered damages. And that is what we also say in the Democratic bill, that they will have that right.

Again, we are not talking about anything that anyone should be surprised about. It only makes sense that if someone injures them that they should be able to go to court and recover for their injuries.

And finally, there are a number of patient protections, but I wanted to talk about one more that I consider particularly important, and that is an end to financial incentives for doctors and nurses to limit the care that they can provide.

What we find now is that many insurance companies, many HMOs, many managed care organizations basically, give a financial incentive to the doctor

if they limit the care that is provided, so that, in a sense, they have an incentive because they are getting paid more, for example, if they do not do as much and if they can show over a period of time that they have not prescribed or recommended certain procedures that may be costly.

□ 1845

Well, again, that is just the opposite of the type of incentive that we should have. People should feel free, if their doctor thinks that they need care, that the doctor will recommend that the care be provided and not have a financial incentive not to provide it. Again, our Democratic bill makes it clear that that type of financial incentive to limit care is not allowed and is essentially made illegal.

Now, I wanted to talk about what happened here in the House before the break, before the August break. The House, of course, hastily considered a Republican managed care bill and the Democrat's Patients' Bill of Rights, which I have talked about this evening, was essentially defeated by about 5 votes, very narrowly, and I believe that the Republican leadership was anxious to get something passed so that the Republicans would have something to point to when voters raised the issue of managed care reform at town meetings and other opportunities back in our districts.

So what I want to stress tonight is that the Republican alternative to this Democratic Patients' Bill of Rights that I talked about this evening really is not going to do the trick. It is not going to be effective in providing patients with adequate protections.

I just wanted to spend a little time, if I could, talking about why this Republican plan that was passed in the House, and was basically passed and the Democratic plan was defeated, why this Republican plan will not work effectively to protect patients' rights and to reform HMOs and managed care. I do not do this in an effort to suggest that I am not open to alternatives that would come from the other side and come from the Republican leadership but I am concerned that if the Republican bill is the one that ultimately were to pass the Senate and go to the President's desk that it really would not do anything to improve the situation for health care for those in HMOs and, in fact, might make it a lot worse in terms of the kind of protections that people have.

I talked a little bit about access to specialists under the Democratic proposal. The Republican bill does not ensure access to specialty care. For example, if a child with cancer needed to see a pediatric oncologist, there is no requirement that he or she would have access to that specialist. If the HMO said, okay, we will provide a pediatrician for children but we are not going to provide any specialists for children beyond the basic pediatrician, then you would not have the ability under the Republican plan to see a pediatric specialist or certainly to have the insurance company pay for it.

Protection of doctor/patient relationship, I talked about how one of the most important things that people bring up to me is the need to have the decision about what is medically necessary and what care is provided, that that decision be made by the doctor and the patient and not by the insurance company. Well, under the Republican bill, basically the insurance companies decide what is medically necessary. The health plan can define medical necessity any way it wants and if there is a review of a decision to deny care, then the review only goes back to what the plan originally provided in terms of what is medically necessary.

So, for example, if you want a particular type of operation and the HMO decides that they are not going to pay for it, well, they decide what is medically necessary, and if you go out and try to appeal that, the court or the appeal board would have to say, well, that decision about what is medically necessary is made by the insurance company. We cannot review it.

So, again, this is a major flaw. If the decision about what is medically necessary is decided by the insurance company essentially the patient has effectively no protection.

The other thing that I have not discussed tonight but I want to discuss, and I think is very important, is the whole idea of choice of doctors. Now, we know that the basic idea with an HMO or a managed care plan is that the plan is limited to a network of doctors that sign up and that you are allowed to choose from, but what we say in the Democratic plan is that we will do initially, when a patient decides what kind of health insurance to sign up for, that they must have the option of being able to sign up for an HMO that allows point of service; that allows them to go outside the plan and see another doctor even if it means they have to pay a little more. So that what we are saying is that you will have a choice in the beginning when you decide what kind of health insurance to buy, you will have a choice, other than a closed panel HMO.

Right now, many employers only provide what we call a closed panel HMO. In other words, you can take the HMO and they have their network of doctors and if you do not want to see one of those doctors, that is it. Those are the only choices you have. What we are saying in the Democratic bill is that initially you should be able to decide to have the point of service option so that you can go outside the network at your own option if you want to pay a little more for a physician that is not a part of the network.

Now, again, contrasting that Democratic proposal with the Republicans, what the Republicans put forward, they have a point of service option, if you will, but it is so full of loopholes as to make it essentially meaningless. There are exemptions for HealthMarts. There are exemptions if the employer does not want to contract with the plan to do it; exemptions if premiums increase 1 percent. Basically, they are saying if the cost of premiums go up or if the employer doesn't want to have an option where you can go outside the network, then you do not get this point of service option where you can choose your doctor. So essentially they have not provided for a point of service where you can choose your doctor.

Again, talking to many of my constituents during the August break, this was a very important point, that they wanted to have that option if they wanted to go outside of the network and choose a doctor, even if it meant that they had to pay a little more.

The other thing that I wanted to mention is, again, with regard to specialists, there are a few things that the Democratic bill does that the Republican bill does not do. First of all, we allow women to choose their obstetrician or the gynecologist as a primary care doctor. That is not allowed under the Republican plan. Again, this is important, because if your OBGYN is your primary care doctor then that person can make referrals to other specialists. If they are not, then you are dependent upon the general practitioner essentially to make those kinds of referrals.

Let me also talk about emergency care again and how the bills differ, how the Republican and the Democratic plan differ. In the Democratic plan, we specifically say that severe pain is a basis for going to the emergency room. Like, for example, if you have severe chest pains and the average person would think well, that is a good enough reason to be able to go to the emergency room that is closest to me, well, the Republican bill does not include that so that essentially, again, it is up to the insurance company to decide whether or not there was justification for you to go to the emergency room. To me, that is very important.

I do not want to have to second-guess, when I have severe chest pains, whether or not it is strong enough for me to have to go to the emergency room. I would think that the average person would think if they have severe chest pains that they go to the emergency room and they get care and it is going to be covered. That is the way it should be. Unfortunately, that is not the way it is under the plan that the Republican leadership brought forward here a few weeks ago before we had the August break.

Now, I just wanted to talk about a few other things that the Republican bill does that I think ultimately cause the situation even to be worse in terms of patient protections and health care. The Democratic bill is pure in the sense that it seeks to address the issue of managed care reform and HMO reform directly without adding a lot of other things. When we talk about

health care in the House of Representatives amongst our colleagues, Democratic and Republican, we know that there are a lot of issues that need to be addressed. For example, one of the biggest concerns I have is the fact that so many people are uninsured and have no insurance. The number keeps growing.

Others want to address the issue of malpractice reform, because they think that physicians in many cases are too liable for malpractice and that we need to address that issue. Others feel that there needs to be ways to expand and experiment with other kinds of health insurance that many people do not have right now. Well, all that makes sense and certainly are things that we should look into, but what the Republican bill has done, and I think it is purposeful, is to throw a lot of these things that are unrelated to managed care reform into their legislation, which will make it very difficult for the legislation to move forward.

Now, again, we only have about a month here from today until we are scheduled to adjourn. It is going to be very difficult in that month to get anything passed. So if you overlay legislation dealing with managed care reform with all these other concerns, you are pretty much guaranteeing that we are not going to address the issue.

Well, what the Republican leadership has done is they put in their legislation medical malpractice reform. They have also said that if companies right now that are self-insured and come under the Federal law, under the ERISA, if a group of companies want to get together and start their own self-insurance pool, that they also will be exempt from State laws and come under Federal law and be under ERISA and also, therefore, there would not be the ability to sue.

Well, throwing that in, throwing in, again, an expansion of self-insurance and bringing it under ERISA is another sort of poison pill that takes away from the real issue at hand, which is managed care reform.

So we have the medical malpractice reform, we have the expansion of ERISA, and a third thing that we also have is expansion of medical savings accounts. Medical savings accounts were started on an experimental basis last year when we passed the Balanced Budget Act and it is a very controversial way of basically allowing people to take money, for example, in the case of Medicare, if you had a medical savings account under Medicare, if you decide to have a very high deductible and pay out-of-pocket for most of your every day health care expenses, then the Federal Government would give you money in a savings account from Medicare, from Medicare funds, rather than pay for your health insurance for most of the normal daily occurrences that might result in your need to have health care. So you basically get an account coming from the Federal Treasury for you to save money as opposed to getting your health insurance paid for. You have to pay out-of-pocket from that account.

Well, it is an idea that some people think needs to be looked into and we do have it on an experimental basis, but what the Republicans have done in their bill is to allow this to be expanded to cover a lot more people in the context of the managed care reform that I have been talking about this evening.

Well, once again, that is a poison pill. That is a controversial issue, along with the medical malpractice reform and the expansion of ERISA, that needs to be debated, needs to be discussed a lot more by the House of Representatives and by the Senate. If we throw that into managed care reform, we are basically going to kill managed care reform and not allow it to come to the floor and really be passed and considered in the month or so that we have left here before we adjourn.

So what I am asking tonight, and I will be saying it many more times over the next month while we are in session, is that we put partisanship aside, we put all of these other issues aside that really do not relate to managed care reform, and we try to get to the heart of the matter. Americans from all walks of life, no matter how poor, no matter how rich, no matter how young, no matter how old, that I have talked to in my district and even from other parts of the country feel that this issue of HMO reform needs to be addressed and needs to be addressed now. We need to address it before we adjourn. We should get together and pass something, pass the Patients' Bill of Rights with the patient protections that I outlined or at least something very similar to it.

□ 1900

I am just hopeful that on this first day when we are back, and, of course, there are a lot of other things on our mind here in Congress, that we pay attention to this and try to get HMO reform approved before we adjourn sometime in October.

IMPORTANCE OF PERSONAL HEALTH CARE

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

Mr. CUNNINGHAM. Mr. Speaker, in a way, I am going to talk about health care, but I am going to talk about personal health care. The reason is that I am a prostate cancer survivor. Three weeks ago I had prostate cancer and it was removed out of my body. I would like to go through the process and describe how many men and women, both with breast cancer and prostate cancer, can have a good diagnosis.

That diagnosis is based on early detection. Many HMOs do not offer a PSA, which is an indicator for an antigen produced by prostate cancer. TRICARE for veterans does not necessarily offer a PSA.

Let me tell you why that is important. First of all, about a month ago Dr. Eisold here in the Capitol, who is the attending physician, gave me my annual physical. I have had an annual physical for the last 30 years. Every year for 20 years in the military they demanded it as a pilot, and then, after that, I know the importance of an annual physical.

This time they wanted to do a prostate check. I am over 50 years of age, and it should be checked every year. Well, they did the regular prostate check, and they found nothing. There was no cancer, there were no lumps, there were no lesions, and there was no metastasized area.

Then the doctor looked at a blood test, which was painless, and in that blood test, a PSA, which, again, is a check for an antibody that prostate cancer produces, and I had a slight elevation in the level; not real high, but just a slight elevation.

Now, normally you would do the physical check and that would be it. You would think you were cancer-free. So the doctor ordered a sonogram, which takes a look at the internal aspects of the prostate itself, and in that they found no tumors as well, no cancer. So then they did an MRI through the whole pelvic region and found no tumors, no cancer.

Another reason I am alive today is that the doctor, besides having a good health care system, besides having a doctor that was thorough, that not only just gave you a blood test, but he read the results and was insistent upon going through and analyzing all the different aspects of the diagnosis, said ''Duke, we want to perform a prostate biopsy.''

Now, I would rather fly over Hanoi again than get a shot, so you can imagine, Mr. Speaker, the dismay the night before. I imagined a needle this long that they were going to take and stick in my prostate and take out these core cells.

When I got out to Bethesda, the doctor and the clinician prepared me, and they said, ''Duke, this is not going to be real painful.'' And I said, ''Yeah, right.'' It is like sitting in a dentist's office, and you are just waiting for that drill to hit a nerve. What it is is they take six core cells each time out of your prostate, and there is a little needle with a mechanism that fires and takes out a core cell.

The first one he said it is going to sound like a cap gun goes off. So you are sitting there waiting for this immense pain to happen, and you hear the snap and you flinch, but there was no pain, not even a prick. At that point you are sitting there waiting; okay, I have got 5 to go, I know the next one is going to hurt. Well, they did each and every one of those core samples, and there was no pain.

The point I want to make is that for the men, Mr. Speaker, if you are asked

to get a biopsy and you think it is going to be painful, and I almost myself said ''Hey, you have given me a regular check for prostate, you have given me a sonogram, you have given me an MRI, I don't want to go get a biopsy,'' because of the fear.

Thank God that the doctor insisted, and I went and got it, because in two of the core cells of the six in the right lobe they found cancer cells. There is a Gleason number, and what Gleason is, it is a number between two and ten, but a Gleason rate of two to ten gives the amount or the characteristic or the aggressiveness of the cancer. A Gleason ten is the highest. For example, a Gleason of eight to ten, I have read, and you become an automatic expert on this and you read as much as you can, you have about five years until the cancer metastasizes, which means it spreads into the bladder area or into other areas, into the lymph nodes and so on.

Originally the doctor told me, Duke, you can probably go to eight to ten years, because my Gleason rate was so low, and not have a problem, or at least have the symptoms, because the symptom is when you actually get a tumor and the tumor presses on the urethrae in the GI tract, and it presses and you have urinary problems. By that time, the tumor has spread and there is a big problem. By that time, it can metastasize, go to other areas, and the prognosis is not good. But the doctor, because of the low Gleason rate, because they only found cells, they found no tumors whatsoever, said, ''Duke, I am going to go through the cycle with you and I am going to give every option there is.''

Next comes, I think, Mr. Speaker, probably the most important phase of cancer. My family flew back here and were very supportive. We made the decisions together. I told my wife, I said, ''Honey, it was like the time when I was shot down in Vietnam just south of Hanoi, and coming down in a parachute thinking I was going to be a prisoner or die, hanging in a parachute, the thought, it is always the other guy that gets shot down; it is not you. It does not happen to Duke Cunningham.'' But it did. And when a doctor looks you in the face and says, ''Duke, I have got bad news; you've got cancer,'' the first reaction I had was no, it is impossible. That does not happen to Duke Cunningham. It is about all those other people that you read about that have cancer, or have diabetes, or have that, but it cannot happen to me.

The doctor looked and said ''Duke, you do have cancer. The good news is we think we have it early and that the prognosis should be very good.''

He went through the different steps. Radiation is one of those. With radiation they actually can focus the radiation almost pinpoint now because of the increased techniques that they have, but, still, the radiation treatment that you can have can cause side effects just as bad as if you have a radical prostatectomy, which is taking out the prostate through surgery. With that, one is incontinence, in which you cannot control your urinary tract, and the second is impotence. And with the radiation they said there was a high percentage, and I say high, about 15 to 20 percent, that the cancer would come back.

By having the cancer removed, especially at an early age, they said ''We can go in, and instead of making an incision across the stomach, we can do one called,'' I can't remember the name of it right now, I will think of it in a minute. But it is down in the lower area instead of across the stomach. ''By that way, we can go in and remove the prostate. We will not have to cut a bunch of nerves, we won't have to cut blood vessels, and most of your functions, all of your functions, can be normal after this, if we do it early and we do it right.''

So rather than sit with myself and make a decision that there is a 20 percent chance that the cancer may return, my election and my family's election was we did not want me to sit there for the next eight to ten years and think maybe I have a time bomb inside of me and this could come back. Plus if you have radiation surgery, it is more difficult to do actual surgery because of the tissue damage on the internal organs. At the same time, we made the decision to go ahead and have the surgery.

Now, there are alternative methods, Mr. Speaker, and this the reason I am encouraging both men and women to have their yearly checks. Because of the research that we have, if you catch it early, either with breast cancer or prostate cancer, the success rate can be very, very high, up to 95 percent.

The doctor also told me that women quite often will do the self-examination or breast check. They will have a doctor check it, they do the mammograms, blood tests and throughout, but in the self-check, that they will quite often find a lump and not do anything about it because they are afraid to see the doctor to find out what the results are, the fear. By the time that they go to the doctor because there are other problems, complications, then the prognosis is not good, and it will be a mastectomy or even death. And the doctor said, ''Duke, what you can do is get out the word for early checks and have men and women do the self-checks and get the word early.''

But some of the research, they even have cryogenics, where they can take the prostate and insert a tube that basically freezes the prostate. It looks rewarding. All the numbers are not out on that.

They also for quite a few years have been able to implant nuclear rods within the prostate itself. Now, that did not sound too neat, but it is not that big, I guess. But before, they did not have guidance control, so that many of the surrounding areas were damaged in the prostate by inserting the nuclear. Now with the sonogram, they can precisely pick the area of where they want to go in and place the rods to kill the cancer cells. Still, there is a percentage, you have got to get 100 percent of the cells, and they cannot, of course, guarantee that, and there are figures and numbers that you can check to see what the different things are.

Another point is that the Speaker of the House has said that we want to invest money in NIH for medical research. Well, Mr. Speaker, I would like to give a few figures here. This is a chart that shows prostate cancer issues, and they need your support. This is from the surgeons. The message is that prostate cancer is the leading cancer diagnosed and second leading cause of cancer-related deaths in American men. The second-leading cause of deaths of American men is prostate cancer.

Per diagnosed case, research for prostate cancer is one of the least funded priorities. I would like to submit this chart, Mr. Speaker, because on this chart you can see way down here in the bottom, $450 million, where breast cancer is funded at $2.3 billion, and AIDS is funded at $23 billion. Now, what are the mortality rates in this? If you look, AIDS accounts for 44,000 deaths in the United States, 44,000 deaths in the United States per year. Breast cancer is 43,900, almost 44,000. Prostate cancer, 42,000 men will die of cancer every single year in the United States. Over 250,000 men in the United States will be diagnosed with prostate cancer, yet the proportion of funding is so low that cancer research is not carried out in a degree in prostate cancer, but yet it is second only to AIDS and breast cancer. That is a disaster, and we need to change that.

PROSTATE CANCER ISSUES NEED YOUR SUPPORT

DID YOU KNOW

Prostate cancer is the leading cancer diagnosed and the second leading cause of cancer related deaths in American men.

Per diagnosed case, research for prostate cancer is one of the least funded priorities at the National Institutes of Health (NIH).

Medicare does not reimburse for all FDA approved prostate cancer treatments, such as oral hormonal therapies.

WHAT YOU CAN DO?

The American Foundation for Urologic Disease is dedicated to increasing awareness and research funding for the urologic diseases and disorders through various state and national advocacy efforts. You can help ensure that prostate cancer issues get the attention they deserve in Congress by contacting your state and national legislators by: Meeting with them in their local offices; inviting them to address your local support group and other organizations; writing and calling their local and national offices.

THE MESSAGE

Prostate cancer is the leading cancer threat to American men. Estimates show that in 1997, 210,000 men will be diagnosed with it and 41,800 men will die from it. Federal research allocations for prostate cancer must appropriately reflect the incidence and mortality of the disease.

GOOD NEWS

Through increased advocacy efforts, $45 million was allocated to prostate cancer research through the Department of Defense (DOD) in 1996 and 1997. This money will fund 1998 and 1999 prostate cancer research projects, as approved by the DOD.

1997 INCIDENCE

Prostate Cancer—210,000.
Breast Cancer—180,200.
AIDS—66,000.

1997 MORTALITY

Prostate Cancer—41,800.
Breast Cancer—43,900.
AIDS—44,000.

1997 NIH RESEARCH ALLOCATIONS

AIDS—$23 billion.
Breast Cancer—$2.3 billion.
Prostate Cancer—$450 million.

Mortality—Cost per incidence

AIDS—$34,090.
Breast Cancer—$9,328.
Prostate Cancer—$2,263.

CONTACT CONGRESSIONAL LEADERSHIP

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The Honorable Newt Gingrich, U.S. House of Representatives, Washington, D.C. 20515, telephone: 202–225–4501, fax: 202–225–4656.

The Honorable Bob Livingston, U.S. House of Representatives, Washington, D.C. 20515, telephone: 202–225–3015, fax: 202–225–0739.

BY THE NUMBERS—PROSTATE CANCER IN AMERICA

209,000—The number of American men who were diagnosed with prostate cancer in 1997.

41,800—The number of American men who died of prostate cancer in 1997.

20%—The percentage of all non-skin cancer cases that are of the prostate.

3.6%—The percentage of all federal cancer research funding dedicated to prostate cancer research.

$250 million—The amount of promising prostate cancer research that was not conducted in 1997 due to lack of funding.

The Speaker has talked about putting more funds into NIH, and we have every year, because he feels that is one of the areas, even though I believe in states' rights, where individual states cannot conduct the research that we need in all of the diseases.

For example, diabetes takes up about 23 to 27 percent of the Medicare bill. Yet just by early detection of diabetes we can save over two-thirds of the blindness, two-thirds of the amputations, two-thirds of the removal of kidneys, and you can imagine what kidney dialysis costs and the quality of living costs of different people. So it is a disaster.

I would like to submit this chart, Mr. Speaker, because it is very, very important, the low cost and low funding, and one of the messages is that we want to increase the cost not only across the board for prostate cancer, but for breast cancer, for diabetes and the others as well, and have a more equitable funding for prostate cancer.

Why is this important? Well, there is a very famous guy that I think most people on the floor in both bodies would recognize, his name is Len Dawson. He is a member of the NFL Hall of Fame, a quarterback, now a broadcaster fine-tuning his golf game. You can watch him at different times. But he puts out a program called ''Keep Your Health up to Par.'' Len Dawson and Chi Chi Rodriguez, a very famous golfer, go about, along with Arnold Palmer, and talk about some of the same very things that I am talking about here tonight.

□ 1915

Len and his wife, Linda, do not know much about prostate cancer, did not know, until he was diagnosed in 1992. It began when Linda read an article about a former U.S. Senator, Bob Dole, and his own battle with prostate cancer. Mr. Speaker, the day that I found out that I had cancer I called Senator Dole and he sat down and talked to me and went through the different options just like the doctor did. Find a friend if you are diagnosed. Get a message. Talk to the Cancer Society.

But, in the same edition of the paper, she saw an advertisement about a local prostate cancer screening and immediately made Len, that is kind of like most of our wives, made Len an appointment. Len was reluctant, since 6 months earlier he had an annual checkup and received a clean bill of health, including a prostate check, just like I had, and he walked out thinking that he was cancer-free. At the screening, the physician found the results were abnormal and ordered further tests and a biopsy.

Now, with the PSA, the PSA is only an indicator. One can actually have a swollen or an enlarged prostate gland and one can get an increase in PSA numbers, or there is different kinds of infections that can cause the same thing that can be treated with just antibiotics. It is not necessarily cancer. Do not be afraid if your doctor said you have an elevated PSA that it is automatically cancer, because in most cases, it is not. But the biopsy is the final act in which it is determined.

Lucky for Len, his cancer was caught early, like mine. He was treated with a prostatectomy, a radical prostatectomy and today lives a normal life. By Dole speaking out about his own experience and Linda's persistence, Len's cancer was able to be treated. Len Dawson said, I want to let every man know that something as easy as going to the doctor regularly can actually save your life; I am living proof. And Len Dawson, I would like to say that I am too.

In 1995 he was again affected by this disease when his older brother Ron was diagnosed with an advanced stage of prostate cancer. Unfortunately, Ron had not had a checkup in many years and died that same year. In 1997, Len learned that another brother, Gilbert, was diagnosed with prostate cancer. It has been a dramatic impact on my family, Dawson said. I am determined to do what I can to make other families, assure that other families are aware of prostate cancer and its early warning signs.

In addition to hosting the HBO show ''Inside the NFL,'' Len Dawson is a sportscaster with KMBC-TV in Kansas City, Missouri, and in 1998 he will be taking time out of his broadcasting duties to hold a series of town meetings addressing the public on prostate health and prostate cancer matters.

Now, if one wants, I do not know if it is legal to give out numbers on this, but it is a nonprofit, and it is 1–800–319–8633, Len Dawson Hall of Fame on prostate cancer.

Another legend that is speaking out that was stricken with prostate cancer is legend Arnold Palmer, who is again living proof that prostate cancer can be defeated. In January 1997 Palmer underwent surgery for prostate cancer. Fortunately, his cancer was diagnosed before it spread outside the prostate gland. By April of that same year, he was back on the golf course, and many of us have seen he is hitting the ball better than anyone can do.

For 18 months before Palmer's cancer was diagnosed, he and his doctor were on alert. Palmer's regular checkups indicated an elevated level of Prostate-Specific Antigen, or PSA, again a protein in the blood that can indicate; can, not necessarily does, but can indicate prostate cancer.

So there is another area in which the doctors, besides having radiation, besides having tubes put into someone, whether it is cryogenics or even removal, there is a phase, if your Gleason rate is very low, between 2 and 10 is the highest, probably between 2 and 5, quite often they will set in a monitor and see how the disease is progressing.

''I would not call what I was feeling afraid or fear,'' Palmer said. ''I would say that I had some very serious concerns about my health. Frightened, no, but very concerned, yes.''

Palmer joined the ranks of professional golf in 1954 and over the years he earned over 92 championships, including Master's titles, 2 British Opens, 1 U.S. Open, to go along with 61 PGA tour victories. His popularity and success led to the formation of Arnie's Army, a large audience of adoring fans who follow him to each tournament. As a survivor, Palmer is a great advocate of prostate cancer awareness and early detection.

Because of these men, and I got a phone call from some of these gentlemen and they asked, Duke, would you do what you can to spread the word. If you or someone you love is a male over 50 years of age, this year it is again estimated a large number of men, over 200,000 men, will be diagnosed with prostate cancer. And one of the things that one can do is just as simple as going to your doctor.

One of the things I think that we need to look into, though, is again, in both the bills, the Republican and Democrat bill for health care, there is

different areas that are not covered in each, and one of those is again that Medicare does not pay for some of these things.

For example, I had a gentleman call me and write and say, let me see if I can find it here, his letter, I had it right here. Here it is. I hear that Medicare will be limiting the PSA test to one per year, and Medicare, to cover one screening per year for Medicare-eligible men beginning January 1, 2000. This is purely a screening tool, not intended to be a treatment regime. However, if a doctor orders a screening as part of the diagnosis; for example, if one has a PSA that is high and one does not have the surgery, or even after one has the surgery and one wants another PSA, the reason is to limit the number of tests, but Medicare will pay for it if the doctor takes it as a course of action as a diagnosis and needed, and then Medicare will pay for it.

Mr. Augman's question, who lives in San Diego, was, he says, I would be willing to pay for a PSA test out of my own funds, but the law prohibits any doctor or medical lab from accepting fee-for-service for Medicare patients on procedures covered by Medicare.

Now, this is an application that many of us vehemently do not like within the Medicare bill. It was not placed in there by us, but what it does, it limits, if one has cash and one wants to go to a doctor that accepts Medicare, one cannot pay that doctor for that particular check. I personally think that is wrong. And the response to Mr. Augman is, that is correct. Medicare patients cannot pay for services out of their own pockets unless the doctor has a contract not to bill Medicare for 2 years, and again, many of us feel that that is wrong.

However, if he and his doctors would like an additional PSA test, he can get the test and bill Medicare. Should Medicare deny to pay, he can pay out of his own pocket. This requires some additional paperwork, but it can be done. If he would like assistance, please have him contact me at 202–225–5452. That is my office.

There are many things about prostate cancer. I was in the hospital for just about 2 days, and I had Robert Hitchcock, he is a playwright that lives in San Diego and he sent me this book, Mr. Speaker. It is the only one I have, so I cannot submit it for the RECORD, but I can give the number where it can be found, and I do not get a cut out of it. But it is a good book, and it is called ''Love, Sex, and PSA.''

It is just about everything that one would want to know about prostate cancer. From the phone call to the research network that one can call if one thinks they have prostate cancer, or different areas, different operation techniques, and it talks about some of the problems that one may encounter. And in the book, his wife speaks on the problem from the female side or the spouse side of how the family can get involved, and it is a great book.

It talks about a catheter that is a pain to have. If one has ever had to have one, you have to leave it in there 2 to 3 weeks, and I want to say, that was the worst part of this whole thing is having a catheter and having to manage this whole thing. When you roll over I guarantee it will let you know that it is there.

My wife told me, kind of being funny, she said honey, with your surgery, remember when we had our 2 children? Remember a little operation called the episiotomy. She said, do you understand now? I looked at her seriously and said, I understand. And men quite often do not understand what women go through in childbirth or in different operations. And if one wants to get a quick illustration of what that means, then that is it.

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

Mr. CUNNINGHAM. I yield to the gentleman from Iowa.

Mr. GANSKE. Mr. Speaker, I just want to commend the gentleman for coming to the floor and speaking from personal experience about his illness with prostate cancer and his treatment. I think all of our colleagues should be listening to this. There are a lot of people who tune into C-SPAN and watch the Special Orders on the floor. I think the gentleman has given an awful lot of good information to people around the country today, and I just want to commend the gentleman for drawing attention to this second most common cancer in men.

When I was in medical school it was taught that if a man lived long enough, his chances of developing prostate cancer were very high, but as the gentleman pointed out, there are many different types of treatment for prostate cancer, and after treatment, many, many men can expect to live out normal life-spans.

So I consider the gentleman's commentary today a real public service, and I commend the gentleman for sharing his experiences with us.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman. I am a survivor, and I am a very, very fortunate survivor. By early detection, by having a good health care system, by having a doctor that is demanding, that you go through with all of the tests to check; by having a good surgeon and catching it early, one can also eliminate many of the side effects that normally go with radical prostatectomy, and that is such things as impotence and another is incontinence. And I tell my colleagues, those 2 things in every day life are very, very important.

I would like to say too, to the African-Americans that are listening tonight, Mr. Speaker, that African-Americans have a much higher incidence of prostate cancer. It was interesting. The doctor said that those that can be traced with bloodlines directly back to Africa have a lower incidence of prostate cancer than those that do not have bloodlines that relate directly back to Africa. But yet African-Americans, at even a much younger age, contact and have a higher incidence, not only incidence, but have a higher mortality rate. My first thought was that well, maybe it is because many African-Americans are poor and they do not have the health care facilities. But this was a study done across-the-board with equal health care systems.

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Mr. Speaker, some of these studies, this is another reason why we need more money in prostate cancer research is the fact that they say that a lot of it can be or they suspect a lot of it is diet, in the foods available to different people. If you did not have very much money in the household and what you feed your family, you do not have salads, good nutrition, fish, the olive oil, instead of some of the other things that can cause prostate cancer, then maybe diet is very important, and we can change that.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding to me, and for raising this issue. I was listening to the gentleman, and I just wanted to add a few things.

I represent the Seventh Congressional District of Maryland, which is basically Baltimore city. Of course, we are predominantly an African American district. One of the things that has been at the forefront of my agenda is dealing with prostate cancer, because it is not unusual for me to go to the bank, for example, on weekends, and run into African American men, as the gentleman just talked about, who either are about to go through some type of procedure for prostate cancer, or who have been diagnosed recently, or have had the procedure.

I just wanted to thank the gentleman for raising the issue. A lot of this is about early detection, as I heard the gentleman talk about it a little earlier. Certainly we have in our district, in my district, Johns Hopkins Hospital, and we have some of the finest physicians in the area of dealing with prostate cancer. I just wanted to thank the gentleman, to take a moment to thank the gentleman for raising this issue, because it is a very, very important issue.

I see so many African American men who die, and if they had only gotten the appropriate detection types of examinations and whatever. A lot of it, I think, does go to diet. Dr. Schwartz of Johns Hopkins has often talked about that. I think we could save a lot of lives there. I just wanted to again express my appreciation.

Mr. CUNNINGHAM. Mr. Speaker, as I said, at an age over 50 years of age, everyone should have an annual check with a PSA, with the diagnosis and the different checks. But for African Americans, the doctor recommended it at least when you are 45 years of age, because there is a higher incidence. There

is a higher instance of mortality and a higher incidence of younger males coming down with prostate cancer.

I also learned that males can have breast cancer as well, so it is not just the prostate check or the genital check, but the complete check-up and an annual physical is very helpful.

The doctor also pointed out to me that Asian Americans have a very low incidence of cancer. Again, the studies are important for prostate cancer because they think, again, generally the Asian population eats the more healthy foods: A lot of fish, salmon, rice, the things that are not high in the different kinds of oils. Olive oil is supposed to be a good one.

I went to my check-up after 3 weeks out of surgery this morning, and I saw Dr. Christensen, who is my surgeon and a great doctor. I pointed out these different foods. I said, how much is there to diet in cancer? He said, DUKE, there are actually certain foods that cause cancer cells to replicate faster. For example, your soy oils and your different safflower and all of those kinds of oils, there have been studies to show that they actually cause the cancer to multiply faster. Olive oil, however, is low in a certain chemical, and so are tomatoes. As a matter of fact, cooked tomatoes allow that particular chemical to get into your system that actually kills cancer cells. Regular tomatoes are good, but he said cooked tomatoes allow that substance to break down.

It also says here about coffee. I drink 3 or 4 cups of coffee a day. Maybe that is the reason I got it in the first place. But I thought the response was good from Dr. Christensen, who had a cup of coffee in his hand, with all the other surgeons sitting there with cups of coffee. Oh, he said oh, no, it cannot be coffee, because we are not giving it up. I am not telling people to give up all the things they like in life, but at least with moderation, they could take a look at how these things affect their life.

As a matter of fact, in this book there is a number that you can order. I would recommend that Members get this book if they have any doubts. What I will do is give my number, at 202–225–5452. If Members want to call my office, I will get the number where they can get this book that tells almost everything that one wants to know about prostate cancer, because I cannot find the number within the book here.

There are other areas: the National Institutes for Health, the Cancer Research Society. If you call, in every State there is a cancer support group. In every State there are groups that meet, groups of cancer patients. I went to one this last weekend. It was very good. Dr. Barken in San Diego has a cancer group. As a matter of fact, there is going to be a cancer awareness, actually, by Israel Barken, M.D., President of the Prostate Cancer Education and Research Foundation, in San Diego, California. Every State and almost every city has these support groups. I would encourage each and every individual to check in, especially if they are diagnosed with cancer. Again, one of the worst things that you can have happen to you is the doctor look you in the face and say, ma'am, or sir, you have cancer, and it is almost overwhelming in the impact that has on your life.

Through early detection, over 95 percent of prostate cancer victims can be saved with good mortality rates. All of the things that people dread, like impotence, I will say, that is a big factor, and incontinence, all of those things with early detection can be changed and saved. Even if they are not, the techniques they have today can bring about full, meaningful life for married or unmarried men and women in this.

Mr. Speaker, I would just like to close by saying each man and each woman, whether it is breast cancer, whether it is diabetes or prostate cancer, we need to support the funds for the research, because we are so close in the biotech industries to finding out the answers.

I would also say that the money for prostate cancer is so low, but yet it is the second leading cause in men's death, and in African American deaths it is one of the highest and leading causes, second only to AIDs.

PRESSING ISSUES THAT STILL FACE CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, we just returned to Congress from a recess. We have 5 weeks of working time left, unless there is some extended Congress before the election. I doubt that very seriously.

I also have heard the news today that the Ken Starr report has been delivered to the House of Representatives, and a process is going forward by which the Committee on Rules will determine what will happen to that report and how it could be handled. I am sure that is going to absorb a large part of our time.

There are items on the agenda that have been on the agenda all year long and all during this session of Congress that I hope will not get lost. I think it is very important that the American people, in their commonsense wisdom, understand that there is no need for us to suddenly go on holiday with respect to the pressing issues that face the Congress.

There are still overcrowded schools, schools with coal-burning furnaces. There is still a need for some kind of relief from every area of government, including the Federal Government, for school construction in our big cities. There is still a need to have money to lower the ratio of students to teachers. There is still a need for the wiring of our schools for technology, to bring them up to the point where they can train young people for jobs that do exist. There is still a need for increasing the minimum wage.

There are a lot of things that mean a lot to ordinary people, and we should not put them in the deep freeze in order to spend all of our time on the one issue of the President's private life and the Ken Starr report.

I have been asked a couple of times today why the black community so solidly supports the President. In poll after poll, no matter how you ask the question, whether you are talking about the job performance of the President or his personal life or any other matter related to the President, you generally get a high approval rate in the African American community.

Certainly I think one of the reasons for that, and I do not pretend to know all of the answers, one of the reasons for that is because we are oriented toward the issues and the problems, and we would like to see the problems and the issues dealt with. We would like to see some of the problems solved and resolved.

Additional polls of African American parents in big cities have shown that large numbers of African American parents are now supporting vouchers for education as an alternative to the public school system. I think that the two kinds of responses are related; that the large numbers of African American parents supporting the vouchers in the school system, it is evidence of a kind of desperation, a kind of fatalism that has set in, that they do not believe anything is going to change in the public school system. They do not think the supporters are there among elected officials.

In New York City we had a surplus of nearly $2 billion in the budget, and not a penny was spent to deal with the pressing problems of school construction, including removal of coal-burning furnaces. At the same time, in New York State they had a similar $2 billion surplus, and the Governor turned down a legislative request or vetoed a legislative request for $500 million for school construction.

So wherever parents in inner city communities look for some relief from the conditions, it appears that government officials are not interested, or have decided to deliberately abandon or ignore the needs of children in our inner city schools. We are talking about millions of children.

The same conditions that exist in the crowded New York City schools exist in many other big cities. Children are forced to eat lunch at 10 o'clock because there are so many, they have to have a relay in the cafeteria, and they have to start early in order to get three or four teams in, three or four sessions in the cafeteria where youngsters eat. Coal-burning furnaces are definitely a threat to every child's health who sits in the school, because the dust that you do not see is still getting into the lungs of young children.

Things that bad are not being addressed by our elected officials at various levels.

The despair about change relates to the support for President Clinton. The one person who has articulated and set forth a program which would address these issues, if he had the cooperation of the Republican-controlled Congress, is President Clinton.

Across the board, when affirmative action was threatened, and hysterical forces surrounding the President were counseling him to abandon affirmative action, it was President Clinton who came up with the statement and the strategy that we should mend affirmative action and not end it.

In very serious matters that affect peoples' lives, including the minimum wage, which does not cost the government anything, an increase in the minimum wage would not cost the government anything, the President supports an increase in the minimum wage. Most of the people in my district would appreciate very much the government taking that step, which will not cost the government anything, but recognizes that the prosperity that we enjoy should be shared.

We could pull up a very good list of concrete reasons why African American people, who the large majority of them are poor, or poor people in general, support this President. We want to see a focus on the duties and functions of government, that government has certain duties and functions, and we would like to see a decrease in the obsession with the private life of the President.

I issued a statement this afternoon to get on the record, since I see a lot of people want to get on the record, and I suppose it would be prudent to back out now, since the Starr report is here, and wait and see what the Starr report has to say, but I choose not to do that.

I very strongly feel that government has invaded an area of individual privacy here, and some of us should marshall all of the energy and resources at our command to fight this kind of intrusion by government, because if they can do it to a President, there is no other individual in this Nation who is not also subject to that kind of intrusion into their private life.

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The statement I issued sums it all up for me: As a Member of Congress, I am sorry that there is an escalating hysteria that may lead to the religious lynching of a great President. President Clinton has gone farther than he should have been asked to go in offering a public statement about his intimate personal life. In view of the fact that absolutely no one has charged that a national security issue is involved in this matter, all further government inquiries should be dropped. The Nation has in no way been placed at risk. Certainly nothing took place which touched on bribery, treason, or high crimes and misdemeanors.

For those who continue to expand their detailed probe and to pass judgment through the prism of their hypocritical, Victorian values, we concede their right to wallow in their Peyton Place preoccupations. There is, however, a profound difference between crimes and sins.

It is of utmost importance that we acknowledge and support the spirit of our Constitution which discourages the state from investigating private morality and affirms the right of every American, even the President, to separately negotiate his sins with his God.

This intrusion on the President's private life bodes ill for the future. Every politician is fair game. It bodes ill for ordinary people if government at this level is allowed to move in a way which really knocks down the separation of church and state, because the church, the religious institutions are responsible for private morality and for sin.

If we are going to invade that domain and become the arbiters of who is sinful, who has done what wrong, and who should be punished, then we are on our way to something similar to the Taleban government in Afghanistan. The extreme of what we are doing now can be seen in the way the Taleban behave. You get on that course of giving government the power to interfere, to regulate, to get into the minute details of individual lives and determine who is sinning and who is not, then we can get into a situation where a government like the Taleban government is justified. They determine. They decide women should not only cover themselves in public; they should not go out in public too much. They determine that women in Afghanistan could no longer hold positions of any kind in the government. They determined all that on the basis of their concept of what is moral. The government and the religion are one.

That is the way we are headed in a country which prides itself on separation of church and state. Why is the state spending millions of dollars in order to pursue what is probably someone's sin? Not probably; we have reached the point where the President has admitted, apologized, et cetera. It is a fact. A sin was committed in accordance with the standards of this Nation and the standards of the President himself. So sin is what we are talking about. Where are the high crimes and misdemeanors? Where is the bribery or treason or anything of that kind?

I would like to certainly see the Starr report as soon as it is available to Members of the House. I certainly will read it and I will be looking for a statement on bribery, treason, or high crimes and misdemeanors. Where is it in that Starr report? Why are we even going to bother with the report if it does not contain charges of bribery, treason, or high crimes and misdemeanors?

I think that in 5 weeks it is expected that the President will become paralyzed, that nothing of substance will be done. I am hoping that the common sense of the American people will send a message to this Congress and send a message to the commentators and the reporters, the media, and the press. They have driven this thing very hard. They have looked at the response of the American people and decided they will not accept it, that they are going to change it. So the press and the media have become a force for changing people's minds. They are going to make us believe that this is the most important issue in the world.

One reporter, one veteran reporter who covers the White House, said this is the most important story because it is a human story. There are a lot of human stories. Jerry Springer has a lot of human stories on every day. Pulp magazines are full of human stories. If we are going to consider human stories to be stories about sex, then there are many of those human stories.

I do not think the intimate sex lives of human beings are particularly the kinds of things that define human beings. Animals of all kinds have sex. Why does the human story have to be related to a sexual relationship? Why can the human story not be about the fact that the human beings in Northern Ireland cheered the President as a hero? They cheered the President as a hero because they have faced life-and-death issues. They have faced life and death. They have died. They know this President went out of his way, an uncommon procedure of an American President, and became intimately involved in the negotiating of the peace that Senator Mitchell brokered, that led to the present situation.

They know this President has been intimately involved in a life-and-death matter and lives will be saved, important things are going to happen as a result of his intervention. They understand what President Clinton meant when he called this Nation an ''Indispensable Nation.'' And I think the President in certain situations has seen himself as the indispensable person to make things happen. In the case of Northern Ireland, this was the case.

In the case of the rescue of Haiti from a bloodthirsty, armed occupation by its own army where people counted bodies every morning when they came out to go to work, the President, against public opinion, public opinion was running two to one against intervention in Haiti, on the floor of the Congress two-thirds of the Members of Congress were against intervention, but the President made a decision and he freed the people of Haiti. He took the bloody yoke off of Haiti. That legacy will stand. As a result of his actions in Haiti, the President, I think, found himself and understood the kinds of decisions he would have to make in the future.

It was possible, because he made a definite, right decision in Haiti, it was possible for him to follow through in the case of Bosnia and Yugoslavia and make similar decisions. The public

opinion polls were running two to one against intervention in Bosnia, intervention in the whole Yugoslavia-Serbia-Croatia situation. But the President felt that we were the indispensable nation, the indispensable element that had to become involved, and he made that decision.

The children dying while they were running to go to the well, all the horror stories that we saw in connection with Sarajevo, the genocidal death pits, all of that would be going on still if it had not been for the fact that this President made a decision that as an indispensable nation and as the indispensable leader at this point that he was going to take action, and he led us into Bosnia.

It so happens that I disagree with the length of time we have spent there and the amount of money that we have spent there, but the decision was vital in order to turn the situation around. So Bosnia, Serbia, Croatia, all of those elements are still struggling.

Mr. Speaker, I do not think the United States should stay there forever to help them put things together. I think the horror is gone and they will never go back to the horror. I think all the fighting factions there are glad to be relieved of the need to perpetrate one horror after another against one another. This President, he has a legacy there that no one can take away.

Mr. Speaker, I think that those who press the issue of destruction of the legacy of the President by his personal actions, it is one argument being used by the press and the heavy-handed commentators that seem persuasive to a lot of people. How can he go down in history? How can he salvage anything for the next 2 years with all of the present exposure of his personal life?

Well, I think we ought to go way back in American history and recognize some things that people do not like to talk about. One of the greatest American Presidents, I certainly would place him in the top three or four American Presidents, was challenged in his first term by the press and a journalist that actually had been a friend of his, named James Calendar. He wrote a story and started a whole series of stories about the life of Thomas Jefferson and the fact that Thomas Jefferson had a slave mistress who had several children by Thomas Jefferson. This is not a rumor. There are newspapers and cartoons and factual evidence. It happened.

James Calendar made the charge in the article. The other papers picked it up. The cartoons ridiculed Jefferson for his black bride. All kinds of pressure was brought to bear on Thomas Jefferson in his very first term. This is a President who served 8 years. In his first year, these were the kind of pressures that were unleashed on Thomas Jefferson.

Without going into an argument about whether they really were his kids or not, or whether he was really involved with Sally Hemings as charged, the pressure was there. The story was there. The Chief Justice of the United States Supreme Court, who was a distant relative of Jefferson's and did not like him, he chimed in until one of the newspapers stated that the Chief Justice had several children by slave mistresses also, and then he backed away.

But it was a big scandal. I am not going to go into much greater detail. It just so happened that there is a very interesting ending. The woman, Sally Hemings, who was supposed to be Jefferson's mistress, stayed at Monticello when Jefferson left the presidency. She stayed for 30 years. Sally Hemings and the President were in the same house. Only Sally Hemings was ever fingered and pointed out to be a mistress of Jefferson.

But the important thing is that Jefferson went on to effect the Louisiana Purchase. Where would the Nation be if there had been no Louisiana Purchase, the opening up the direction of the West, the removal of Spain and France who were lingering around the edges of the United States, dying to establish some kind of beachhead? All of that was swept away in one fell swoop.

The Louisiana Purchase, which was engineered by Thomas Jefferson almost alone, because there was no great debate about what to do, he outmaneuvered Napoleon. Napoleon wanted Jefferson and the United States to get involved in the war in Haiti and expected the United States to come to his aid. Jefferson refused to do that. Napoleon lost the war in Haiti and he expended a great deal of funds in the process and was broke. So he sold the Louisiana Territory to the United States at a very, very bargain price. But Jefferson maneuvered all of that, despite the fact that he had been put under great pressure in his first year. They went away. The charges and the people who attempted to ridicule him finally shut up.

Throughout the course of the entire ordeal, Thomas Jefferson refused to comment at all. He never said a word one way or another. The American people at that time, the ordinary people out there, the innkeepers, the carpenters, and the various ordinary workers out there, who adored Thomas Jefferson, were never that concerned. It was always the press, always the cartoonists who pressured and pressed to get answers about the private life of Thomas Jefferson.

So, Mr. Speaker, he was one example. I can give many others where the legacy, the individual legacy is not injured by the personal life. The ability to achieve things is not injured by the personal life of public people.

It is quite amusing to hear people talk about a legacy being destroyed because of private behavior. We would have legacies destroyed right down through American history of quite a number of other presidents. I heard the other day on National Public Radio an irate listener call up and said somebody tried to tarnish George Washington, was smearing George Washington in order to protect Bill Clinton. I do not think it is a smear of George Washington to point out that there was at least one factual account of an extramarital relationship and rumors and some historians talk about other things. Remember, this is a George Washington who refused to be crowned the king. This is the George Washington who would not run for a third term.

□ 2000

Nobody can take away from George Washington the nobility and the greatness of those kinds of actions regardless of what the historians pinpoint.

Franklin Delano Roosevelt is among the greatest of the three or four greatest Presidents. The man who probably has to be credited with stopping Adolph Hitler from ruling the world. Very few intellects, very few imaginations, very few courageous spirits can match Franklin Delano Roosevelt. Yeah, he made a few mistakes here and there. He interned the Japanese at the beginning of World War II.

Every President makes mistakes. He did not move fast enough, as fast as he could have, to integrate the armed forces. There are a lot of mistakes. But when you measure the mistakes against the achievements, there is no question about the legacy of Franklin Delano Roosevelt will ever be taken away. Nobody can ever deny him his place of one of the greatest American Presidents.

But it is a fact that he had some extramarital relationships in his public life, more than one. It is a fact. They are not disputed. It did not mean that he could not meet day after day and night after night with Winston Churchill in the early days when the United States declared war on Germany and Japan when Churchill came over here. It did not mean he could not rise to the occasion whatever his personal life was like, whatever he was doing in his personal life. It certainly did not mean that publicly he could not perform.

This notion that they go together or the human story must be told because the human story tells us what a person is all about is a soap opera notion. It is soap opera.

I think the private domain sometimes can be legitimately invaded. I think Presidents ought to report on their health correctly. I think the French are right and that Francois Mitterand, when it was disclosed that Francois Mitterand, the President of France, had cancer before he died, he died of cancer, the French appointed investigators to find out when did he know that he had cancer, how serious was it. They felt it was an important thing to know.

Was he incapacitated and unable to carry out the business of the state. That is all they wanted to know. They did not want to know about his mistress and his children by his mistress. But they thought it was important to

know what kind of person with what kind of mental capacity was, or physical capacity was in charge of the state.

There are some things a state should know. There are things that the state may also disapprove of. But the fact that the state disapproves of certain kinds of private behavior does not mean the state should become the prosecutor, the arbiter.

I mean, where is the church, where are the priests, where are the ministers, where is their function if we are going to have the state become the agency for monitoring sin and regulating sin?

I want to read some excerpts from a column that appeared in the New York Times yesterday by Anthony Lewis. And I think the very strong statement here is one that I certainly would agree with 100 percent, and I invite you to get a copy of the Anthony Lewis column of September 8, 1998.

It starts as follows:

Senator Joseph Lieberman struck a cord in the country because of the way he criticized President Clinton's behavior. He ground no political ax. He was not holier than thou. He gave us no prurient sanctimony. Simply and directly, he expressed what most people feel: Sadness and outrage.

But on one point he went too far when he said that no President today can have a private life. The reality is it is in 1998 that a President's private life is public, Senator Lieberman said. Contemporary news media standards will have it no other way.

I am quoting from an article by Anthony Lewis.

Must every President from here on live with a press driven downward by competition and morbid curiosity? Beyond that, can no President ever again be assured of confidence in his talks with advisors? Must every President look at his Secret Service guards as potential witnesses?

I cannot imagine any ordinary person who wanted to live under such conditions. Total exposure or the fear of it would put an intolerable strain on us.

Privacy is an essential ingredient of civilized human existence. The reason was explained in a superb article last month in the London Times Literary Supplement by Thomas Nagel, professor of philosophy and law of New York University.

I am still quoting from Anthony Lewis' column.

To quote Professor Nagel, ''each of our inner lives is such a jungle of thoughts, feelings, fantasies, and impulses that civilization would be impossible if we expressed them all or if we could all read each other's minds. Just as social life would be impossible if we expressed all our lustful, aggressive, greedy, anxious, or self-obsessed feelings in ordinary public encounters, so would inner life be impossible if we tried to become wholly persons whose thoughts, feelings, and private behavior could be safely exposed to public view.''

Professor Nagel correctly saw the destruction of Presidential privacy as part of a larger trend, quote, ''a disastrous erosion of the pressures but fragile conventions of personal privacy in the United States over the past 10 or 20 years. We are in the age of letting it all hang out and of rewards for exposing others.''

We can't limit the choice of political figures to those whose peculiar inner constitution enables them to withstand outrageous exposure or those whose sexual lives are pure are simon-pure, Professor Nagel wrote.

It is important to understand that the Clinton case is special. Last February, I wrote, to quote Anthony Lewis,

President Clinton was on notice, years of notice, that his sexual behavior was in issue. If he ignored the warnings and then went on television to deny the truth, he will be judged by the American people in those terms, and should be.

But in general, we as a country are better off not knowing about the private lives of our leaders and not lusting to know. Would America be a better place if the supposed sexual adventures of John F. Kennedy lately retailed had been reported at the time? If the press, which in those days was far more restrained, had published the material leaked by J. Edgar Hoover about Dr. Martin Luther King's sexual straying?

The great Italian playwright Luigi Pirandello in the play ''Right You Are If You Think You Are'' showed the price of community pays when it is driven by gossips to find out the truth about people's private lives. It is not an accident that both Linda Tripp and Kenneth Starr justify their relentless behavior as demanded by the truth.

We should not ferret out the secrets of private lives; least of all should we do so by the terrible power of the criminal law. My hope and belief are that, however the Clinton story ends, the country and Congress will see to it that never again will a prosecutor thus damage the Presidency. For the good of the country, a President needs what Justice Brandeis call the right to be let alone, the right most valued by civilized men.

This is the end of the quote from Anthony Lewis in the New York Times on September 8. I invite you to get a copy for yourself. I think it is a brilliant statement there of what the present situation means in terms of overall civilization and our values in this civilization.

I am not a lawyer or a legal scholar, but I really would like to hear a legal discussion of what the present situation means in terms of separation of church and state. If the state can invade the personal domain and personal behavior and charge itself to deal with people's sins, where are we going in terms of separation of church and state?

I have heard all kinds of speeches made in the name of raising the flag of morality in America. There have been numerous reporters who have stated that the country's values have gone downward, and we have degenerated in terms of morality over the last 25, 30 years.

I challenge that. I challenge that very much so. I challenge it first in terms of the fact that the private lives of several Presidents I mentioned, John F. Kennedy, Franklin Roosevelt, private lives of those people and the things that we might not approve of that happen in their private lives were known to members of the press and members of the establishment here in Washington. They were not so secret that they were not known.

The fact that no one felt so morally compulsive as to come forward and make a public issue out of the private life of Franklin Roosevelt or the private life of John F. Kennedy, what does that mean? They were less moral? Maybe they were.

Maybe our indignation and the fact that the press feels it has a right to discuss these matters and to pass judgment and to wage an editorial crusade to change the mind of the American people and make them prosecute the President for his sins, that is new. It evolved, as Professor Nagel said, in the last 10 or 20 years. Does that mean that we are more moral because we lay those issues out on the table?

I heard a commentator on a C-SPAN show who spoke very forcefully about this moral issue, how we have to deal with saving the morality of America, how the children are watching, and we must set the best examples, all of which separately make a lot of sense. I think we should set the best possible examples as public officials. I think this scandal is very damaging.

But the same commentator was asked a few minutes later, have you discussed this with your teenage children? He wants to save America. He wants to guarantee that the moral standards of the President and the public officials are the highest. But when he was asked have you discussed this with your teenage children, he said no. He said I have not. I am a little afraid to tackle that. I am afraid of what they might say. I am afraid.

Here is a man who wants to save America, but he will not talk to his own children. If there is a moral problem in America, then the moral problem is parents who will not talk to their children about something they consider so important that they take very intense public positions about.

He is a afraid. Is afraid that they might say we do not think it is that important. He is afraid. Let me not put thoughts in his mouth. I do not know what he is afraid of. But certainly the refusal to talk to your own children about it says a great deal about your convictions as to the morality of them.

Are we afraid because children understand that people tell lies all the time? And when they hear adults railing about how awful it is to have a lie, a lie about something you have done, children, by the time they are teenagers, they are ahead of us.

They have gone through the discovery that there is no Santa Claus. They know that storks do not bring babies, or you do not pick babies up in packages at the hospital. There are all kinds of little lies that have been told them that have been exposed. I assure you they are way ahead and listening all the time for those kinds of untruths, as innocent as they may be.

☐ 2015

Children may know what was recently stated by a priest in a contest that was held. It was a big contest held about America's wisdom, and a priest was in the contest with three other contenders and he won.

The question was: Is it always important to be honest and tell the truth; must we always be honest and tell the truth? And the priest was selected as having the best answer because he said it is not always important that we tell the truth. And he laid out a whole series of situations where innocent people would be hurt if we were to tell the truth.

There is no absolute standard which says we must always tell the truth and that any lie is equal to any other lie. Goebbels' lying about the concentration camp is equal to somebody lying about their personal behavior. Moral standards are something that always relate to sex or relationships between men and women.

Adolf Hitler would not allow his picture to be taken in short pants because he thought it was indecent. Adolf Hitler, responsible for more murders and more death and more suffering and more horror than this planet has ever experienced. No matter how far we go back, the scale of Hitler's murderous ventures cannot be matched, and yet he would not have his picture taken in short pants because it was immoral, obscene.

Charles Keating, head of a savings and loan association out in Arizona which cost the taxpayers more than $2 billion when it went under, Charles Keating is a crusader against pornography. And yet he swindled the American people. Through the schemes related to the savings and loan association, he swindled us out of $2 billion. And when he could not get any more through the Federal Deposit Insurance Corporation, he went out into the lobby of his bank and sold securities to people without any Federal deposit insurance, and they lost everything. This is the kind of monster we are dealing with.

Morality in America. Where was the press, where were the reporters and the editorials when the savings and loan swindle was exploding? I could not believe the degree to which the press, the media, ignored a swindle of the magnitude that the world had never seen before, the savings and loan association swindle.

And there were other banks involved, too. The whole process by which they used the Federal Deposit Insurance Corporation to cover for the draining of billions of dollars from the banks was never treated by the press the way the private behavior of the President is being treated now. There was never any passion in the editorials. There were long stretches of silence.

There were books that were written that suddenly disappeared. And even now it is difficult to get hard facts that are clear as to exactly how much money did the American taxpayers lose. The estimate is $500 billion by some economists at Stanford University, that the savings and loan swindle in the end will cost the American taxpayers $500 billion.

Now, the savings and loan swindle was the beginning of something which continues today. The savings and loan swindle was based on crony capitalism and banking socialism. The socialism part came because the Federal Deposit Insurance Corporation, the American taxpayers' money, insured every depositor who had placed $100,000 or less in the bank. So it was a kind of socialist protection.

The cronyism came because banks did not follow the regular procedures of lending. They lent millions of dollars on the basis of friendship. Cronies. The crony capitalism and the banking socialism pattern that started with the savings and loan associations of America is exactly what happened in Mexico, only they did not have the safeguards of a Federal Deposit Insurance Corporation to the degree we have, so individuals in Mexico lost much more.

It is the same pattern of Indonesia crony capitalism, where there are no real standards or real requirements for collateral or a sound business plan or all the things we would confront if we went to the bank to ask for a $10,000 loan or a $20,000 business loan. We would have to fill out reams of paper and go through a whole process. Well, there is a stratum in the business world where they do not do that. It is on the basis of friendship that loans are made.

And the pattern that the savings and loan associations established, Mexico picked up on it, Korea was run the same way, Indonesia, all across the Asian Tiger countries we have this pattern of crony capitalism and government now stepping in to help bail the situation out, because government in these areas played a major role in providing the capital to the banks that did the lending to their cronies. Overnight, economies like Korea and Malaysia, boom.

I visited Korea for a week and was in Seoul, the capital of Korea, and I was astonished at the number of office buildings. We visited about three office buildings, high-rise buildings, beautiful buildings on the outside. Inside the buildings, most of the offices were empty. They got the money to do the building and whatever the financing was, but they did not need the buildings.

Just as during the savings and loan swindle days they had all these developments in Texas that the builders had gone and borrowed the money, made the first effort of digging foundations, doing a few things, and therefore it qualified for the loans. They were scot-free. They said that the developments failed for economic reasons. Nobody was convicted in most of these cases. They just walked off scot-free. That kind of crony capitalism, backed up by banking socialism, was never attacked as being immoral; the kind of day-after-day, relentless pursuit.

On ABC, Cokie Roberts has been around for a long time. She has seen a lot of things happen in Washington. She ought to know better when she talks about this being one of the most important things in the world morally. Where were their voices during the savings and loan swindle? Immoral, costly, a lot of criminality took place, the Mafia made a mint, and the response morally was not there.

Let me just sort of sum up what I am saying. A nation that cannot identify what is morally most important, cannot set priorities, cannot see that it is immoral at a time like this, when we have a budget surplus, to keep sending children to unsafe schools and overcrowded schools. It is immoral to send them to schools that have coal-burning furnaces. That is immoral, not to have the leadership being willing to invest in safety and health.

It is immoral not to take this opportunity, when the money is here, to invest in education in greater amounts. A nation that cannot see that, a nation that prefers to spend $30,000 or $40,000 a year on a prisoner, a prisoner in a prison cell, and will not do anything about the expenditure of less than $5,000 a year on children who go to inner city schools is immoral. That is an immoral act.

There are all kinds of judgments that need to be made about what is important and what is not important. What are we here for, for 5 weeks? Should we not do things that make a difference for people in the Nation or people anywhere in the world? For 5 weeks the power is here to do a great deal if we were to see ourselves as President Clinton described us in his inaugural address, if we were to see ourselves as an indispensable nation.

We have all kinds of problems throughout the world. The economies are in serious trouble. That is obvious. The global warming now is pretty much a fact with a lot of implications. And with the tumultuous kinds of weather we have been having recently, if global warming is going to make that worse, we are in serious trouble. There is a whole lot of planning and a whole lot of leadership needed.

We are the indispensable nation. We are the ones who at this point are economically most secure. We are the Nation that the world looks to. They value our leadership. The American colossus does not rule with armies, does not have to administer colonies. It is the goodwill of America.

It is the fact that American men died on the beaches of Normandy to defend the concept of freedom. Our homes were not immediately threatened by Hitler. Those great sacrifices were made in the Battle of the Bulge and on the beaches of Normandy by people who had some idealism. And the country was driven by idealism. We get a return on that.

The whole world, despite what we hear here and there, the whole world looks to America for leadership, admires America. We have terrorists who will hate us just because we are admired. We have many enemies, but to be admired means we are going to have enemies.

So this great America of ours is at the pinnacle of its power and it is an indispensable nation and we ought to behave like an indispensable nation. Instead of being preoccupied with Peyton Place-type activities, we should look to where are we now and what can we do with our enormous power and wealth to make the world a better place for our constituents, to deal with some immediate problems.

I do not want to have to go back to my constituents and say, look, we have no hope. The relief of the overcrowding schools, the coal-burning furnaces, these are relatively small things, but we are not going to get any help with them. I do not want the despair which drives people to choose vouchers, which is a ridiculous way to go because only a handful of children can ever be served through that method. And vouchers to private schools, there are just not enough out there. It is the public school system that will continue to educate most of our children and we have to stay with the public school system.

We can experiment more with charter schools, which are public schools, there are a number of things we can do to try to improve the schools, but we cannot spoon-feed the process or put Band-aids on. We really need to do something dramatic about guaranteeing that every youngster has a clean, safe school with an atmosphere that is conducive to learning; that every youngster is in a classroom where the teachers are not overwhelmed because there are so many children.

There are a lot of very small things that a mere stroke of the pen on some appropriations bills could put in place. But yet we choose not to live up to the calling or the responsibility that history has thrust upon us.

I want to read, in closing, a statement that I made on February 4, 1997, following President Clinton's inaugural address and I put it in the CONGRESSIONAL RECORD.

Mr. Speaker, President Clinton's inaugural address was not a State of the Union speech obligated to provide substance for general proposals. Appropriately, the President used his second inaugural statement to set a tone for the next 4 years, the prelude to the 21st century. America is a great country blessed by God with wealth far surpassing any nation on the face of the Earth now or in the past. The Roman Empire was a begger entity compared to the rich and powerful Americans. God has granted us an opportunity unparalleled in history.

President Clinton called upon both leaders and ordinary citizens to measure up to this splendid moment. The President called upon all of us to abandon ancient hatreds and obsessions with trivial issues. For a brief moment in history we are the indispensable people.

Other nations have occupied this position before and failed the world. The American colossus should break the historic pattern of empires devouring themselves. As we move into the 21st century we need indispensable leaders with global visions. We need profound decisions.

I conclude with a poem of my own.

''Under God
The indivisible indispensable nation
Guardian of the pivotal generation
Most fortunate of all the lands
For a brief moment
The whole world we hold in our hands
Internet sorcery computer magic
Tiny spirits make opportunity tragic
We are the indispensable nation
Guardian of the pivotal generation
Millionaires must rise to see the need
Or smother beneath their splendid greed
Capitalism is king
With potential to be Pope
Banks hoard gold
That could fertilize universal hope
Jefferson, Lincoln, Roosevelt, King
Make your star spangled legacy sting
Dispatch your ghosts
To bring us global visions
Indispensible leaders
Need profound decisions
Internet sorcery, computer magic.
Tiny spirits make opportunity tragic.
We are the indispensable nation,
Guardian of the pivotal generation
With liberty and justice for the world
Under God.

☐ 2030

Instead of being preoccupied with a soap opera and the human story of one man's fragility, we should look to our role as the indispensable nation, we should look to our role as the generation within this indispensable nation that has a golden opportunity to turn things around.

I started by saying that in the African-American community there is strong support for President Clinton despite all of the revelations. And I certainly know from firsthand information gathered in my district that it is very strong. I made it my business to question ladies of the church and find out where they stood.

And I think there have been many reasons that have been said before why blacks support this President. We are afraid of what happens when he is no longer there. We appreciate the fact that he has stayed with the issues that matter most.

But I think, also, there is a wisdom in the African-American community by these church ladies and other people who have been raised on the Bible. They know the legacy of King David is not wiped out by his weakness in connection with Bathsheba. They know that Sampson is still a symbol of strength despite the fact that he had a weakness and was vulnerable.

They looked over the whole pattern of history and they know that the good that men do often dies with them, and it is not fair.

We are in a situation now where trivialities may smother America, trivialities. We have opened Pandora's box. If a President's life can be invaded by the government, trivialities will smother us all. Who will be next and how many dramatic human stories will television have to play with along the way?

I hope that for the next 5 weeks we can turn away from preoccupation with the personal life of one man and deal with preoccupation with the life of the Nation. We are an indispensable nation. We ought to behave like people who are a pivotal generation within this indispensable nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). While the Chair did not interrupt the Member, the Chair would remind all Members to avoid specific personal references to the President even as a point of reference or comparison to a more general standard of conduct.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. PRYCE of Ohio (at the request Mr. ARMEY), for today and for an indefinite period, on account of illness in the family.

SPECIAL ORDERS GRANTED

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

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

Mr. PETERSON of Pennsylvania, for 5 minutes, on September 10.

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

Mr. STUPAK, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. LEE) and to include extraneous matter:)

Mr. KIND.

Mr. ETHERIDGE.

Mr. KENNEDY of Massachusetts.

Mr. MILLER of California.

Mr. STARK.

Mr. HAMILTON.

Mr. KANJORSKI.

Mr. MATSUI.

Mr. SANDERS.

Mr. UNDERWOOD.

Mr. MURTHA.

Mr. DELAHUNT.

Mr. DIXON.

Mr. GEPHARDT.

Mr. VENTO.

Mr. MORAN of Virginia.

Mr. SANDLIN.

(The following Members (at the request of Mr. PETERSON of Pennsylvania) and to include extraneous matter:)

Mr. SPENCE.
Mr. RADANOVICH.
Mr. DUNCAN.
Mr. DIAZ-BALART.
Mr. SMITH of Oregon.
Mr. SAXTON.
Mr. THOMAS.
Mr. HYDE.
Mrs. NORTHUP.
Mr. SOLOMON.
Mr. STUMP.
Mr. DAVIS of Virginia.
Mr. WOLF.
Mr. GILMAN.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. MICA.
Mr. LAHOOD.
Mr. GILMAN.
Mr. DEUTSCH.
Mr. BILBRAY.
Mr. TOWNS.
Ms. VELAZQUEZ.
Mr. FORD.
Mr. BERRY.
Mr. CONYERS.

ENROLLED BILLS SIGNED

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

H.R. 629. An act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

H.R. 4059. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1379. An act to amend section 552 of title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclose Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On August 10, 1998:

H.R. 3824. An act amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Thursday, September 10, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

10608. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Almonds Grown in California; Revision of Requirements Regarding Quality Control Program [Docket No. FV98–981–1 FR] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10609. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Mexican Fruit Fly Regulations; Addition of Regulated Areas [Docket No. 98–082–1] received August 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10610. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Domestically Produced Peanuts; Decreased Assessment Rate [Docket Nos. FV98–997–1 IFR and FV98–998–1 IFR] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10611. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State Designation; Michigan [Docket No. 98–081–1] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10612. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Mediterranean Fruit Fly; Addition to Quarantined Areas [Docket No: 97–056–14] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10613. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Colorado; Exemption From Area No. 2 Handling Regulation for Potatoes Shipped for Experimentation and the Manufacture of Conversion Into Specified Products [Docket No. FV98–948–2 IFR] received August 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10614. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Increase in Desirable Carryout Used to Compute Trade Demand [Docket No. FV98–989–2 FIR] received August 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10615. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerance [OPP–300693A; FRL–6021–9] (RIN: 2070–AB78) received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10616. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenpropathrin; Extension of Tolerance for Emergency Exemptions [OPP–3000692; FRL 6020–2] (RIN: 2070–AB78) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10617. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Potassium Dihydrogen Phosphate; Exemption From the Requirement of a Tolerance [OPP–300684; FRL–6017–6] (RIN: 2070–78AB) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10618. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Zinc Phosphide; Pesticide Tolerances for Emergency Exemptions [OPP–300696; FRL–6021–6] (RIN: 2070–AB78) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10619. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Cleaning and Reinspection of Farmers Stock Peanuts (RIN: 0560–AF56) received August 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10620. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Letter of Offer and Acceptance [DFARS Case 98–D015] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

10621. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Portfolio Reengineering——Fiscal Year 1998 Transition Program Guidelines (FR–4162–N–03) received August 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10622. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Valuation and Payment of Lump Sum Benefits (RIN: 1212–AA88) received August 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10623. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Replaceable Light Source Information; Federal Motor Vehicle Safety Standards [Docket No. NHTSA 98–4274] (RIN: 2127–AH32) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10624. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Air Bag On-Off Switches [NHTSA–98–4342] (RIN: 2127–AH25) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10625. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulations of Fuels and Fuel Additives: Removal of the Reformulated Gasoline Program from the Phoenix, Arizona Serious Ozone Nonattainment Area [FRL–6137–8] (RIN: 2060–AI06) received August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10626. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries [AD-FRL–6145–5] (RIN: 2060–PI00) received August 13, 1998, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10627. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Section 111(d) Plan; State of Missouri [MO 045–1045; FRL–6150–8] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10628. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision of Existing Variance and Exemption Regulations to Comply with Requirements of the Safe Drinking Water Act [FRL–6144–2] (RIN: 2020–AA37) received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10629. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan for North Dakota; Revision to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards [ND–001–0002a & ND–001–0004a; FRL–6150–6] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10630. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Numbers Under the Paperwork Reduction Act; Standards of Performance For New Stationary Sources and Guidelines For Control of Existing Sources: Municipal Solid Waste Landfills [FRL–6142–9] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10631. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulations: Consumer Confidence Reports [FRL–6145–3] (RIN:2040–AC99) received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10632. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compounds From Sources that Store and Handle Jet Fuel [MD068–3027a; FRL–6144–5] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10633. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of New Jersey; Disapproval of the 15 Percent Rate of Progres Plan [Region II Docket No. NJ28–1–162–3; FRL–6151–2] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10634. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidance on Implementing the Capacity Development Provisions of the Safe Drinking Water Act Amendments of 1996 [Docket No. 816–R–98–006] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10635. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Inspection and Maintenance Program [Region II Docket No. NJ30–184; FRL–6151–4] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10636. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes Kentucky: Redesignation of the Muhlenberg County Sulfur Dioxide Secondary Nonattainment Area to Attainment [KY 99–1–9820a; FRL–6142–7] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10637. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances [OPPTS–50632; FRL–5788–7] (RIN: 2070–AB27) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10638. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Delaware: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6145–2] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10639. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 037–0080; FRL–6142–1] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10640. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plans Revision, South Coast Air Quality Management District, and Ventura County Air Pollution Control District [CA 126—0082a FRL- 6140–6] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10641. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District, San Diego County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, South Coast Air Quality Management District [CA 187–0076a; FRL–6137–6] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10642. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District & South Coast Air Quality Management District [CA 181–0081a; FRL–6141–8] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10643. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, South Coast Air Quality Management District [CA 083–0072a; FRL–6138–4] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10644. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego Air Pollution Control District [CA 184–0086a FRL—6137–9] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10645. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; Source Surveillance Regulation [ME014–01–6994a; A–1–FRL–6136–3] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10646. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Utah; Listing of Exempt Volatile Organic Compounds, Approval of Minor Rule Changes for Emissions from Air Strippers and Soil Venting Projects, and Repeal of Perchloroethylene Dry Cleaning Plant Requirements [UT–001–0005a, UT–001–0006a, UT–001–0007a, UT–001–0009a, UT–001–0012a, UT–001–0013a; FRL -6140–5] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10647. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan Revision; South Coast Air Quality Management District [CA 022–0087a; FRL 6138–2] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10648. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Monterey Bay Unified Air Pollution Control District [CA 191–0088a; FRL 6138–6] received August 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10649. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Minnesota; Municipal Waste Combustor State Plan Submittal [MN59–01–7284a; FRL–6139–2] received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10650. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval And Promulgation Of Implementation Plans Georgia: Approval of Revisions to the Georgia State Implementation Plan [GA–34–3–9819a; FRL–6143–7] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10651. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Consumer and Commercial Products: Schedule for Regulation [AD-FRL–6149–6] (RIN: 2060–AE24) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10652. A letter from the Director, Office of Regulatory Management and Information,

Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting [AD-FRL–6145–6] (RIN: 2060–AE04) Recieved August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10653. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Volatile Organic Compound Emission Standards for Architectural Coatings [AD-FRL–6149–7] (RIN: 2060–AE55) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10654. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Volatile Organic Compound Emission Standards for Consumer Products [AD-FRL–6149–8] (RIN: 2060–AF62) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10655. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings [AD-FRL–6149–5] (RIN: 2060–AE35) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10656. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—WASHINGTON: Withdrawal of Immediate Final Rule for Authorization of State Hazardous Waste Management Program Revision [FRL–6147–3] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10657. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Maintenance Plan Revisions; Ohio [OH117–1; FRL–6147–9] received August 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10658. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Recycling; Land Disposal Restrictions; Final Rule; Administrative Stay [FRL–6153–2] (RIN: 2050–AE05) received August 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10659. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Amendment of Monograph for OTC Nasal Decongestant Drug Products [Docket No. 76N–052N] (RIN: 0910–AA01) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10660. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Department's final rule —Beverages: Bottled Water [Docket No. 98N–0294] received August 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10661. A letter from the Deputy Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Revision to the General Safety Requirements for Biological Products [Docket No. 97N–0449] (RIN: 0910–ZA08) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10662. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Pediculicide Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment [Docket No. 81N–0201] (RIN: 0910–AA01) received August 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10663. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 98F–0055] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10664. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 97F–0467] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10665. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Irradiation in the Production, Processing and Handling of Food [Docket No. 98N–0392] received August 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10666. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Orthopedic Devices: Classification and Reclassification of Pedicle Screw Spinal Systems [Docket No. 95N–0176] (RIN: 0910–ZA12) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10667. A letter from the Acting Director, Bureau of the Census, transmitting the Bureau's final rule—Amendment to 15 CFR 30, Foreign Trade Statistics Regulations, to Include Provisions for Reporting the Value of Foreign Military Sales Shipments [Docket No. 980331081–8171–02] (RIN: 0607–AA22) received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10668. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10669. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severly Disabled, transmitting the Committee's final rule—Procurement List: Additions and Deletions received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10670. A letter from the Deputy Director, Office of Government Ethics, transmitting the Office's final rule—Removal of Obsolete Regulations Concerning the Inoperative Statutory Honorarium Bar, Revisions to Related Supplemental Reporting Requirements, and Conforming Technical Amendments (RIN: 3209–AA00) (RIN: 3209–AA13) received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10671. A letter from the Director, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule Listing Five Plants from Monterey County, California, as Endangered or Threatened (RIN: 1018–AD09) received August 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10672. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to Determine the Plant Pediocactus winkleri (Winkler Cactus) to be a Threatened Species (RIN: 1018–AC09) received August 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10673. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endanagered and Threatened Wildlife and Plants; Emergency Listing of the Jarbidge River Population Segment of Bull Trout as Endangered (RIN: 1080–AF01) received August 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10674. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 072498E] received August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10675. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish by Vessels Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 072498G] received August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10676. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Deep-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 072498F] received August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10677. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Rockfish'' in the Western Regulatory Area of the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 072498D] received August 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10678. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Mississippi Regulatory Program [SPATS No. MS–013–FOR] received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10679. A letter from the Commissioner, Department of Justice, transmitting the Department's final rule—Adjustment of Certain Fees of the Immigration Examination Fee Account [INS No. 1768–98; AG No.] (RIN: 1115–AE42) received August 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10680. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300–600 Series Airplanes [Docket No. 96–NM–42–AD; Amendment 39–10680; AD 98–16–05] (RIN: 2120–AA64) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10681. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; Fort Leonard Wood, MO; Correction [Airspace Docket No. 98–ACE–17] received August 3, 1998, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10682. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes [Docket No. 98–NM–80–AD; Amendment 39–10685; AD 98–16–09] (RIN: 2120–AA64) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10683. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 98–CE–40–AD; Amendment 39–10681; AD 98–11–01 R2] (RIN: 2120–AA64) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10684. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, A321, A300, A310, A300–600, A330, and A340 Series Airplanes [Docket No. 98–NM–229–AD; Amendment 39–10678; AD 98–15–51] (RIN: 2120–AA64) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10685. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of VOR Federal Airway V–465 [Airspace Docket No. 96–ANM–15] (RIN: 2120–AA66) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10686. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Realignment of VOR Federal Airway 369; TX [Airspace Docket No. 98–ASW–40] (RIN: 2120–AA66) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10687. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Tallahassee, FL [Airspace Docket No. 98–ASO–8] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10688. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Safford, AZ [Airspace Docket No. 96–AWP–11] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10689. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 98–NM–212–AD; Amendment 39–10676; AD 98–16–01] (RIN: 2120–AA64) received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10690. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Moses Lake, WA [Airspace Docket No. 98–ANM–05] received August 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10691. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 and A321 Series Airplanes [Docket No. 97–NM–148–AD; Amendment 39–10688; AD 98–16–12] (RIN: 2120–AA64) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10692. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Automatic Train Control and Advanced Civil Speed Enforcement System; Northeast Corridor Railroads [FRA Docket No. 87–2, Notice No. 7] (RIN: 2130–AB20) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10693. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Periodic Updates to Pipeline Safety Regulations (1997) [Docket No. RSPA–97–2251; Amdt Nos. 190–8; 191–13; 192–84; 193–15; 194–2; 195–61; 198–3; 199–17] (RIN: 2137–AD03) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10694. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Staten Island Fireworks, New York Harbor, Lower Bay [CGD01–98–102] (RIN: 2115–AA97) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10695. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Delaware River, Philadelphia, Pennsylvania [CGD 05–98–002] (RIN: 2115–AE46) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10696. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; St. Johns River, Jacksonville, Florida [CGD07–98–033] (RIN: 2115–AE46) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10697. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Streamlined Inspection Program [CGD 96–055] (RIN: 2115–AF37) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10698. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, A321, A330, and A340 Series Airplanes Equipped with AlliedSignal RIA–35B Instruement Landing System Receivers [Docket No. 98–NM–154–AD; Amendment 39–10707; AD 98–17–05] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10699. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes [Docket No. 98–NM–128–AD; Amendment 39–10711; AD 98–17–09] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10700. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company (RHC) Model R44 Helicopters [Docket No. 98–SW–25–AD; Amendment 39–10712; AD 98–12–19] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10701. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG–400 Gliders [Docket No. 98–CE–07–AD; Amendment 39–10705; AD 98–17–03] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10702. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fortuna, CA [Airspace Docket No. 98–AWP–3] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10703. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASW–19 Sailplanes [Docket No. 98–CE–05–AD; Amendment 39–10704; AD 98–17–02] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10704. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98–NM–210–AD; Amendment 39–10689; AD 98–16–13] (RIN: 2120–AA64) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10705. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Advance Notice of Arrival: Vessels bound for ports and places in the United States [CGD 97–067] (RIN: 2115–AF54) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10706. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Amdt. No. 1883; Docket No. 29295] (RIN: 212–AA65) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10707. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Amdt. No. 1882; Docket No. 29294] (RIN: 212–AA65) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10708. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Tioga, ND [Airspace Docket No. 98–AGL–34] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10709. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. TFE731 Series Turbofan Engines [Docket No. 97–ANE–51–AD; Amendment 39–10703; AD 98–17–01] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10710. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; St. Johns River, Jacksonville, Florida [CGD07–98–033] (RIN: 2115–AE46) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10711. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–80A3 Series Turbofan Engines [Docket No. 98–ANE–85–AD; Amendment 39–10668; AD 98–15–17] (RIN: 2120–AA64) received August 13,

1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10712. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–215–6B11 (CL–415 Variant) Series Airplanes [Docket No. 98–NM–03–AD; Amendment 39–10487] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10713. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340 Series Airplanes [Docket No. 97–NM–340–AD; Amendment 39–10355; AD 98–04–44] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10714. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Forest City, IA [Airspace Docket No. 98–ACE–30] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10715. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Spencer, IA [Airspace Docket No. 98–ACE–31] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10716. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes [Docket No. 98–CE–54–AD; Amendment 39–10584; AD 98–12–31] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10717. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Denison, IA [Airspace Docket No. 98–ACE–29] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10718. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model 172R Airplanes [Docket No. 98–CE–60–AD; Amendment 39–10634; AD 98–13–41] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10719. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier-Rotax GmbH 912 F Series Reciprocating Engines [Docket No. 98–ANE–26–AD; Amendment 39–10667; AD 98–15–16] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10720. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; West Palm Beach, Florida [CGD07–98–049] (RIN: 2115–AE46) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10721. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regualtions; Grassy Sound Channel, Middle Township, New Jersey [CGD05–98–015] (RIN: 2115–AE47) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10722. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model B.121 Series 1,2, and 3 Airplanes [Docket No. 98–CE–03–AD; Amendment 39–10691; AD 98–16–15] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10723. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–7 Airplanes [Docket No. 98–CE–30–AD; Amendment 39–10692; AD 98–16–16] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10724. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. BN–2, BN–2A, BN–2B, and BN–2T Series Airplanes [Docket No. 97–CE–112–AD; Amendment 39–10690; AD 98–16–14] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10725. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 60 Airplanes [Docket No. 98–NM–227–AD; Amendment 39–10694; AD 98–16–18] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10726. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98–NM–180–AD; Amendment 39–10695; AD 98–16–19] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10727. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 98–NM–151–AD; Amendment 39–10699; AD 98–16–22] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10728. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes [Docket No. 98–NM–160–AD; Amendment 39–10700; AD 98–16–23] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10729. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 98–NM–213–AD; Amendment 39–10696; AD 98–16–20] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10730. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 and 200) Airplanes [Docket No. 97–NM–116–AD; Amendment 39–10702; AD 98–16–25] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10731. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–8–100, -200, and -300 Series Airplanes [Docket No. 98–NM–70–AD; Amendment 39–10697; AD 97–20–10 R1] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10732. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of VOR Federal Airways; WA [Airspace Docket No. 97–ANM–23] received August 21, 2998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10733. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Kearney, NE [Airspace Docket No. 98–ACE–34] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10734. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Beatrice, NE [Airspace Docket No. 98–ACE–32] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10735. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ottumwa, IA [Airspace Docket No. 98–ACE–27] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10736. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace; Davenport, IA [Airspace Docket No. 97–ACE–21] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10737. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146–RJ Series Airplanes [Docket No. 97–NM–128–AD; Amendment 39–10701; AD 98–16–24] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10738. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes [Docket No. 98–NM–146–AD; Amendment 39–10698; AD 98–16–21] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10739. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Dunkirk, NY [Airspace Docket No. 98–AEA–10] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10740. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Amendment No. 1881; Docket No. 29293] (RIN: 212–AA65) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10741. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Modification of Class D Airspace; Colorado Springs USAF Academy Airstrip, CO [Airspace Docket No. 98–ANM–07] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10742. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Barrow, AK [Airspace Docket No. 98–AAL–7] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10743. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Harmonization of Miscellaneous Rotocraft Regulations [Docket No. 28929; Amendment Nos. 27–35 & 29–42] (RIN: 2120–AG23) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10744. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes [Docket No. 97–NM–279–AD; Amendment 39–10555; AD 98–11–30] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10745. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–215–1A10 and CL–215–6B11 Series Airplanes [Docket No. 98–NM–05–AD; Amendment 39–10458] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10746. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56–3,-3B,-3C,-5,-5B, and -5C Series Turbofan Engines [Docket No. 97–ANE–54–AD; Amendment 39–10523, AD 98–10–11] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10747. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 98–CE–40–AD; Amendment 39–10608; AD 98–11–01 R1] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10748. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Model 750 Citation X Series Airplanes [Docket No. 98–NM–208–AD; Amendment 39–10693; AD 98–16–17] (RIN: 2120–AA64) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10749. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29300; Amdt. No. 1885] (RIN: 2120–AA65) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10750. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29299; Amdt. No. 1884] (RIN: 2120–AA65) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10751. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 97–NM–287–AD; Amendment 39–10710; AD 98–17–08] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10752. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes [Docket No. 97–NM–248–AD; Amendment 39–10709; AD 98–17–07] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10753. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes [Docket No. 97–NM–20–AD; Amendment 39–10708; AD 98–17–06] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10754. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Akron, CO [Airspace Docket No. 98–ANM–10] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10755. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Pueblo, CO. [Airspace Docket No. 98–ANM–01] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10756. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Superior, WI [Airspace Docket No. 98–AGL–38] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10757. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Moorhead, MN [Airspace Docket No. 98–AGL–40] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10758. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Glenwood, MN [Airspace Docket No. 98–AGL–39] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10759. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Slayton, MN [Airspace Docket No. 98–AGL–35] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10760. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class D Airspace and Class E Airspace; Willoughby, OH [Airspace Docket No. 98–AGL–36] received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10761. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Streamlining the State Sewage Sludge Management Regulations [FRL–6145–8] (RIN: 2040–AC87) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10762. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Election of Education Benefits (RIN: 2900–AH88) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10763. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, or Training and Rehabilitation Services (RIN: 2900–AJ04) received August 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10764. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) (RIN: 2900–AE64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10765. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Nonrecourse Financing Under Section 465(b)(6) [TD–8777] (RIN: 1545–AV17) received August 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10766. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [RP–112856–98] received August 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10767. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update (Notice 98–44) received August 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10768. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Standards of Conduct for Claimant Representatives [Regulations Nos. 4 and 16] (RIN: 0960–AD73) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10769. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Triasulfuron; Pesticide Tolerance [OPP–300700; FRL 6023–8] (RIN: 2070–AB78) received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10770. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Farm Credit Administration 1997 Report on the Financial Condition and Performance of the Farm Credit System, pursuant to 12 U.S.C. 2252(a)(3); to the Committee on Agriculture.

10771. A letter from the Principal Deputy, Acquisition and Technology, Department of Defense, transmitting the Selected Acquisition Reports (SARS) for the quarter ending June 30, 1998, pursuant to 10 U.S.C. 2432; to the Committee on National Security.

10772. A letter from the Secretary of Defense, transmitting the retirement of Lieutenant General Joseph W. Kinzer, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on National Security.

10773. A letter from the Vice Chair, Export-Import Bank of the United States, transmitting a report involving U.S. exports to People's Republic of China (China), pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

10774. A letter from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting the triennial assessment of the needs of minority and diverse audiences and the Corporation's annual report on the provision of services to minority and diverse audiences by public broadcasting entities and public telecommunication entities, pursuant to Public Law 100—626, section 9(a) (102 Stat. 3211); to the Committee on Commerce.

10775. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment [Docket No. NHTSA–98–4268] (RIN: 2127–AG84) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10776. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending June 30, 1998, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

10777. A communication from the President of the United States, transmitting a report on developments since his last report of February 3, 1998, concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 of August 2, 1990, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 105—300); to the Committee on International Relations and ordered to be printed.

10778. A communication from the President of the United States, transmitting a report on additional steps taken with respect to the actions and policies of the National Union for the Total Independence of Angola (UNITA), pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 105—301); to the Committee on International Relations and ordered to be printed.

10779. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 17–98 which constitutes a Request for Final Approval for the Memorandum of Understanding with Canada and the United Kingdom for trilateral technology research and development projects (TTRDP), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10780. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 19–98 which constitutes a Request for Final Approval to conclude Amendment 1 to the U.S.-United Kingdom Antiship Countermeasures Missile Memorandum of Understanding (MOU), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10781. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 18–98 which constitutes a Request for Final Approval of a Supplement for Accession of Spain to the NATO E–3A Cooperative Program Multilateral Memorandum of Understanding (MMOU), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10782. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 14–98 which constitutes a Request for Final Approval for the Memorandum of Understanding between the U.S. and the United Kingdom concerning activities in Air Command, Control and Communication, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10783. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 98–55), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10784. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed Manufacturing License Agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC 94–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10785. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Israel (Transmittal No. DTC 90–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10786. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on the Czech Republic's status as an adherent to the Missile Technology Control Regime (MTCR), pursuant to 22 U.S.C. 2797b—1; to the Committee on International Relations.

10787. A letter from the Assistant Secretary for Legislative Affairs, Department of States, transmitting a report to Congress on Ukraine's status as an adherent to the Missile Technology Control Regime (MTCR), pursuant to 22 U.S.C. 2797b—1; to the Committee on International Relations.

10788. A communication from the President of the United States, transmitting the President's bimonthly report on progress toward a negotiated settlement of the Cyprus problem covering the period April 1 to May 31, 1998, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

10789. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10790. A letter from the Director, Defense Security Assistance Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports; to the Committee on International Relations.

10791. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on Poland's status as adherent to the Missile Technology Control Regime, pursuant to section 73A of the Arms Export Control Act; to the Committee on International Relations.

10792. A letter from the Secretary of Commerce, transmitting a report to Congress that the Secretary of Commerce is imposing on the Federal Republic of Yugoslavia (Serbia and Montenegro) certain foreign policy-based export controls; to the Committee on International Relations.

10793. A letter from the Director, Office of Personnel Management, transmitting a report entitled, ''Physicians Comparability Allowances,'' pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Government Reform and Oversight.

10794. A letter from the Manager, Employee Benefits/Payroll, AgriBank, transmitting transmitting the annual report disclosing the financial condition of the Retirement Plan for the Employees of the Seventh Farm Credit District as required by Public Law 95–595, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

10795. A letter from the Chairman, Merit Systems Protection Board, transmitting the U.S. Merit Systems Protection Board report, ''Civil Service Evaluation: The Evolving Role of the U.S. Office of Personnel Management,'' pursuant to 5 U.S.C. 1206; to the Committee on Government Reform and Oversight.

10796. A letter from the Chairman, National Labor Relations Board, transmitting a report of activities under the Freedom of Information Act from January 1, 1997 to September 30, 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

10797. A letter from the Special Counsel, Office of Special Counsel, transmitting the Annual Report of the Office of the Special Counsel (OSC) for Fiscal Year (FY) 1997, pursuant to Public Law 101—12, section 3(a)(11) (103 Stat. 29); to the Committee on Government Reform and Oversight.

10798. A letter from the Secretary of the Treasury, transmitting the enclosed United States Mint (Mint) 1997 Annual Report including financial statements, audit reports, and other information related to the Public Enterprise Fund (PEF) activity for the fiscal year ended September 30, 1997; to the Committee on Government Reform and Oversight.

10799. A letter from the Director, Financial Services, Library of Congress, transmitting a report on the activity of the Capitol Preservation Fund for the first six-months of fiscal year 1998 which ended on March 31, 1998; to the Committee on House Oversight.

10800. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting Proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

10801. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hartzell Propeller Inc. HC-E4A–3(A,I,J) Series Propellers [Docket No. 98–ANE–53–AD; Amendment 39–10706; AD 98–17–04] (RIN: 2120–AA64) received August 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10802. A letter from the Secretary of Transportation, transmitting the issues and benefits of completing the highway between Panama and Columbia known as the Darien Gap; to the Committee on Transportation and Infrastructure.

10803. A letter from the Secretary of Health and Human Services, transmitting the twenty-first annual report on the Child Support Enforcement Program, pursuant to 42 U.S.C. 652(a)(10); to the Committee on Ways and Means.

10804. A letter from the National Director, Tax Forms and Publications Division, Internal Revenue Service, transmitting the Service's final rule— General Statement Regarding Revenue Procedure 98–44—received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10805. A letter from the Secretary of Health and Human Services, transmitting the first annual report on the operation of the Temporary Assistance for Needy Families (TANF) Contingency Fund; to the Committee on Ways and Means.

10806. A letter from the Director, Office of Administration and Management, Department of Defense, transmitting the annual report of cross-servicing and acquisition actions undertaken pursuant to Acquisition

and Cross-Servicing Agreements with countries that are not part of the North Atlantic Treaty Organization (NATO) or its subsidiary bodies, pursuant to 10 U.S.C. 2349; jointly to the Committees on National Security and International Relations.

10807. A letter from the Secretary of Health and Human Services, transmitting a report to Congress that the Department of Health and Human Services is allotting emergency funds to eleven States; jointly to the Committees on Commerce and Education and the Workforce.

10808. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the notification of our intent to obligate funds for additional program proposals for purposes of Nonproliferation and Disarmament Fund (NDF) activities; jointly to the Committees on International Relations and Appropriations.

10809. A letter from the Secretary of Transportation, transmitting a report to Congress on the threat from acts of terrorism to United States ports and vessels operating from those ports; jointly to the Committees on International Relations and Transportation and Infrastructure.

10810. A letter from the Acting Comptroller General, Comptroller General, transmitting the report on General Accounting Office employees detailed to congressional committees as of July 17, 1998; jointly to the Committees on Government Reform and Oversight and Appropriations.

10811. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Certification that shrimp harvested with technology that may adversely affect certain species of sea turtles may not be imported into the United States unless the President makes specific certifications to the Congress annually by May 1, pursuant to Public Law 101—162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

10812. A letter from the Secretary of Health and Human Services, transmitting a report to Congress on the effectiveness and appropriateness of current mechanisms for surveying and certifying skilled nursing facilities; jointly to the Committees on Ways and Means and Commerce.

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:

[Omitted from the Record of August 7, 1998]

Mr. LEACH: Committee on Banking and Financial Services. H.R. 219. A bill to establish a Federal program to provide reinsurance for State disaster insurance programs; with an amendment (Rept. 105–687). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on August 6, 1998, the following report was filed on August 21, 1998]

Mr. LEACH. Committee on Banking and Financial Services. H.R. 4393. A bill to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes (Rept. 105–688, Pt. 1). Ordered to be printed.

[Submitted September 9, 1998]

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1110. A bill to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System (Rept. 105–691). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1983. A bill to amend the Rhode Island Indian Claims Settlement Act to conform that Act with the judgments of the United States Federal Courts regarding the rights and sovereign status of certain Indian Tribes, including the Narragansett Tribe, and for other purposes (Rept. 105–692). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2223. A bill to amend the Act popularly known as the Recreation and Public Purposes Act to authorize transfers of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes; with amendments (Rept. 105–693). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2776. A bill to amend the Act entitled ''An Act to provide for the establishment of the Morristown National Historical Park in the State of New Jersey, and for other purposes'' to authorize the acquisition of property known as the Warren property (Rept. 105–694). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3109. A bill to establish the Thomas Cole National Historic Site in the State of New York, and for other purposes; with amendments (Rept. 105–695). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3797. A bill to compensate the Wyandotte Tribe of Oklahoma for the taking of certain rights by the Federal Government, and for other purposes (Rept. 105–696). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1695. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System, and for other purposes (Rept. 105–697). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ–BALART: Committee on Rules. House Resolution 521. Resolution providing for consideration of the bill (H.R. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes (Rept. 105–698). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 522. Resolution providing for consideration of the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty (Rept. 105–699). Referred to the House Calendar.

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 4259. A bill to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes (Rept 105–700, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

[The following action occurred on August 21, 1998]

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration of H.R. 4393.

REPORTS OF COMMITTEES ON PRIVATE 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. SMITH of Texas: Committee on the Judiciary. H.R. 1794. A bill for the relief of Mai Hoa ''Jasmine'' Salehi (Rept. 105–689). Referred to the Committee of the Whole House.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1834. A bill for the relief of Mercedes Del Carmen Quiroz Martinez Cruz (Rept. 105–690). Referred to the Committee of the Whole House.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Pursuant to the order of the House on August 6, 1998 the following report was filed on August 21, 1998]

Mr. LEACH: Committee on Banking and Financial Services. H.R. 4321. A bill to protect consumers and financial institutions by preventing personal financial information from being obtained from financial institutions under false pretenses, with an amendment; referred to the Committee on the Judiciary for a period ending not later than September 25, 1998, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(j), rule X. (Rept. 105–701, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

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

[The following action occurred on August 21, 1998]

H.R. 4393. Referral to the Committee on the Judiciary extended for a period ending not later than September 25, 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. THOMAS (for himself, Mr. BONILLA, Mr. GIBBONS, Mr. FRANKS of New Jersey, Mr. BOEHNER, and Mr. JONES):

H.R. 4522. A bill to clarify the income and gift tax consequences of catching and returning record home run baseballs; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia (for himself, Mr. MORAN of Virginia, and Mr. WOLF):

H.R. 4523. A bill to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on Government Reform and Oversight.

By Mr. BARR of Georgia:

H.R. 4524. A bill to prevent the expenditure of Federal funds to investigate circumstances relating to the death of Martin Luther King, Jr.; to the Committee on the Judiciary.

By Mr. BLUMENAUER (for himself, Ms. FURSE, and Ms. HOOLEY of Oregon):

H.R. 4525. A bill to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN:

H.R. 4526. A bill to amend section 334 of the Uruguay Round Agreements Act to clarify the rules of origin with respect to certain textile products; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey:

H.R. 4527. A bill to provide for the extension of the New Jersy Coastal Heritage Trail into the Township of Woodbridge, New Jersey; to the Committee on Resources.

By Mr. FRANKS of New Jersey:

H.R. 4528. A bill to direct the Secretary of Transportation to not require that the State of New Jersey repay Federal-aid highway funds expended on certain high occupancy vehicle lanes; to the Committee on Transportation and Infrastructure.

By Mr. HYDE:

H.R. 4529. A bill to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code; to the Committee on the Judiciary.

By Mr. LAHOOD:

H.R. 4530. A bill to direct the Administrator of the Federal Aviation Administration to implement reforms to the Liaison and Familiarization Training program; to the Committee on Transportation and Infrastructure.

By Mr. LAMPSON (for himself, Mr. SANDLIN, and Mr. CRAMER):

H.R. 4531. A bill to amend the Child Abuse Prevention and Treatment Act to require States receiving funds under section 106 of such Act to have in effect a State law providing for a criminal penalty on an individual who fails to report witnessing another individual engaging in sexual abuse of a child; to the Committee on Education and the Workforce.

By Mr. SOLOMON:

H.R. 4532. A bill to amend the Crime Control Act of 1990 to prohibit law enforcement agencies from imposing a waiting period before accepting reports of missing children less than 21 years of age; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 4533. A bill to amend title XVIII of the Social Security Act to rectify overpayment to certain long-term care hospitals; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4534. A bill to amend title XVIII of the Social Security Act to implement a budget-neutral payment system for rehabilitation services under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATKINS:

H.R. 4535. A bill to provide relief for agricultural producers devastated by low commodity prices and adverse weather conditions; to the Committee on Agriculture.

By Mr. WOLF (for himself, Mr. SAXTON, Mrs. MYRICK, Mr. FROST, Mr. BOB SCHAFFER, Ms. KILPATRICK, Mr. HORN, Mr. MCCOLLUM, and Mr. GILMAN):

H.R. 4536. A bill to establish a National Commission on Terrorism; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT:

H. Res. 520. A resolution congratulating Mark McGwire of the St. Louis Cardinals for breaking the Major League Baseball single-season home run record; to the Committee on Government Reform and Oversight.

By Mr. HASTINGS of Florida:

H. Res. 523. A resolution expressing the sense of the House of Representatives regarding the terrorist bombing of the United States Embassies in East Africa; to the Committee on International Relations.

By Mr. SAXTON (for himself and Mr. SMITH of New Jersey):

H. Res. 524. A resolution congratulating the Toms River East American Little League team of Toms River, New Jersey, for winning the Little League World Series; to the Committee on Government Reform and Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

392. The SPEAKER presented a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to House Resolution No. 11–67 endorsing and supporting the extraordinary service of Congressman Dan Burton to his country; to the Committee on Resources.

393. Also, a memorial of the Legislature of the State of Alaska, relative to transmitting a copy of SCS HJR 52 (RES), Relating to opposition to the designation of any river in Alaska as an American Heritage River under the American Heritage Rivers initiative; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

H.R. 45: Mr. TRAFICANT and Mrs. CAPPS.

H.R. 218: Mr. BLUNT and Ms. PRYCE of Ohio.

H.R. 326: Mr. FOSSELLA.

H.R. 457: Mr. MCHUGH.

H.R. 594: Mr. GILMAN and Mr. MALONEY of Connecticut.

H.R. 678: Ms. LEE.

H.R. 815: Mr. CASTLE.

H.R. 859: Mr. BACHUS and Mr. ENGLISH of Pennsylvania.

H.R. 1032: Mr. ADAM SMITH of Washington.

H.R. 1061: Ms. SLAUGHTER, Mr. ADERHOLT, and Mr. BOEHLERT.

H.R. 1126: Mr. BOB SCHAFFER, Mr. MEEHAN, Mr. ADERHOLT, Mr. STOKES, Mr. HEFLEY, and Mr. Dreier.

H.R. 1356: Mr. HINCHEY and Mr. TURNER.

H.R. 1371: Mr. HERGER.

H.R. 1401: Mr. TORRES, Mr. BEREUTER, Mr. GANSKE, and Mr. KENNEDY of Rhode Island.

H.R. 1450: Mr. COYNE.

H.R. 1560: Ms. DEGETTE.

H.R. 1738: Mr. BILBRAY.

H.R. 1891: Mr. HYDE and Mrs. ROUKEMA.

H.R. 1895: Mr. FILNER, Mr. MATSUI, Mrs. MINK of Hawaii, and Ms. LOFGREN.

H.R. 2020: Mr. COSTELLO, Mrs. LOWEY, and Mr. THOMPSON.

H.R. 2133: Mr. PORTER.

H.R. 2321: Ms. PRYCE of Ohio.

H.R. 2409: Mr. UNDERWOOD, Mr. ROGAN, Mr. DIXON, and Mr. RANGEL.

H.R. 2499: Mr. TOWNS, Mr. LEACH, Ms. PELOSI, Ms. FURSE, and Mr. MICA.

H.R. 2509: Mr. BILIRAKIS.

H.R. 2549: Mr. ROMERO-BARCELO, Ms. LEE, Mr. FOX of Pennsylvania, and Ms. HOOLEY of Oregon.

H.R. 2639: Mr. MCCOLLUM and Mr. HILLEARY.

H.R. 2693: Mr. MCDADE.

H.R. 2699: Mr. MCDADE.

H.R. 2704: Mr. MCHALE.

H.R. 2708: Mr. SNOWBARGER, Mr. FOX of Pennsylvania, Mr. FALEOMAVAEGA, and Mr. STENHOLM.

H.R. 2723: Mr. EVERETT.

H.R. 2817: Mr. RAMSTAD and Mr. BROWN of Ohio.

H.R. 2828: Mr. KENNEDY of Massachusetts, and Mr. KING of New York.

H.R. 2884: Mr. MCINTOSH.

H.R. 2900: Mr. WAXMAN.

H.R. 2908: Mr. CRAMER, Mrs. ROUKEMA, Mr. MCHALE, Mr. BLUNT, Mr. MEEHAN, and Mr. MINGE.

H.R. 2914: Mr. RAMSTAD and Mr. BOYD.

H.R. 2923: Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mr. BAESLER, and Mr. RILEY.

H.R. 2938: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. PARKER.

H.R. 2953: Mr. SERRANO.

H.R. 3008: Mr. TRAFICANT, Mr. BISHOP, Ms. DANNER, Mrs. LOWEY, Mr. CAMPBELL, Mr. ADERHOLT, Mrs. BONO, Mr. TURNER, and Mr. ORTIZ.

H.R. 3011: Ms. LOFGREN.

H.R. 3014: Mr. MARTINEZ.

H.R. 3048: Mr. FOX of Pennsylvania.

H.R. 3207: Mr. CUMMINGS.

H.R. 3248: Mr. HUNTER, Mr. TAYLOR of North Carolina, Mr. HORN, Mrs. BONO, and Mr. METCALF.

H.R. 3304: Mr. HYDE and Ms. DUNN of Washington.

H.R. 3320: Mr. MORAN of Virginia, Ms. WOOLSEY, Ms. HOOLEY of Oregon, and Mr. DIXON.

H.R. 3500: Mr. JEFFERSON, Mrs. THURMAN, and Mr. BENTSEN.

H.R. 3531: Mr. SHAYS, Mr. ENGEL, Ms. BROWN of Florida, Mr. DELAHUNT, Mr. LEWIS of Georgia, and Mrs. MORELLA.

H.R. 3553: Mr. VENTO, Mr. SMITH of New Jersey, Mr. WEYGAND, Mr. EDWARDS, and Mr. OLVER.

H.R. 3567: Ms. BROWN of Florida and Mr. VISCLOSKY.

H.R. 3570: Mrs. KENNELLY of Connecticut, Mr. WYNN, and Mr. MALONEY of Connecticut.

H.R. 3624: Ms. CHRISTIAN-GREEN.

H.R. 3688: Mr. HORN, Mr. THOMAS, and Mr. BRADY of Texas.

H.R. 3690: Mr. INGLIS of South Carolina.

H.R. 3764: Mrs. EMERSON.

H.R. 3779: Mr. ENSIGN, Ms. SLAUGHTER, Ms. VELAZQUEZ, Mr. PALLONE, and Mr. YATES.

H.R. 3782: Mr. VENTO.

H.R. 3855: Mr. DAN SCHAEFER of Colorado, Ms. SANCHEZ, Mr. STARK, and Mr. SISISKY.

H.R. 3881: Mr. POMEROY.

H.R. 3895: Mr. MARKEY and Mr. BLUMENAUER.

H.R. 3962: Mr. TAUZIN.

H.R. 3992: Mr. BECERRA.

H.R. 4006: Mr. EVERETT.

H.R. 4007: Mr. SHADEGG, Mr. SHUSTER, and Mr. LAMPSON.

H.R. 4019: Mr. HANSEN, Mr. WEXLER, Mr. SHAYS, Mr. PETERSON of Minnesota, Mr. WICKER, Mr. ETHERIDGE, Mr. ROTHMAN, and Ms. SANCHEZ.

H.R. 4031: Mr. BROWN of Ohio and Mr. MARKEY.

H.R. 4070: Ms. HOOLEY of Oregon and Mr. FARR of California.

H.R. 4080: Mr. SERRANO.

H.R. 4115: Mr. MCDERMOTT and Mr. KENNEDY of Rhode Island.

H.R. 4118: Mr. ACKERMAN.

H.R. 4121: Mr. MURTHA and Mr. RAHALL.

H.R. 4127: Ms. FURSE.

H.R. 4132: Mr. DOOLITTLE and Mr. SHAYS.

H.R. 4155: Mr. VENTO.

H.R. 4181: Mr. FRANKS of New Jersey.

H.R. 4196: Mr. CRAPO and Mr. TAYLOR of North Carolina.

H.R. 4197: Mr. BARTON of Texas, Mr. TAYLOR of North Carolina, Mr. MORAN of Kansas, Mr. GIBBONS, and Mr. HERGER.

H.R. 4206: Mr. OBEY and Ms. CHRISTIAN-GREEN.

H.R. 4213: Mr. BOEHLERT, Mr. GOODE, Mr. BOUCHER, and Mr. COX of California.

H.R. 4214: Mr. MANTON.

H.R. 4217: Mr. MORAN of Kansas and Mr. LATOURETTE.

H.R. 4220: Ms. HOOLEY of Oregon, Mr. REDMOND, Mrs. EMERSON, and Mr. ORTIZ.

H.R. 4224: Mrs. THURMAN, Ms. CARSON, Ms. CHRISTIAN-GREEN Mr. THOMPSON, and Mr. EVANS.

H.R. 4232: Mr. SANFORD.

H.R. 4258: Mr. ADERHOLT, Mrs. BONO, Mr. CALVERT, Mr. DIAZ-BALART, Mr. FROST, Mr. HALL OF TEXAS, MR. KASICH, Mr. LAZIO of New York, Ms. PRYCE of Ohio, Mrs. LINDA SMITH of Washington, and Mr. SOLOMON.

H.R. 4281: Mr. SANFORD and Mr. DOOLITTLE.

H.R. 4285: Mr. COLLINS, Mr. NUSSLE, Mr. BLUNT, and Mr. LEWIS of Georgia.

H.R. 4300: Mr. BRADY of Pennsylvania, Mr. SHERMAN, Mr. OXLEY, and Mr. CUNNINGHAM.

H.R. 4308: Mr. BERMAN and Mr. SANDERS.

H.R. 4309: Mr. BERMAN and Mr. SANDERS.

H.R. 4330: Ms. DUNN of Washington.

H.R. 4344: Mr. FALEOMAVAEGA, Mr. ETHERIDGE, Mr. TIERNEY, Mr. NEY, Mr. PASTOR, Ms. ROYBAL-ALLARD, Ms. SLAUGHTER, Mr. TORRES, Mr. LIVINGSTON, Mr. STUMP, Mr. SNYDER, Mr. RANGEL, Mr. LEACH, Mr. KOLBE, Mr. KLECZKA, Mr. HALL of Texas, Mr. MENENDEZ, Ms. MCCARTHY of Missouri, Ms. VELAZQUEZ, Mr. VENTO, Mr. ORTIZ, Mr. BECERRA, and Mr. DICKEY.

H.R. 4350: Mr. GILLMOR.

H.R. 4362: Ms. CARSON, Ms. LOFGREN, Mr. OLVER, Mrs. MINK of Hawaii, Mr. WAXMAN, Mr. BORSKI, MS. BROWN of Florida, and Mr. GUTIERREZ.

H.R. 4368: Mr. REDMOND.

H.R. 4395: Mr. MCHUGH.

H.R. 4398: Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. WAXMAN, Mr. FILNER, Ms. STABENOW, and Mr. FROST.

H.R. 4399: Mr. FROST, Mr. BEREUTER, and Mr. Evans.

H.R. 4402: Mr. JONES, Mr. HILLEARY, Mr. BLUNT, Mr. FOSSELLA, and Mr. KNOLLENBERG.

H.R. 4403: Mr. FILNER.

H.R. 4404: Mr. MURTHA, Mr. RODRIGUEZ, Mr. RILEY, Mr. POSHARD, Mr. DEFAZIO, Mr. ANDREWS, Mr. FROST, Mr. DUNCAN, Mr. DOYLE, Ms. CARSON, Mr. ROMERO-BARCELO, Mr. POMEROY, Mrs. TAUSCHER, and Mr. ISTOOK.

H.R. 4433: Mr. BROWN of Ohio and Mr. UNDERWOOD.

H.R. 4449: Mr. WHITFIELD, Mr. NORWOOD, Mr. SESSIONS, Mr. METCALF, Mr. TAYLOR of North Carolina, Mr. ETHERIDGE, Mr. JONES, Mr. SANDLIN, Mr. GUTKNECHT, and Mr. HUTCHINSON.

H.R. 4450: Ms. NORTON, Mr. SANDERS, Mr. BROWN of Ohio, Mr. MANTON, Mr. FRANK of Massachusetts, and Mr. FROST.

H.R. 4478: Mr. HINCHEY.

H.R. 4479: Mr. HINCHEY.

H.R. 4480: Mr. FROST, Mr. FILNER, and Mr. KILDEE.

H.R. 4489: Mr. GEJDENSON and Mr. PRICE of North Carolina.

H.R. 4492: Mr. BEREUTER, Mrs. THURMAN, and Mr. MINGE.

H.R. 4506: Mr. EVANS and Mr. PORTER.

H.J. Res. 98: Mr. SOLOMON.

H.J. Res. 123: Mrs. JOHNSON of Connecticut, Mr. BAKER, Mrs. WILSON, Mr. HOLDEN, and Mr. ORTIZ.

H. Con. Res. 127: Mr. SHAYS.

H. Con. Res. 158: Mr. RADANOVICH.

H. Con. Res. 184: Mrs. MCCARTHY of New York.

H. Con. Res. 188: Mr. TALENT.

H. Con. Res. 239: Mr. TALENT.

H. Con. Res. 292: Mr. FRANK of Massachusetts and Ms. SLAUGHTER.

H. Con. Res. 295: Mr. OXLEY, Mr. MORAN of Virginia, Mr. MANTON, Mr. CRANE, Mrs. MORELLA, Mr. RADANOVICH, Mr. DINGELL, Mr. EHLERS, Mrs. KELLY, Mr. MOAKLEY, Mrs. CLAYTON, Mr. HOBSON, Mrs. MYRICK, Mr. PASCRELL, Mr. THOMPSON, and Mr. TRAFICANT.

H. Con. Res. 304: Mr. MENENDEZ, Mr. MORAN of Virginia, Mr. SERRANO, Mr. TRAFICANT, Mr. LEVIN, Ms. PELOSI, Ms. KILPATRICK, and Mr. HEFLEY.

H. Con. Res. 307: Mrs. MALONEY of New York, Mr. FILNER, Mrs. LOWEY, Mr. PALLONE, and Mr. MCGOVERN.

H. Con. Res. 313: Mr. HEFLEY, Mrs. MCCARTHY of New York, Mr. FROST, and Mr. TOWNS.

H. Res. 96: Mrs. CLAYTON, Mr. SERRANO, and Ms. NORTON.

H. Res. 304: Mr. RIGGS, Mr. SALMON, Mr. POMBO, Mr. COMBEST, Mr. STEARNS, Mr. BOB SCHAFFER, and Mr. ROYCE.

H. Res. 475: Ms. WOOLSEY, Mr. PAYNE, and Ms. DEGETTE.

H. Res. 519: Mr. ACKERMAN and Mr. MILLER of Florida.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

73. The SPEAKER presented a petition of Citizens of Washington, D.C., relative to petitioning the United States Congress to take prompt action by enacting legislation to provide the citizens of the District with full voting representation; to the Committee on the Judiciary.

74. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 305 of 1998 expressing its support for the Hudson River Reassessment being conducted by the U.S. EPA under the Superfund, including evaluation of traditional disposal methods as well as innovative technologies that can be used to destroy PCBs; jointly to the Committees on Commerce and Transportation and Infrastructure.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4274

OFFERED BY: MR. PETERSON OF PENNSYLVANIA

AMENDMENT NO. 4: Page 11, line 18 (decreased by $10,000,000) after $310,409,000).

Page 53, line 17 (decreased by $90,000,000) after $861,500,000.

Page 58, line 26, insert (increased by $100,000,000) after each dollar amount.

H.R. 4274

OFFERED BY: MR. PETERSON OF PENNSYLVANIA

AMENDMENT NO. 5: Page 53, line 17 (decreased by $100,000,000) after $861,500,000.

Page 58, line 26, insert (increased by $100,000,000) after each dollar amount.

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of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, WEDNESDAY, SEPTEMBER 9, 1998 *No. 118*

Senate

The Senate met at 8:59 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, infinite and eternal, in Your being, wisdom, holiness, goodness, truth, and grace, we praise You for Your providential care of this Nation. We humbly accept Your sovereignty over us and commit ourselves to emulate Your justice and truth. You know each of us completely. Your light of truth exposes our inner selves: our thoughts, feelings, and memories. We can be unreservedly honest with You for You know everything. Now, Father, help us to be as open and honest with each other. We commit ourselves to mean what we say and to say what we mean.

Thank You for the Senate and the mutual trust the Senators share. Bless them today as they work together. May their differences be debated but never divide them as people. Strengthen their love for You and their loyalty to America, enabling a oneness that will inspire the citizens of this great Nation. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the Senator from Mississippi, is recognized.

SCHEDULE

Mr. COCHRAN. Mr. President, at the request of the majority leader, I am pleased to announce that at 9:45 a.m. this morning there will be a vote on the cloture motion on the motion to proceed to the consideration of the missile defense bill, the American Missile Protection Act. The time between now and 9:45 will be equally divided for debate on that motion. I will be pleased to control the time on the Republican side of the aisle and the distinguished Senator from Michigan, Senator LEVIN, will control the time on the other side in opposition.

The leader intends to resume consideration, after this issue is completed, of the Interior appropriations bill and, further, at 4:30 p.m. today, the Senate will begin 30 minutes of debate prior to a cloture vote on the motion to proceed to the bankruptcy bill. That vote is expected to occur at 5 p.m. Therefore, Members should expect rollcall votes throughout today's session, with the first vote occurring, as I said, at 9:45 this morning.

CONGRATULATING MARK McGWIRE ON HIS HISTORIC 62ND HOME RUN

Mr. COCHRAN. Mr. President, I think before we start debate on that cloture motion, we should recognize the tremendous accomplishment of Mark McGwire who just broke Babe Ruth's home run record, Roger Maris' home run record and any other record that anyone has had for hitting home runs. The fact is that this is something we are all very happy to celebrate today, and we join with all Americans in congratulating Mark McGwire on this magnificent accomplishment.

AMERICAN MISSILE PROTECTION ACT OF 1998—MOTION TO PROCEED

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, there will now be 45 minutes of debate on the motion to proceed to S. 1873, the American Missile Protection Act of 1998.

Mr. COCHRAN. Mr. President, the issue we are debating this morning is not new to the Senate. In May of this year, the Senate voted on a motion to invoke cloture so that we could proceed to consider the American Missile Protection Act. That motion was not successful. The vote was 59 in favor and 41 against. Therefore, we fell one vote short of invoking cloture so the Senate could proceed to debate the American Missile Protection Act.

We have another chance today, Mr. President, to go on record in favor of considering this bill. So it should be put in context what we are voting for and what we are not voting for. We are not voting to pass the bill without any debate. That is not the issue. We are voting to proceed to consider the bill. Now let us put in context what the facts are today as compared with last May when we fell just one vote short of voting to consider this bill.

At the time we voted in May, India had just tested—that very day—for the second time, a nuclear weapons device. We were not aware that India was going to conduct that test. Our intelligence community was surprised. All the world was surprised.

We used that example to urge the Senate to change our current policy on national missile defense, because the current policy is that we will make a decision to deploy a national missile defense system if we learn that some nation has developed the capacity to put us at risk, to threaten the security of American citizens with a ballistic missile system.

So the assumption is that our intelligence community and our resources for learning things like this are so sophisticated and so reliable that we will be able to detect this, that we will have an early warning, that we will be able to know well in advance of any nation having the capability of inflicting damage or destruction on America's soil, through a ballistic missile system, in enough time that we could deploy a national missile defense system.

Another consideration is that we have not yet developed a national missile defense system. We have various

programs that are being tested in various stages of development—theater ballistic missile defense systems—that can defend us against regional attacks, shorter-range attacks. But this bill is talking about a national ballistic missile defense system and whether or not our policy should be to wait and see if other countries develop the capability to put us at risk and then decide—then decide—whether we should work to deploy a system to protect against that kind of threat.

What has changed since the vote in May is that not only did Pakistan proceed to test a nuclear device—we were not sure they were going to do that—they also had just recently tested a missile system that we did not know they had. We had been told a few months earlier that they had a missile system that was in the 180 mile range. They tested one that had a range of about 900 miles without our knowing they had the capability to do that, without our knowing that they had that missile. But they had acquired either the missile, the component parts, or the design from other countries or another country—according to press reports, North Korea was involved in that—and they were able to actually launch that across that distance, and it was a surprise to our intelligence community, to our country and to the world.

Those events occurred about the time we voted in May. Since then, look what has happened. Iran has tested a longer-range missile than we expected them to have. North Korea has tested and has fired a multiple-stage ballistic missile. We had discussed the fact that that was possibly under development, the Taepo Dong missile. We are calling it the Taepo Dong I because we are told that there is a Taepo Dong II under development. That has been publicly reported in the press.

The missile that was tested the other day by North Korea, the multiple-stage missile, was fired over Japan. There was evidence that the missile actually crossed the territory of Japan. Do you realize, Mr. President—I know Members of the Senate are aware—that we have some 37,000 Americans deployed in South Korea as a part of a defense stability effort in that region, and we have more than that in Japan, in the Okinawa area?

The whole point is that if you consider all of that, we have 80,000 Americans who are at risk now because of the proven capability of North Korea and its new advanced missile capability. We have gone to great lengths in the last few years to dissuade North Korea from proceeding to develop nuclear weapons. We were very concerned that they were proceeding to do just that. Some think that they have made substantial progress in doing just that.

Incidentally, the Taepo Dong II that I just mentioned has the capacity of striking the territory of the United States. Many troops and military assets and resources are located in Alaska. According to press reports, the Taepo Dong II would have the capacity to destroy that area, as well as striking Hawaii.

Now, the issue is, do we proceed with the wait-and-see policy of this administration, or do we today vote to proceed to consider legislation that will change that policy, that will say as soon as technology permits, the United States will deploy a national missile defense system that will protect it against ballistic missile attack, whether unauthorized or accidental or intentional. We have all worried about accidental and unauthorized launches from China and Russia. We know those countries have the capability of striking us. But think about this other fact: What else has changed recently?

The United States has observed the Russian Government slowly deteriorate to the point that the command and control structure of the military is seriously in question. Who really controls the armed forces of Russia to the point that you can rely upon the good intentions of the Yeltsin government not to target U.S. sites with their missile systems, their intercontinental ballistic missiles, the most lethal and accurate of any other country in the world, with multitudes of warheads, nuclear-tipped warheads? We are sitting here hoping and assuming that we can continue to work with Russia and whatever government does come out of the struggle for power there to continue to destroy nuclear weapons under Russian control rather than to build them up and make them more accurate and lethal.

By the way, it is not like they have dismantled the nuclear weapon systems in Russia. They exist. They are lethal. They are capable of striking anywhere in the United States they might decide to strike, and we are glad that they don't have any intention of doing that. But they have the capability of doing that and there could be an unauthorized or accidental launch and we have absolutely no defense against that kind of attack. We have been operating under the assumption that we can assure them we will retaliate—we have the capacity to—and we will destroy any country who attempts to strike us in that way. That has been the system for defense that we have had.

We have had no defense. The defense is that we will destroy you if you attack us in that way. That doesn't work with North Korea or Iran or some other rogue states, leaders, and terrorists who have announced that it is their stated goal to kill Americans and to destroy America and to build missile systems to do that or to sell missile systems to those who want to do that. North Korea said just that. An official stated publicly that they are in the business of selling missile systems. They need the money. That was the explanation. We know that is true. They have sold missile systems; they have sold component parts. Russia has people who are cooperating in Iran right now, and have in the past, to develop systems that could inflict great damage not only in that region but beyond.

Now, some are saying that we already have authorization and funds in the pipeline to develop these missile systems to protect us—interceptor missiles—and we read about the testing that is going on of theater systems. But we have no program that has as its goal the development and deployment of a missile defense that will protect the United States against unauthorized, accidental, or intentional ballistic missile attack.

That is what this legislation addresses. It has two parts. The first is recitation of all of the facts that we have been able to gather through hearings over the last 2 years in our Subcommittee on International Security, Proliferation, and Federal Services. We have had hearings. We have published a report called Proliferation Primer. It has been widely distributed. It documents the fact that throughout the world there is a growing capability for the use of ballistic missiles.

We talk about how it is happening and what people are saying who are in charge of those countries who are involved in this. It clearly, in our view, justified our asking this Congress to legislate a change in our policy to carry out now the express recommendations of the Rumsfeld Commission, which has, since our vote in May, given its report on the state of affairs regarding the ballistic missile threat to the United States. It was concluded in that report that our intelligence community does not have the capacity for making the early warning assessment that is contemplated under current administration policy.

The Director of Central Intelligence has admitted in previous statements to the Senate that there are gaps and uncertainties in the information that his agency can obtain in making decisions about whether or not countries are developing or have the capacity to deploy ballistic missile systems that put our Nation at risk. Now that assessment and that description of the situation has been borne out by those recent developments.

Admiral Jeremiah made a recent study of our intelligence agencies in the wake of some of these events, and he reported a similar problem.

Given those facts, Mr. President, it seems clear to me, the cosponsors of this legislation, and 59 Senators, that the time has come to change the policy from wait and see to proceed as soon as technologically possible to deploy a national missile defense system to protect the security interests of the United States and its citizens. There is no higher responsibility that this Government has—no higher responsibility, no priority any greater—than the security of U.S. citizens. We are putting that security at risk, Mr. President, under the current policy. It is as clear as anything can be.

The time has come today—this morning at 9:45 a.m.—to vote to proceed to consider this proposal, which simply calls for the deployment, as soon as technology permits, of a national missile defense system.

Mr. President, I urge Senators to vote in support of the motion to invoke cloture.

I ask unanimous consent that several articles pertaining to this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 16, 1998]

PANEL SAYS U.S. FACES RISK OF A SURPRISE MISSILE ATTACK

(By Eric Schmitt)

WASHINGTON—Rogue nations or terrorists could develop and deploy ballistic missiles for an attack against the United States with ''little or no warning,'' an independent commission announced Wednesday.

But senior American intelligence officials disputed the finding, which challenges a longstanding intelligence estimate that no country except Russia and China, which already possess ballistic missiles, could hit American targets, and that North Korea could perhaps field long-range missiles before 2010.

The unanimous conclusions of the bipartisan commission, headed by former Defense Secretary Donald Rumsfeld, provide fresh ammunition for supporters of a national missile defense, and sharpen an election-year issue that Republicans want to wield against the administration and Democrats in Congress.

''It's a very sobering conclusion,'' said Speaker Newt Gingrich, a strong supporter of national missile defenses, who called on the administration to work with Congress in the next several months to address the heightened threat as described in the report.

The United States has spent more than $40 billion since the Reagan administration to build a space- or land-based defense against ballistic missile strikes, but has yet to construct a workable network.

Indeed, a report Wednesday by the General Accounting Office, the auditing arm of Congress, concluded that it is unlikely that a program to develop a national missile defense will meet an important deadline in 2000.

The commission did not address the merit of any particular defensive system, focusing instead on the ballistic missile threat to the United States.

''The major implication of our conclusions is that warning time is reduced,'' said Rumsfeld, who was defense secretary under President Gerald Ford. ''We see an environment of little or no warning of ballistic missile threats to the U.S. from several emerging powers.''

The commission singled out North Korea, Iran and Iraq for scrutiny. For example, the panel's report said, ''We judge that Iran now has the technical capability and resources to demonstrate an ICBM-range ballistic missile'' similar to a North Korean model.

But in a letter sent to Congress on Wednesday, George Tenet, the director of Central Intelligence, said the government stood by a threat assessment first made in 1995 and reaffirmed most recently in March.

The government assessments, Tenet said in his letter, ''were supported by the available evidence and were well tested'' in an internal review.

But the commission, in its 300-page classified report delivered to the House and Senate on Wednesday, as well as in an unclassified 27-page version, said the American intelligence community was wrong in relying on the much-longer warning times.

Rumsfeld said rogue nations, such as Iran and Iraq, had obtained sensitive missile technology, in part because of loosened export controls among industrialized nations. ''Foreign assistance is not a wildcard,'' Rumsfeld said. ''It is a fact of our relaxed post-Cold-War world.''

Rumsfeld also said that these suspect countries had become more adept at concealing their missile programs, making it more difficult for Western intelligence analysts to gauge a country's progress and intentions.

In a hastily called briefing for reporters, senior intelligence officials said Wednesday that the commission had examined the same information available to government analysts, but had come to different conclusions.

These intelligence officials said that they tended to focus on specific evidence to reach their conclusions, assigning various degrees of certainty to each assessment.

The intelligence officials said the panel, officially titled the Commission to Assess the Ballistic Missile Threat to the United States, took the same information and, in essence, assumed the worst about what was known for a particular country's missile program, and drew its conclusions.

Rumsfeld concurred: ''We came at this subject as senior decision-makers would, who have to make difficult judgments based on limited information.''

For that reason, the report, even though it was praised in particular by Republicans, is likely to stoke the debate over ballistic missile threats rather than be viewed as the definitive conclusion.

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[From the Washington Times, July 23, 1998]

IRAN TESTS MEDIUM-RANGE MISSILE

(By Bill Gertz)

Iran conducted its first test flight of a new medium-range missile Tuesday night, giving the Islamic republic the capability of hitting Israel and all U.S. forces in the region with chemical or biological warheads, The Washington Times has learned.

''It is a significant development because it puts all U.S. forces in the region at risk,'' said one official familiar with the test.

U.S. intelligence agencies detected and monitored the launch, which took place at a missile range over land in northern Iran late Tuesday night, said officials familiar with intelligence reports.

The missile was identified as Iran's new Shahab–3 missile, which is expected to have a range of 800 to 930 miles, far longer than any of Iran's current arsenal of short-range Scud-design and Chinese missiles.

Data on the test are still being analyzed, but the missile appeared to be a modified North Korean Nodong missile, which Iran is using as the basis for its Shahab–3 design.

The launch has raised new fears that Iran has acquired more Nodongs, which have a range of about 620 miles, from North Korea.

Intelligence officials said the Shahab–3 is a liquid-fueled system carried on a road-mobile launcher. Mobile launchers are extremely difficult to detect and track.

The Shahab is believed by U.S. intelligence agencies to be inaccurate and thus is expected to be armed with chemical or biological warheads. Iran is developing nuclear warheads but is believed to be years away from having them.

Officials said the test's success is significant because U.S. military planners must regard the weapon as capable of being used even though it was only fired once.

North Korea's Nodong also was flight-tested only once and recently was declared ''operational'' by the Pentagon, which puts it in a position to threaten U.S. troops throughout that region.

In April, Pakistan for the first time also tested a Nodong-design missile called the Ghauri.

A congressional report released last week by a commission set up to assess the missile threat said, ''Iran is making very rapid progress in developing the Shahab–3 medium-range ballistic missiles.

''This missile may be flight tested at any time and deployed soon thereafter,'' said the report by the commission, headed by former Defense Secretary Donald Rumsfeld.

Iran also is building a longer-range Shahab–4, which is expected to have a range of up to 1,240 miles—long enough to hit Central Europe.

The Shahab—which means ''meteor'' in Farsi—was first disclosed by The Times last year.

''The development of long-range ballistic missiles is part of Iran's effort to become a major regional military power,'' a Pentagon official said recently.

A second U.S. official said data on the missile test are being evaluated by U.S. spy agencies to determine in more detail its estimated range, payload capacity and other characteristics.

''This is something that was anticipated by the intelligence community,'' this official said.

The Shahab missile program has benefited greatly from Russian technology and materials, as well as Chinese and North Korean assistance, according to a CIA report on proliferation released Tuesday.

The report said companies and agencies in Russia, China and North Korea ''continued to supply missile-related goods and technology to Iran'' throughout last year.

''Iran is using these goods and technologies to achieve its goal of becoming self-sufficient in the production of medium-range ballistic missiles,'' the report said. A medium-range missile is one with a range between 600 and 1,800 miles.

Russian assistance to Iran's missile program has meant Tehran could deploy a medium-range missile ''much sooner than otherwise expected,'' the CIA said.

A U.S. intelligence official said recently that Shahab–3 deployment was about one year away and that before Russian help it had been estimated to be up to three years from being fielded.

The Iranian Shahab program has been a target of intense diplomatic efforts by the Clinton administration, which has been seeking to curtail Russian technology and material assistance.

Asked to comment on the test, Rep. Curt Weldon, Pennsylvania Republican, said it was ''devastating news.'' He said the test confirms the findings of a bipartisan congressional panel that emerging missile threats are hard to predict.

''We now have evidence that Iran has already tested a missile system that the intelligence community said would not be tested for 12 to 18 months,'' he said. ''That means the threat to Israel, to our Arab friends in the region and to our 25,000 troops in the region is imminent, and we have no deployed system in place to counter that threat.''

Mr. Weldon, a member of the House National Security Committee and an advocate of missile defenses, said Iran would most likely deploy chemical or biological weapons on the Shahab–3, depending on what types of advanced guidance systems it may have obtained from Russia.

''There is evidence Iran is aggressively pursuing nuclear weapons and within a short period of time—months not years—will have a nuclear warhead,'' Mr. Weldon said.

Henry Sokolski, director of the Nonproliferation Policy Education Center, said the test firing shows that long-range missiles are likely to be the threat of the future.

''This stuff is moving a lot faster than we thought five years ago in the Bush administration,'' said Mr. Sokolski, a former defense official.

EARLY WARNING

When the history books on the 21st century are written, the Shehab–3 may show up on a list of early warning signs that schoolchildren memorize about great catastrophes. The medium-range ballistic missile that Iran tested last week is just that—a warning that the missile threat is here and now, not years away. The coming catastrophe is a ballistic missile attack on an undefended U.S. or U.S. ally by a rogue nation.

You can't say we haven't been warned. The week before the launch of the Shehab–3, made from a North Korean design, a bipartisan panel headed by former Defense Secretary Donald Rumsfeld issued a report to Congress on the ballistic missile threat. The unanimous finding? Ballistic missiles from rogue nations could strike American cities with ''little or no warning.''

The security and defense experts on the Rumsfeld Commission noted that North Korea is developing missiles with a 6,200-mile range, capable of reaching as far as Arizona or even Wisconsin, and that Iran is seeking missile components that could result in weapons with similar range, able to hit Pennsylvania or Minnesota. That information is from the unclassified version of the report. The general public doesn't get to hear about the really scary stuff. The bipartisan Rumsfeld Commission report, or course, received little play in the general media, which seems to have concluded somehow that this issue is no big deal.

Earlier this year, Senator Thad Cochran's Subcommittee on International Security reached many of the same conclusions. Using open-source materials, the committee published ''The Proliferation Primer,'' which lists in detail the progress being made by a host of countries toward the development and deployment of weapons of mass destruction. ''The Proliferation Primer'' didn't make it into the headlines either.

As the Shehab–3 drama was being staged in Iran, Vice President Gore found himself in Russia, playing another scene in the absurd theater of arms control. This is a form of diplomatic drama that employs repetitious and meaningless dialogue and plots that lack logical or realistic development. Over the past 30 years, every act in this ongoing show has been structured around the same ludicrous theme: arms control works.

And so it goes in Moscow, where Mr. Gore, reading from the usual script, expressed U.S. concern last week about the transfer of Russian missile technology to Iran and other rogue states, and signed two agreements on the peaceful uses of nuclear technology. President Clinton voiced similar concerns in Beijing last month.

Meanwhile, two-dozen countries are hard at work on improvements to their ballistic-missile capabilities and North Korea is exporting do-it-yourself Nodong missile kits like the one that Iran used to build Shehab-3. In addition to all this there is the so-called loose-nukes problem, by which it is feared that a Russian missile might find its way into the hands of a terrorist group.

No arms-control agreement can provide the necessary protection against such threats. Not so long ago the threat was a massive Soviet missile attack, but today it is more likely to be one or two ballistic missiles in the hands of a calculating national leader or government determined to operate outside civilized norms. What do hoary notions of ''arms control'' have to do with these realities? Is anyone seriously going to propose that the way to keep more Iranian Shehab-3s from being produced is to invite the ayatollahs for a stay at Geneva's finest hotels and a long meeting of the minds across a green baize table?

What prospect is there at all that Iran will ''agree,'' much less comply with any commitment to give up what it now has? What it has is a medium-range missile that can reach U.S. allies Turkey, Israel and Saudi Arabia and Egypt. And if similar minds somewhere in the world get hold of a missile capable of reaching San Francisco or Honolulu or New York, what ''agreement'' could induce them to give that up?

The fact that the U.S. has absolutely no defenses against ballistic-missile-attack is an unacceptably large negative incentive to this country's enemies. The way to deter them is not by signing more archaic arms-control agreements but by researching and deploying a national missile-defense system as quickly as possible after the next President takes office.

[From the Washington Times, Sept. 1, 1998]

N. KOREA FIRES MISSILE OVER JAPAN

[By Rowan Scarborough and Bill Gertz]

North Korea yesterday conducted the first test launch of an extended-range ballistic missile in a provocative flight that crossed Japan and signaled the hard-line regime is now able to threaten more neighboring countries.

The Taepo Dong–1 and its dummy warhead traveled about 1,000 miles, surpassing by 380 miles the reach of North Korea's operational medium-range missile, the No Dong.

Taepo Dong's debut was predicted by Washington. The flight was tracked by U.S. Navy ships and by surveillance aircraft as the missile left northern North Korea, dropped its first stage in the Sea of Japan and then crossed Japan's Honshu island before falling in the Pacific Ocean.

The test of the medium-range missile immediately raised security fears not only in Asia, but in the Middle East and the United States as well.

Republicans in Congress renewed demands for President Clinton to accelerate development of a national missile defense that could intercept incoming ballistic missiles. Mr. Clinton has put off a decision until 2000 despite a blue-ribbon commission's finding that a rogue nation, such as North Korea, could launch a ballistic missile onto U.S. soil within the next five years without warning.

''The test of the Taepo Dong indicates that a North Korean threat to the continental United States is just around the corner,'' said Richard Fisher, an Asia expert at the Heritage Foundation. ''It is now long past overdue for the administration to finally wake up, smell the coffee and get serious about missile defense.''

By flying the missile directly over Japan, Mr. Fisher said, North Korea is showing it has the ability to hit U.S. military facilities there and can eventually field a missile capable of hitting bases farther south in Okinawa. ''Okinawa is the military reserve area for the United States in any potential Korean peninsula conflict,'' he said.

David Wright, a physicist at the Massachusetts Institute of Technology in Cambridge and researcher at the Union of Concerned Scientists, said of utmost concern is ''that this is a two-state missile.''

Creating a multiple-stage missile is ''one of the more complicated hurdles . . . in developing a longer range,'' he said. ''But in and of itself it doesn't give much new capability to North Korea.

''The accuracy of these missiles is very low,'' he told Agence France-Presse, adding that they would most likely be used to carry biological or chemical weapons.

Japan reacted to the test by abruptly withdrawing plans to extend $1 billion in aid to build two civilian nuclear reactors. North Korea agreed to shut down its nuclear-weapons program in exchange for the two plants and U.S. deliveries of fuel oil.

Japanese analysts saw the missile launch as a ploy in winning concessions from the West during ongoing nuclear-disarmament talks in New York.

Secretary of State Madeleine K. Albright, visiting Sarajevo, Bosnia-Herzegovina, said, ''This is something that we will be raising with North Koreans in the talks that are currently going on,'' the Associated Press reported.

A South Korean Cabinet meeting of 15 ministers said North Korea's ''reckless'' test-firing of a missile over Japanese territory poses a direct threat to the region.

North Korea is the world's largest exporter of ballistic missiles. It has been helping Iran develop a missile arsenal that can reach deployed American forces, moderate Arab states and Israel. A North Korean envoy told congressional aides last week the motive for exporting missile technology is simple: badly needed hard currency for the famine-ridden country.

Intelligence officials said Iranian technicians observed yesterday's test, underscoring the close ties between Pyongyang and Tehran, which tested its own medium-range missile, the Shahab-3, with a range of about 800 miles, last month.

North Korea, which boasts a 5-million-man army and stocks of chemical and biological weapons, is also developing the intermediate range Taepo Dong-2. Scheduled for operation in 2002, the weapon is designed to travel up to 3,700 miles, putting it within range of Alaska. Eventually, Pyongyang wants to deploy an intercontinental ballistic missile capable of reaching the continental United States.

The U.S. has 37,000 troops stationed in South Korea, where they are already vulnerable to North Korea's arsenal of short-range missiles and thousands of artillery pieces. The forces enjoy limited protection through Patriot interceptors used in the 1991 Persian Gulf war to knock down Iraqi Scud missiles.

Maj. Bryan Salas, a Pentagon spokesman, said, ''We were not surprised by the launching. We're still evaluating all the specifics in the matter and we consider it a serious development.''

The missile test comes as Mr. Clinton and Republicans are at odds on national missile defense.

The GOP got a boost this summer when a congressionally appointed panel of experts, led by former Defense Secretary Donald Rumsfeld, stated the United States could be blindsided by a missile attack within the next five years from North Korea or another rogue nation.

But the Joint Chiefs of Staff, in a letter disclosed last week by The Washington Times, rejected the finding and continued to support a 2003 deployment date at the earliest for a national system.

''The administration needs to wake up,'' said Rep. Curt Weldon, Pennsylvania Republican and a leading missile defense advocate. ''From what we know about this missile, it can even reach U.S. soil with a range that can strike U.S. citizens in Guam.''

Sen. Kay Bailey Hutchison, Texas Republican, added: ''The administration's decision to block development and deployment of missile defenses means we are unable to protect either our important allies . . . or the

thousands of American troops stationed there.''

North Korea has the expertise to mount chemical and biological warheads on its ballistic missiles. It also has been attempting to develop nuclear weapons, but promised to end the program in return for economic aid.

''When you begin to feed the wolf, the wolf just gets hungrier and hungrier,'' Mr. Fisher said. ''The aid to North Korea since 1995 can be said to have indirectly assisted the North Korean missile program because it allowed them to spend less money on feeding their people and sustain their missile develop budgets.''

The Rumsfeld panel dismissed a CIA conclusion the United States faces no ballistic missile threat from a rogue nation for 15 years. The panel was particularly leery of North Korea and its ally, Iran.

Its report said: ''The extraordinary level of resources North Korea and Iran are now devoting to developing their own ballistic missile capabilities poses a substantial and immediate danger to the U.S., its vital interest and its allies. . . . In light of the considerable difficulties the intelligence community encountered in assessing the pace and scope of the No Dong missile program, the U.S. may have very little warning prior to the deployment of the Taepo Dong-2.''

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 6 minutes.

Mr. President, this bill will not contribute to our national security. As a matter of fact, it will weaken and jeopardize our national security.

That is not just me saying it and those of us who oppose this bill. The Chairman of the Joint Chiefs of Staff has written us a very, very strong letter supporting the current national missile defense policy, which is to develop defenses against these long-range missiles but not to commit to deploy such defenses, since such a commitment will violate an agreement that we have with Russia which has made it possible for us to reduce the number of nuclear weapons in this world.

Committing to break out of a treaty which has allowed us to reduce the number of nuclear weapons will result in Russia—they have told us this—not ratifying START II, and then, indeed, deciding to reverse the START I reductions. START I reductions, START II reductions, and hopefully START III reductions are based on an agreement that we have with Russia that neither party will deploy defenses against long-range missiles.

If we violate that agreement—this bill commits us to a position which would violate that agreement—if we violate that agreement, we are going to see Russia reverse the direction in which it is going—reduction of nuclear weapons. Indeed, there will be a much greater threat of the proliferation of nuclear weapons, because thousands of additional weapons will then be on Russian soil.

This bill is a pro-proliferation of a nuclear weapons bill. That is not the intent, obviously. But that is the effect of this bill, because instead of Russia just having a few thousand nuclear weapons on its soil—which are then subject to being stolen, or pilfered, or sold—it will have many more thousands of nuclear weapons.

It is not in the security interests of this Nation to trash the START II agreement by threatening another treaty called the Antiballistic Missile Treaty upon which START II is based, upon which START I is based, and upon hopefully START III will be based.

Can we negotiate a modification in that ABM Treaty? I hope so. Might it be desirable for both sides to move to defenses against long-range missiles? I think so. Should we develop defenses against long-range missiles but not commit to violate the ABM Treaty by committing to deploy those missiles? Yes. We should develop those defenses. And we are at a breakneck speed—by the way, a very high-risk speed.

This bill, which would change our policy, will not speed up the development of national missile defenses by 1 day. We are already developing those defenses as fast as we possibly can.

Mr. President, I want to just read briefly—if my 4 minutes are up, I ask for an additional 2 minutes.

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

Mr. LEVIN. Mr. President, the Chairman of the Joint Chiefs of Staff wrote Senator INHOFE a letter on August 24, which I ask unanimous consent to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, August 24, 1998.

Hon. JAMES M. INHOFE,
U.S. Senate, Washington, DC.

DEAR SENATOR INHOFE: Thank you for the opportunity to provide my views, together with those of the Joint Chiefs, on the Rumsfeld Commission Report and its relation to national missile defense. We welcome the contributions of this distinguished panel to our understanding of ballistic missile threat assessments. While we have had the opportunity to review only the Commission's prepublication report, we can provide answers to your questions subject to review of the final report.

While the Chiefs and I, along with the Intelligence Community, agree with many of the Commission's findings, we have some different perspectives on likely developmental timelines and associated warning times. After carefully considering the portions of the report available to us, we remain confident that the Intelligence Community can provide the necessary warning of the indigenous development and deployment by a rogue state of an ICBM threat to the United States. For example, we believe that North Korea continues moving closer to the initiation of a Taepo Dong I Medium Range Ballistic Missile (MRBM) testing program. That program has been predicted and considered in the current examination. The Commission points out that through unconventional, high-risk development programs and foreign assistance, rogue nations could acquire an ICBM capability in a short time, and that the Intelligence Community may not detect it. We view this as an unlikely development. I would also point out that these rogue nations currently pose a threat to the United States, including a threat by weapons of mass destruction, through unconventional, terrorist-style delivery means. The Chiefs and I believe all these threats must be addressed consistent with a balanced judgment of risks and resources.

Based on these considerations, we reaffirm our support for the current NMD policy and deployment readiness program. Our program represents an unprecedented level of effort to address the likely emergence of a rogue ICBM threat. It compresses what is normally a 6–12 year development program into 3 years with some additional development concurrent with a 3-year deployment. This emphasis is indicative of our commitment to this vital national security objective. The tremendous effort devoted to this program is a prudent commitment to provide absolutely the best technology when a threat warrants deployment.

Given the present threat projections and the potential requirement to deploy an effective limited defense, we continue to support the ''three-plus-three'' program. It is our view that the development program should proceed through the integrated system testing scheduled to begin in late 1999, before the subsequent deployment decision consideration in the year 2000. While previous plus-ups have reduced the technical risk associated with this program, the risk remains high. Additional funding would not buy back any time in our already fast-paced schedule.

As to the Anti-Ballistic Missile (ABM) Treaty, the Chiefs and I believe that under current conditions continued adherence is still consistent with our national security interests. The Treaty contributes to our strategic stability with Russia and, for the immediate future, does not hinder our development program. Consistent with US policy that NMD development be consistent with the ABM Treaty, the Department has an ongoing process to review NMD tests for compliance. The integrated testing will precede a deployment decision has not yet gone through compliance review. Although a final determination has not been made, we currently intend and project integrated system testing that will be both fully effective and treaty compliant. A deployment decision may well require treaty modification which would involve a variety of factors including the emerging ballistic missile threat to the United States (both capability and intent), and the technology to support an effective national missile defense.

Again, the Chiefs and I appreciate the opportunity to offer our views on the assessment of emerging ballistic missile threats and their relation to national missile defense.

Sincerely,

HENRY H. SHELTON.

Mr. LEVIN. Mr. President, part of the Joint Chiefs' letter is the following:

* * * we reaffirm our support for the current [National Missile Defense] policy and deployment readiness program.

Those are the key words.

Based on these considerations, we reaffirm our support for the current [National Missile Defense] policy and deployment readiness program.

Then General Shelton wrote the following:

Our program represents an unprecedented level of effort to address the likely emergence of a rogue ICBM threat. It compresses what is normally a 6–12 year development program into 3 years with some additional development concurrent with a 3-year deployment. This emphasis is indicative of our

commitment to this vital national security objective. The tremendous effort devoted to this program is a prudent commitment to provide absolutely the best technology when a threat warrants deployment.

Given the present threat projections and the potential requirement to deploy an effective limited defense, we continue to support the ''three-plus-three'' program. It is our view that the development program should proceed through the integrated system testing scheduled to begin in late 1999, before the subsequent deployment decision consideration in the year 2000.

Then he points out that:

Additional funding would not buy back any time in our already fast-paced schedule.

Finally, General Shelton said the following:

The [ABM] Treaty contributes to our strategic stability with Russia and, for the immediate future, does not hinder our development program.

Mr. President, our program now calls for the development of defenses against long-range missiles. Let no one misunderstand that, or misstate that. That is our current program.

We are moving as quickly as possible. Indeed, it is a high-risk move that we are making because we have collapsed this development schedule so much. We are not going to speed up this schedule 1 day by threatening to destroy the ABM Treaty. All we will do, if this bill passes, is to contribute to the threat of the proliferation of nuclear weapons on the soil of Russia. That is not in our security interest. I hope we do not proceed to the consideration of this bill.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield 1 minute to the distinguished chairman of the Senate Armed Services Committee, the distinguished Senator from South Carolina, Mr. THURMOND.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I am a cosponsor of this amendment. I believe that it is a very important amendment. Other countries are going forward and developing missile systems. Can we afford not to do it? For the sake of our people and the sake of this Nation, we should seize this opportunity to go forward on this matter promptly. It is in the interest of our Nation and the people of this country that we take that step.

I thank the Senator, very much, for yielding to me.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I yield 2 minutes to the distinguished Senator from Oklahoma, Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President.

I regret that we are on such a tight constraint, because I think this is the most significant issue this Senate will be addressing certainly this year. We are talking about the lives of American citizens.

As one who is from Oklahoma and can see what type of terrorist devastation can take place, and realizing that the devastation in Oklahoma was one-thousandth of the power of the smallest nuclear warhead known, it is a very scary thing.

I believe right now—I don't think there is a Senator here who doesn't believe this—that there could very well be a missile headed our direction as we speak. It is not a matter of a rogue nation learning how to make missiles to deliver the weapons of mass destruction that we know they have. It is a matter of just getting that technology and those systems from a country that already does. China is such a country.

China fully has missiles that can reach Washington, DC, from any place in the world. We have no way in the world of knocking them down. We know that China is trading technology systems with countries like Iran—countries that would not hesitate to use missiles against us.

I wish I were speaking last, because there are going to be some things said about the exorbitant costs of such a system. We can complete a system to protect us against a limited missile attack for about $4 billion. In the case of our AEGIS ship system, we have 22 AEGIS ships that have the capability of knocking down a missile, but not an ICBM. We have a $50 billion investment in that system, and for only $4 billion more we could have that system to protect Americans.

I hope that people will give consideration to this resolution. I think it is the most significant resolution we will be considering this year.

I ask unanimous consent that three items pertaining to this matter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[April 15, 1998]

PAKISTAN'S FIRST TEST OF ITS NEW BALLISTIC MISSILE

(By Rahul Bedi, New Delhi and Duncan Lennox, London)

The first test of Pakistan's new ballistic missile, the Hatf 5 or 'Ghauri', took place on 6 April. Statements from the Pakistani government said that the missile has a maximum range of 1,500km, a payload of 700kg and a launch weight of 16,000kg.

Some earlier statements had implied that the 'Ghauri' might also be used as the basis for a satellite launch vehicle.

Currently described by government officials as ''a research effort for the time being'', its indigenous development and research status means that ''no international sanctions or regimes apply to its development or production''.

Claims that the missile was tested over land are confusing as the length of Pakistan's territory does not allow for the range attributed to 'Ghauri'. Other reports have indicated that the missile was test launched from a location near Jhelum in northeast Pakistan to the area southwest of Quetta, a range of about 800km to 1,000km, which would agree with the reported flight time of around eight minutes.

An earlier secret test of the 'Ghauri' missile in January was reported by the Islamabad News, which said that further tests would be made before a public demonstration of the missile on 23 March. The ''secret'' test probably refers to a static motor firing and systems check-out, and is unlikely to have been a flight test.

The 'Ghauri' missile was not displayed during Pakistan's National Day parade on 23 March. A missile similar to the Hatf 1 short-range missile was the only ballistic missile displayed.

Pakistani official statements are limited to the maximum range, payload and launch weight. From the pictures released, the missile is similar in shape to the earlier Hatf 1 design, which is also similar to the Chinese M–9 (CSS–6/DF–15). The launch weight of 16,000kg makes 'Ghauri' much heavier than the M–9, which has a launch weight of 6,000kg. This would appear to support the payload weight quoted for 'Ghauri' of 700kg over the maximum range of 1,500km.

It appears to be a scaled-up Hatf 1 single or two-stage solid-propellant missile that may use some Chinese technologies. The missile shown does not bear any resemblance to the Chinese CSS–2 (DF–3), which uses liquid propellants and has a launch weight of 64,000kg.

An alternative option might be that 'Ghauri' is based on the Chinese CSS–5 (DF–21) and CSS–N–3 (JL–1) ballistic missile design, which has a launch weight of 15,000kg, a payload of 600 kg and a maximum range of between 1,700km and 1,800km. The CSS–N–3 SLBM version entered service in 1983 and the CSS–5 in 1987.

The Iranian 'Shahab 3' ballistic missile project has a similar range and payload to 'Ghauri', and, although the Iranians have never quoted a launch weight for 'Shahab 3', it might be in the 16,000kg bracket.

'Shahab 3' is believed to be an Iranian-developed single-stage liquid-propellant ballistic missile, based on North Korea's 'Nodong 1' design, and a series of motor tests were reported last year.

It is not clear whether Pakistan and Iran have shared missile technologies, but their development approaches appear to have followed relatively similar lines and in similar timescales.

Unconfirmed reports have suggested that Pakistan and Iran may have received either missiles or technologies associated with the Chinese solid-propellant M–11 (CSS–7/DF–11) and M–9 programmes, and it is to be expected that there might have been some assistance given both ways.

[From the Daily Oklahoman, Sept. 8, 1998]

VULNERABLE AND AT RISK

Recently, U.S. Sen. James Inhofe, R-Tulsa, asked Gen. Henry H. Shelton, chairman of the Joint Chiefs of Staff, to comment on a new report questioning U.S. readiness to deal with a long-range missile attack. The general's response was illuminating, particularly so in light of North Korea's subsequent test of a missile capable of carrying nuclear warheads.

Inhofe raised the issue after release of the Rumsfeld Commission Report, warning a missile threat may come sooner than many in the U.S. government think. The panel said it's possible an enemy could develop a ballistic missile program in a way that would give the United States little or no warning before an attack.

In fairness, Shelton and the joint chiefs answer to Bill Clinton, so it's not surprising they echo his administration's soft-line on missile defense.

Shelton reiterated to Inhofe that the chiefs don't think a real threat is near. They believe the United States should continue to

comply with the 1972 Anti-Ballistic Missile Treaty and they support Clinton's ''3-plus-3'' plan for a national missile defense. The policy calls for three years of development with another three years for deployment—if a missile threat is identified. ''We remain confident that the Intelligence Community can provide necessary warning of . . . an ICBM threat,'' Shelton wrote.

Inhofe points out that U.S. intelligence was surprised by India's nuclear testing this summer and considered attacks on embassies in Africa unlikely. As for the ABM treaty, Inhofe says it ''reinforces the discredited policy of mutual-assured destruction at a time when the U.S. is being targeted by numerous potentially undeterrable rogue states and terrorists.''

Inhofe's ally on missile defense, U.S. Rep. Floyd Spence, R-S.C., cut to the dangers of the Clinton administration's ostrich-like approach to missile defense in an interview with Frank Gaffney, director of the Center for Security Policy.

''The first warning of a heart attack is a heart attack,'' Spence said. ''The Clinton administration's response to all this is that we are working on a system and we are going to experiment for about three years. And if the threat arises, we will decide at that time whether or not to deploy. My God, the threat is right now here, this minute, this moment, not some time in the future.''

The Oklahoman urges Inhofe, Spence and other patriots in Congress to hold hearings highlighting America's vulnerability to missile attack.

Bold action is needed to counter Clinton's idle approach to defending the U.S. against a grave and growing threat.

[From the Wall Street Journal, Sept. 8, 1998]

SHOOTING STARS

''Nothing in life is so exhilarating as to be shot at without success,'' Winston Churchill once famously said. Perhaps. But the Japanese might have a different take, having now had North Korea fire a missile over their heads. In a world where Pathan tribesmen with rifles have been replaced by rogue states with ballistic missiles, Churchill would have been the first to argue that the leader of the free world needs more going for him then the other guy's bad aim. To wit, a missile defense.

If the events of the past few weeks have taught us anything, it is that the bad guys out there—Saddam Hussein, Kim Jong II, Osama bin Laden and the like—are not kidding when they threaten to blow up Americans. What we don't yet know is just how many of them have the capability to follow through on their threats, though recent tests by both North Korea and Iran confirm that some are not that far away. We shouldn't have to wait until a missile lands in Times Square to find out.

Unfortunately that is precisely what Democratic Senators have been doing. Back in March, GOP Senator Thad Cochran introduced a bill calling for the U.S. ''to deploy as soon as is technologically possible an effective National Missile Defense System capable of defending the territory of the United States against limited ballistic missile attack.'' When the motion to move it to the floor for debate and amendments came up, it fell just one vote shy of the 60 needed. All 41 opposed were Democrats. While bin Laden bombs, the Democrats filibuster.

They have a chance to redeem themselves when the reintroduced petition comes up for a vote tomorrow. Events since the March 13 filibuster have tragically underscored just how irresponsible a move it was: India and Pakistan have exploded nuclear bombs; Iran and North Korea have tested ballistic missiles; Saddam Hussein has forced U.N. inspectors to a standstill; and bin Laden blew up two American embassies in Africa.

Indeed, it has lent a prophetic tone to the findings of the Rumsfeld Commission, a team of defense experts which in July warned that America's enemies could deliver a ballistic missile threat to the U.S. within five years of any decision to acquire such a capability. More ominously, the Rumsfeld report warns that ''during several of those years, the U.S. might not be aware that such a decision has been made.''

In face of these tangible threats, the continued Democratic preference for arms control agreements in the bush over real defense capabilities in the hand is baffling. And our guess is that an American public that has now watched North Korea and seen for itself some of bin Laden's handiwork also would be a hard sell. We wouldn't be surprised, then, if these developments, coupled with a President suffering from a severe loss of moral authority, might lead some of these Democrats to consider whether they want to continue to block debate about ways to protect Americans—especially the 13 Democratic Senators up for re-election which follow:

UP FOR RE-ELECTION

Democratic senators who voted against closure on the American Missile Protection Act of 1998.

Barbara Boxer, California.
John Breaux, Louisiana.
Thomas A. Daschle, S. Dakota.
Christopher J. Dodd, Connecticut.
Byron L. Dorgan, N. Dakota.
Russell D. Feingold, Wisconsin.
Bob Graham, Florida.
Patrick J. Leahy, Vermont.
Barbara A. Mikulski, Maryland.
Carol Moseley-Braun, Illinois.
Patty Murray, Washington.
Harry Reid, Nevada.
Ron Wyden, Oregon.

Source: Coalition to Defend America.

Bill Clinton might have his own second thoughts. It is worth asking whether Mr. Clinton could even have taken the limited action he did against sites in Afghanistan and the Sudan had bin Laden somehow managed to buy a missile of his own—or pay the North Koreans or Iranians to shoot one off for him.

Likewise, could George Bush have prosecuted the Gulf War if Saddam Hussein had had a missile capability? As Mr. Clinton has had impressed on him, just four or five warheads in hands like Kim Jong II's pose a far more immediate and practical threat to American lives and interests than the 2,000 or so in the Russian arsenal. Especially given North Korea's willingness to sell its missiles to anyone with cash.

Providing an American President with the wherewithal to shoot down a ballistic missile on its way to an American city shouldn't be a partisan issue. But if the Democrats decide again to make it one in the coming vote, that would be a persuasive Republican argument for a filibuster-proof Republican Senate. If we ever get a missile defense system this country needs, we may owe more to Monica Lewinsky and Osama bin Laden than we do to our Democratic Senators.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield Senator CONRAD 4 minutes.

Mr. CONRAD. Mr. President, I rise as a strong supporter of national missile defense. But I also rise as a strong opponent of the Cochran bill that is before us. I believe so strongly in national missile defense that I have introduced legislation promoting national missile defense that has passed the U.S. Senate.

I support national missile defense because we have an unpredictable and rapidly emerging ICBM threat to this country from the so-called rogue states. The Rumsfeld Commission recently alerted us to the growing need for national missile defense. As I have said many times on the Senate floor, we must be prepared before we are surprised.

But the bill before us is fatally flawed because it does not include the correct criteria for a decision to deploy. It says that we should deploy ''as soon as technologically possible.'' Mr. President, that isn't the right test. Let's make sure that we deploy the best initial system, not simply the first one off the shelf. The first one off the shelf may be significantly inferior to one that follows soon thereafter that would be a far more effective system of national missile defense.

Further, the Cochran bill is also seriously flawed because it has only one criterion—''as soon as technologically possible.'' It completely disregards three other vital criteria for national missile development:

No. 1, treaty compliance. As the Joint Chiefs have said in several letters, the ABM Treaty and START accords must not be endangered. Mr. President, I direct my colleagues' attention to a statement by General Henry Shelton, the current Chairman of the Joint Chiefs. He said that the effect that ''NMD deployment would have on arms control agreements and nuclear arms reductions should be included in any bill on national missile defense.''

Are we going to listen to the top military leadership of our country on this question? I hope so. I hope we are going to listen to the Chairman of the Joint Chiefs of Staff.

The second key criterion is cost. A system we can't afford, such as one with space-based weapons, is a fantasy in the short run and protects no one. We need to have a system that we can afford.

The third criterion is use of proven technology to ensure performance and contain costs. We ought to use technology we know will work. Again, rushing to failure will not protect one single American family.

Mr. President, we are in a development stage on national missile defense, and that is where our efforts must be. I applaud our colleagues on the Appropriations Committee and Armed Services Committee for fully funding aggressive development of national missile defense. However, the Cochran bill, at this point, is counterproductive because it applies the wrong criteria to the decision to deploy. The Senate should again vote no on cloture.

I thank the Chair. I yield the floor and give back the remainder of my time.

The PRESIDING OFFICER. Who seeks time?

Several Senators addressed the Chair.

Mr. LEVIN. I yield 4 minutes to Senator DORGAN.

Mr. DORGAN. Mr. President, this debate and this vote are not about whether we support research on a missile defense system. I am on the Appropriations Committee. I am on the Defense Appropriations Subcommittee. The Defense appropriations bill has over $3 billion for research and development of theater and national missile defense programs. I expect all Members of the Senate support that. I do.

But this bill presents us with a different question. This bill would put the Senate on record saying there must be a deployment of a national missile defense system—there must be a deployment as soon as ''technologically feasible.'' And we must then deploy.

Well, 25 years ago, we had an antiballistic missile system in North Dakota. I guess that particular system was technologically feasible then. Of course, that system would have used nuclear bombs to intercept and destroy incoming missiles. But it was built, at the cost of over $20 billion in today's terms. Thirty days after it was declared operational, it was mothballed. That system was too expensive and too controversial.

Let's keep that cautionary tale in mind as we consider this bill.

If this bill were to pass, the question is, What is technologically feasible? What kind of technology? At what cost? Does cost have any relevance at all? How will the bill affect arms control? Will this bill crowd out spending on other ways of dealing with terrorism? What other defense programs that respond to terrorist threats or rogue nations will then lack funding because we forced deployment of a system when someone said we now have the technology, and we forced deployment notwithstanding costs?

Frankly, a rogue nation or a terrorist state is much more likely to pose a threat to us with a suitcase nuclear bomb planted in the trunk of a rusty Yugo car at a dock in New York City. The threat is much more likely to be a nuclear weapon put on top of a cruise missile—not an ICBM, but a cruise missile. There is far greater proliferation of cruise missiles and greater access to them. Will this defend against cruise missiles? No. Will it do anything about the suitcase bomb? No. What about a fertilizer bomb in a truck parked in front of a building? No. What about a vial of the most deadly biological agents? Again, no.

There are a lot of terrorist and rogue nation threats that we ought to be concerned about, and we ought to worry about developing missile defense—and we are. But rushing to say we must deploy now, as soon as it is technologically feasible, notwithstanding any other consideration, makes no sense.

The Senator from Michigan was asking what this bill would do to arms control. I want to hold up a chart of unclassified pictures to try and show what arms control means. This is a photo from March 26, 1997. It shows the launching of an SSN–20 missile from a Russian submarine in the Barents Sea. The submarine launched a missile, and within minutes the missile was destroyed. And the last picture here shows the missile's pieces falling into the sea.

Why was that missile destroyed? Because of arms control agreements that we have reached with Russia. There was a whole series of these ''launch-to-destruction'' launches, because they were an inexpensive way for Russia to destroy its submarine-launched missiles and for us to verify their destruction. That is the way to deal with these threats—a reduction of nuclear weapons, reduction of delivery vehicles. This is the kind of thing, with Nunn-Lugar and other efforts, especially arms control agreements, that results in a real reduction of threat.

The question is, What will the vote today do to arms control? Will it mean more delivery systems, more nuclear weapons? A greater arms race? I don't think anybody in this Chamber has that answer. My colleague, Senator CONRAD, put it well. To those who support—and I think almost all of us do—theater missile defenses and the research on national missile defense, it doesn't make any sense to say that notwithstanding any other consideration we must deploy as soon as technologically feasible. That is not, in my judgment, the right thing or the thoughtful thing to do in order to defend this country.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield Senator BINGAMAN 3 minutes.

Mr. BINGAMAN. Mr. President, I thank the Senator from Michigan for yielding me time. I want to join my colleagues in resisting S. 1873, this proposal. In my view, what this proposal would do is to put our Defense Department in an untenable position. It essentially says that, in this case, in the case of national missile defense, as distinguished from all other cases, they should ignore the criteria that they use for deciding which programs to go ahead and deploy. Those criteria are that they maintain a sensible balance among cost, schedule, and performance considerations, given affordability constraints.

Now, that is the criteria the Department of Defense has set up. This proposal by my colleague from Mississippi would have them ignore those provisions and rush ahead to develop this as soon as it is technologically feasible. We have some experience with efforts by Congress to turn up the political pressure on the Department of Defense and to urge them to rush ahead with development of programs before they can be safely deployed. The most recent example is one that many of us are familiar with; it is the THAAD Program, Theater High Altitude Area Defense Program. In that case, again, we were anxious to get this program fielded. The Congress put increased pressure on the Department of Defense to move ahead. Accordingly, we have had disaster. In that case, the program is 4 years behind schedule. There have been five consecutive flight test failures of the THAAD interceptor. The cost of the program has risen from $10 billion to $14 billion today.

General Larry Welch, who reviewed this missile defense program and other programs indicated that one reason is that there was a very high level of risk, that we were, in fact, engaged in what he called a ''rush to failure'' in the THAAD Program. We do not need a rush to failure in the national missile defense program to follow onto the rush to failure in the THAAD Program. We need a program that the Department of Defense can develop on an urgent basis, but on a reasonable basis. I believe they are on that course. I believe when General Shelton asks us to refrain from this kind of a legislative proposal, I think we should take his advice. I hope we will defeat the proposal by the Senator from Mississippi.

The PRESIDING OFFICER. The minority has 3½ minutes.

Mr. LEVIN. I yield 3 minutes to Senator BIDEN.

Mr. BIDEN. Mr. President, whatever our views on a nationwide ballistic missile defense, it seems to me that we should reject S. 1873.

Were that bill to pass, deploying a national missile defense system could, in my view, break the back of the economy at a moment when we finally have gotten a handle on things.

A week ago, General Lyles warned that our current programs are over budget and ''may not be all affordable.''

We spent years getting some budget discipline. We have finally achieved that. We must not throw that all away.

This bill would require deployment even without a threat of new strategic missiles; and it would throw taxpayers' money at the first available technology, rather than the best technology.

As Dr. Richard L. Garwin warns, the first technology will be vulnerable to missiles with penetration aids, which Russia surely has and others can easily develop. Missile defense is expensive; penetration aids are cheap.

This bill will also guarantee what General Welch calls a ''rush to failure.'' Five test failures with the THAAD theater defense system are a reminder of how difficult it is to develop any missile defense. A policy of deploying the first ''technologically possible'' system is almost bound to fail.

Finally, this bill does not even permit consideration of the negative consequences of deployment. S. 1873 would destroy the Anti-Ballistic Missile Treaty, and thus end any hope of implementing START Two or of achieving START Three.

''Star Wars'' may seem easier than the hard, patient work of reducing great power armaments and stabilizing our forces. But the ''easier'' path can also be the dangerous path.

Last week, Presidents Clinton and Yeltsin agreed to share real-time data on third-country missile launches, to reduce the risk of accidental nuclear war. That is a good, sensible initiative.

But what happens if we say we will deploy a national missile defense? We may call it just a defense, but others will see it as a second-strike defense that enables us to mount first-strike nuclear attacks. Russia and China will adopt a hair-trigger, ''launch on warning'' posture to overwhelm that defense, and the risk of nuclear war will rise.

Now, some day we may need a nation-wide ballistic missile defense. That is why the Defense Department has the ''3+3'' policy of developing technology that would permit deployment within three years of finding an actual threat on the horizon.

Some of my colleagues believe we cannot wait for that. But Iran's missiles will hit the Middle East and parts of Europe. North Korea's missiles will hit Japan and Okinawa. Despite recent missile tests, these countries are several years away from threatening even the far western portions of Alaska and Hawaii, as General Shelton made clear in his letter of August 24.

And should a real threat materialize, there are far cheaper alternatives to fielding a national missile defense. So, while sensible policy on ballistic missile defense is perfectly feasible, S. 1873 is not such a sensible policy.

Mr. President, the Senate has real work to do. Americans deserve a Patient's Bill of Rights; we can enact campaign finance reform that even the House of Representatives had enough sense to pass; and we must stop the slaughter of our teenagers by Big Tobacco.

Let us get back to legislation that meets real, current needs and that will not destroy the balanced budget. Let us reject cloture on the motion to debate S. 1873, and get this Senate back to work.

Mr. DOMENICI. Mr. President, as a cosponsor of the legislation before the Senate, I rise in strong support of the objectives set forth in this bill. As we all know, this legislation would establish a policy for the U.S. to develop and deploy a national missile defense as soon as technologically possible. This system will defend all 50 states against any limited ballistic missile threats.

Mr. President, allow me to offer a couple of observations about the changed international and national security environment which directly impact U.S. defense needs. The original impetus for a national missile defense system was the perceived threat from the Soviet Union during the cold war.

Although some assume that the collapse of the Soviet Union and the continued thaw in previously frosty relations with Russia have rendered such defensive capabilities unnecessary, this view is naive. I believe that in many respects the threat has actually increased.

The increased threat results from several interrelated factors. The collapse of the bipolar geopolitical order defined by U.S.-Soviet confrontation has ushered in multipolar instability. The threats we confront today as a nation are diffuse. Moreover, our potential enemies are abundant in a world where interstate relations are no longer delineated according to membership in one of two ideological camps.

I would like to emphasize a further change brought about by changes in the international environment. An additional aspect of the post-cold-war world is the rapid and, in some cases, uncontrollable diffusion of advanced technologies. While earlier non-proliferation efforts relied heavily on stringent export control regimes, heavy reliance on multilateral controls is insufficient to protect U.S. interests.

The U.S. continues to maintain a complex and multi-layered system of export controls as a deterrent to would-be proliferators or rogue nations. However, an export control regime is only as strong as its weakest link. Furthermore, rogue nations—such as North Korea—who already possess threatening capabilities, are more than willing to sell their know-how to others.

I am aware of others' predictions that ballistic missile capability will not present a threat for more than another decade. I believe, however, that these predictions rely too heavily on the assumption that export controls will keep rogue nations at bay. Without the technology, our potential enemies are presumably impotent. I think this is an overly optimistic view.

More than 15 nations already possess short-range ballistic missiles. Many of these same nations are pursuing weapons of mass destruction to accompany these missile capabilities. Several of these same countries are hostile to U.S. interests.

Any country with the know-how to launch low-orbit satellites is also capable of achieving long-range delivery of a nuclear or other type of warhead. In contrast to the CIA's earlier prediction, the recently released Rumsfeld Report stated that the threat is only five years away. Moreover, the Rumsfeld Commission determined that the U.S. may not be able to identify the source of a threat, thus having little or no warning.

Let me simply offer one concrete example why the Administration's current policy is dangerous. The Administration assumes it will have three years warning of a ballistic missile threat to the U.S. Although U.S. intelligence previously believed that Iran could not field a medium-range missile until 2003, this system was flight-tested in July.

According to intelligence sources, the light-weight alloys as well as equipment for testing these Iranian missiles came from Russia.

If we assume the predictions about othe5r countries; lack of technological capacities are accurate and postpone implementation of our own defensive capabilities based on these assumptions, the U.S. will be rendered vulnerable while we test the accuracy of these predictions. If these assumptions are proven false, the results would be devastating.

This is a risk to U.S. security and a risk to U.S. civilians that I personally am not willing to take.

It has been an enduring objective of U.S. defense policy to achieve the capability to defend our country from ballistic missiles, whether the threat be from deliberate, accidental or unauthorized launch.

A further reality we confront under changed circumstances is the steady deterioration of Russia's system of command and control over its nuclear warheads.

Although the Russian situation presents a potential threat now and deployment is not slated for another several years, no one can assume that the command-and-control elements in any state possessing weapons of mass destruction and long-range delivery capability will remain impenetrable and secure. This is one more reason that devising and deploying missile defense makes sense.

There has been sufficient debate as to whether this bill is necessary in addition to the Defense Department's three-plus-three program. I believe it is for the following reasons:

First, although the three-plus-three program provides for development of national missile defense (NMD) technology, it does not commit to deployment.

Under the Administration's program, the U.S. would achieve the means to deploy an NMD system, but would await an imminent threat to do so. Capability that is not deployed opens a window of vulnerability. Certainly the plans of an attack on the U.S. by a hostile nation are not going to include a great deal of advanced warning. By not providing a commitment to deployment, as is the objective of this legislation, we are deliberately creating an indefinite phase of vulnerability.

Second, opponents to this legislation firmly believe that by committing to deployment we may end up with an inadequate or faulty system. This bill neither prematurely locks the U.S. into specific technological solutions nor does it freeze our missile defense options.

We already are deploying systems, even though the technologies involved continue to evolve. The specific technologies utilized and the defense capabilities achieved are in no way determined by this legislation. Further development and improvements to the system are anticipated, and this legislation allows for that.

An additional strategic consideration is that the lack of a U.S. NMD system may actually provide an additional incentive to would-be rogues. If the U.S. implements an NMD system early enough, this may serve as a deterrent to these states.

As mentioned, I believe that predictions regarding the technical mediocrity of hostile nations are excessively optimistic. However, I also firmly believe that a national missile defense system undoubtedly raises the bar on the technological capability necessary to inflict damage.

Any nation hostile to the U.S. would not only have to achieve long-range capability, but they would also have to be sophisticated enough in their delivery system to defeat a defensive shield. The financial and technical means necessary to accomplish this goal does, indeed, comprise a substantial deterrent.

More importantly, a missile defense system places strategic stability on a more reliable and less adversarial foundation. The cold war deterrence relied on vulnerability and threats of retaliation. Missile defenses create a shield of protection, while the maintenance of a reliable stockpile underpins our credibility in threats of retaliation if attacked.

Arms reductions can only achieve objectives of stable U.S.-Russian relations if these reductions are accompanied by national missile defense deployment. With such a system in place, possible non-compliance and third party threats are not as pertinent. This would provide the confidence necessary to achieve even greater reductions.

Mr. President, based on these concerns about U.S. national security in conjunction with my commitment to disarmament objectives I cosponsored and fully support the legislation before us today.

National missile defense will provide the necessary additional security requisite in an unstable and transitional global environment where hostile nations are rapidly amassing threatening and sophisticated weapons capability. The objectives set forth in this legislation achieve that goal.

Mr. MURKOWSKI. Mr. President, I rise today in support of S. 1873, the American Missile Protection Act. This bill is simple, but extremely important. It makes it clear that it is the policy of the United States to deploy, as soon as technologically possible, a national missile defense system which is capable of defending the entire territory of the United States against limited ballistic missile attack.

We voted on cloture earlier this year—the motion fell one vote shy. Well, as is common in this business, we are dealing with changed circumstances. North Korea continues to defy rational behavior. As we all know, it recently fired a multi-stage missile over Japan! Starvation in North Korea is rampant, and many North Korea watchers have long predicted that government's imminent collapse. Well, Mr. President, the North Korean Government continues to defy the odds—but, what concerns me is the old adage that ''desperate times often call for desperate measures.'' If North Korea is truly desperate, to what extent will it go to try to hold on to its grasp of power?

We have almost 80,000 American troops in the Asia/Pacific Theater. Most of these troops are already in the range of current North Korean missile technology. As their missile development program advances, we can expect more American lives and territory to be at risk. We cannot stand idly by and wait! We need to be prepared so that we can protect our citizens and our territory from such a reckless or accidental strike by North Korea or some other nation.

Alaskans have been justifiably concerned with this issue for some time. I ask unanimous consent to have printed in the RECORD at this time a resolution passed by the Alaska State Legislature which calls on the Administration to include Alaska and Hawaii in all future assessments of the threat of a ballistic missile attack on the United States. More than 20 percent of our domestic oil comes from Alaska, all of it through the Trans-Alaska Pipeline. Alaskans are concerned, as should the rest of the country be concerned, that a strike at the pipeline could have dire consequences to our domestic energy production.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:'

STATE OF ALASKA—LEGISLATIVE RESOLVE NO. 36

Whereas Alaska is the 49th State to enter the federal union of the United States of America and is entitled to all of the rights, privileges, and obligations that the union affords and requires; and

Whereas Alaska possesses natural resources, including energy, mineral, and human resources, vital to the prosperity and national security of the United States; and

Whereas the people of Alaska are conscious of the State's remote northern location and proximity to Northeast Asia and the Eurasian land mass, and of how that unique location places the state in a more vulnerable position than other states with regard to missiles that could be launched in Asia and Europe; and

Whereas the people of Alaska recognize the changing nature of the international political structure and the evolution and proliferation of missile delivery systems and weapons of mass destruction as foreign states seek the military means to deter the power of the United States in international affairs; and

Whereas there is a growing threat to Alaska by potential aggressors in these nations and in rogue nations that are seeking nuclear weapons capability and that have sponsored international terrorism; and

Whereas a National Intelligence Estimate to assess missile threats to the United States left Alaska and Hawaii out of the assessment and estimate; and

Whereas one of the primary reasons for joining the Union of the United States of America was to gain security for the people of Alaska and for the common regulation of foreign affairs on the basis of an equitable membership in the United States federation; and

Whereas the United States plans to field a national missile defense, perhaps as early as 2003; this national missile defense plan will provide only a fragile defense for Alaska, the state most likely to be threatened by new missile powers that are emerging in Northeast Asia;

Be it resolved, That the Alaska State Legislature respectfully requests the President of the United States to take all actions necessary, within the considerable limits of the resources of the United States, to protect on an equal basis all peoples and resources of this great Union from threat of missile attack regardless of the physical location of the member state; and be it

Further resolved, That the Alaska State Legislature respectfully requests that Alaska be included in every National Intelligence Estimate conducted by the United States joint intelligence agencies; and be it

Further resolved, That the Alaska State Legislature respectfully requests the President of the United States to include Alaska and Hawaii, not just the contiguous 48 states, in every National Intelligence Estimate of missile threat to the United States; and be it

Further resolved, That the Alaska State Legislature urges the United States government to take necessary measures to ensure that Alaska is protected against foreseeable threats, nuclear and otherwise, posed by foreign aggressors, including deployment of a ballistic missile defense system to protect Alaska; and be it

Further resolved, That the Alaska State Legislature conveys to the President of the United States expectations that Alaska's safety and security take priority over any international treaty or obligation and that the President take whatever action is necessary to ensure that Alaska can be defended against limited missile attacks with the same degree of assurance as that provided to all other states; and be it

Further resolved, That the Alaska State Legislature respectfully requests that the appropriate Congressional committees hold hearings in Alaska that include defense experts and administration officials to help Alaskans understand their risks, their level of security, and Alaska's vulnerability.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the Honorable Ted Stevens, Chair of the U.S. Senate Committee on Appropriations; the Honorable Bob Livingston, Chair of the U.S. House of Representatives Committee on Appropriations; the Honorable Strom Thurmond, Chair of the U.S. Senate Committee on Armed Services; the Honorable Floyd Spence, Chair of the U.S. House of Representatives Committee on National Security; and to the Honorable Frank Murkowski, U.S. Senator, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

Mr. MURKOWSKI. Last year North Korean defectors indicated that the North Korean missile development program already poses a verifiable threat to American forces in Okinawa and seems on track to threaten parts of Alaska by the turn of the Century. The Taepodong missile, which is under development, would have a range of about 3,100 miles. From certain parts of North Korea, this weapon could easily target many of the Aleutian islands in

western Alaska, including the former Adak Naval Air Base.

The Washington Times reported earlier this year that the Chinese have 13 of 18 long-range strategic missiles armed with nuclear warheads aimed at American cities. This is incredible, Mr. President. Opponents to the motion to invoke cloture somehow fail to understand that this threat is real and that we have a responsibility to protect the United States from attack, be it deliberate or accidental. Without question, the threat of an attack on the United States is increasingly real, and we must act now to make certain that it is the policy of the United States to construct a national missile defense system with the capability of intercepting and deterring an aggressive strike against American soil from all parts of the United States—as soon as possible.

Finally, Mr. President, I would mention for a moment that S. 1873 is not, and I repeat not, in any way a strike at Russia. The ABM treaty was crafted and agreed to when the United States and the Soviet Union were the only nuclear powers. The mutually assured destruction system was agreed to under the understanding that we were dealing with the Soviet Union, and not third parties. Times have changed; there are countless more players that have complicated the issues. We have a responsibility to protect ourselves, and we must act now to do so.

Mr. President, I support the motion to proceed to the bill and hope that my colleagues will vote overwhelmingly in favor of this legislation this morning and pass it in the near future.

Mr. MACK. Mr. President, I am pleased to be a cosponsor of S.1873, the American Missile Protection Act of 1998 drafted by Senators COCHRAN and INOUYE. While I have been an ardent supporter of a vigorous missile defense program with a specific architecture and under a specific deployment schedule, a sufficient minority of members has been able to derail this effort over the last few years. Therefore, the modest proposal under consideration today, is an attempt to compromise by affirmatively establishing as U.S. policy the deployment of an effective National Missile Defense (NMD) system as soon as technologically possible.

I have long argued that such a system is both necessary and prudent because the threat of an attack or an inadvertent launch did not end with the termination of the cold war, but is real and continues to grow. In fact, the threat is greater today than any time in United States history. The technology revolution aids equally those who want to bring good into the world, as well as those who would do harm.

Recent activities in Africa, namely the bombing of our embassies in Kenya and Tanzania, and the launch of ballistic missiles (or a satellite) by North Korea, as well as the shoot-down of two unarmed American aircraft in the Florida straits two years ago, reminds us of the threat the United States and our allies face from rogue and terrorist states, and non-state actors.

Beyond these, the future of Russia and China remains unclear. While we wait to see if the forces of freedom and democracy prevail in the internal struggles happening in these countries, we must remember that they maintain the capability to launch weapons of mass destruction. Other states continue efforts to develop destructive capabilities. Recently, Iran has made dramatic progress in its missile development. We know that China's proliferation has aided the development of Pakistan's nuclear program, adding to the instability of South Asia.

My primary concern with the Administration's ''plan'' on deploying an anti-ballistic missile defense system is that it is premised on deploying a system within three years of clearly identifying an emerging threat. I believe the Administration greatly overestimates its intelligence gathering capability.

In early 1997, a CIA official testified that Iran was not expected to have the capability to field a medium range ballistic missile until 2007. Less than a year later, that nine year time frame was significantly reduced by the CIA, and another Administration official predicted Iran could have the capability in as early as one-and-a-half years. Similarly, in 1997 the Department of Defense only credited Pakistan with a 300 km capability. However, less than six months later Pakistan launched a missile capable of traveling 1,500 km.

Based on past performance, I am very hesitant to base the fielding of a missile defense system on the Administration's determination of the existence of an emerging threat. I believe such a plan is grossly inadequate and could have catastrophic consequences for the American people.

Mr. THOMPSON. Mr. President, last May, in the wake of India's nuclear weapons tests, the Senate rejected by one vote a motion to allow us to consider the need for a national missile defense. At that time I came to the floor and urged my colleagues to support defending our nation against missile attack. I recalled how the President, in his State of the Union address, underscored the importance of foresight and the need to prepare ''for a far off storm.'' The President wasn't talking about weapons proliferation and national missile defense, but I suggested he should have been—and that the thunder clouds of proliferation were gathering.

Since that vote in May, the storm has picked up force and is not so ''far off.'' That weapons proliferation is a serious threat to our nation is more obvious today that even a few month ago.

Allow me to remind my colleagues of a few developments since the Senate last considered missile defense:

Following India's nuclear tests, Pakistan conducted six of its own tests. The South Asian subcontinent—rife with smoldering disputes—is now perched on the edge of a nuclear arms race.

The following month, in June, North Korea blatantly announced that it was selling, and would continue to sell, ballistic missiles to any and all comers. The only requirement is cash on the barrel-head.

In July, the Congress received stark warning of our under-preparedness from the Rumsfeld Commission. This distinguished, bi-partisan, group of experts concluded that our assessment of the missile threat to America was inadequate, and that hostile countries were closer to developing and deploying ballistic missiles than we thought. As if to prove the Rumsfeld Commission right, Iran test-launched its Shahab-3 missile that same month. This weapon was based on a North Korean design and updated with Russian and Chinese assistance. It is capable of striking U.S. allies and troops in the Middle East. Iran also continues its work on the Shahab-4, which will be able to reach central Europe.

Then, just a few weeks ago, North Korea test-launched its Taepo-Dong 1 missile—and they shot it right over our key ally, Japan. The Taepo-Dong 1 is a huge breakthrough for North Korea. It is a multi-stage rocket that puts North Korea over a critical technology threshold. Their next missile, already under development, is the Taepo-Dong 2 which will be capable of striking American shores.

When I spoke on this subject in May, I cautioned that developments such as these were on the horizon. Indeed, I noted a few of them specifically. But I truly did not expect to stand here this soon and recount that so many dangerous developments actually occurred. My friends, the past few months demonstrate that the threats from weapons of mass destruction and missiles with increasingly greater range are an imminent threat. We have consistently underestimated that threat and must proceed with development and deployment of a national missile defense as soon as possible.

I do not know if there will be another proliferation development to report this month. Given the recent track record, it's very likely there will be. It's certain that missile development in hostile countries will continue apace. Moreover, world events are becoming more and more chaotic each day. The instability in Russia and Asia and the continuing proliferation activities of countries like China and North Korea only heightens the prospect that dangerous weapons technology will be sold to rogue actors.

President Clinton was recently quoted in the press that requiring certification regarding other countries' actions only creates the need for the Administration to ''fudge'' its reporting. More recently, it appears the Administration took an active role to limit weapons inspections in Iraq, despite all its rhetoric to the contrary. Mr. President, events like these are

highly worrisome because they suggest the President is less than forthcoming to the American people, to our allies and to our foes on issues of national defense and foreign policy. Perhaps even more worrisome, however, is the possibility that Administration policy makers may be fooling themselves. In the case of missile defense, this appears to be so. Their defense policy is based on hollow rhetoric and delusion. It is based on the hope of a three-year advanced warning. My friends, we're receiving our warnings now—over and over again. It's time to act.

It's time to wake up and it's time to act. The technology to develop nuclear and other weapons of mass destruction is widely available. If we do not prepare today, when the day arrives that America is paralyzed by our vulnerability to ballistic missile attack, or when an attack actually occurs, we will be reduced to telling the American people—and history—that we had hoped this would not happen. We will have to say we had ample evidence of a growing threat, but did not act for whatever reason.

Mr. President, if we're going to err on this issue, we should err on the side of caution. If our choices are to deploy a missile defense either too early or too late, let's make it early. The first step in raising our guard is to pass S. 1873, the American Missile Protection Act, and commit the United States to a policy of deploying national missile defenses.

Mr. DASCHLE. Mr. President, as I listen to the debate on S. 1873, two observations come to my mind. First, it appears that a rigid adherence to ideology seems to be trumping the judgment of this nation's most senior military leaders. Second, advocates of S. 1873 apparently lack confidence in their own publicly stated position. They are insisting that the critical and costly decision about whether we deploy a national missile defense should be based on a single criterion—technological feasibility—a simplistic test that the bill's supporters are unwilling to use for any other federal program.

The Senate should act as it did in May. We should oppose cloture and move on to the Patients' Bill of Rights, campaign finance reform, education, agricultural relief, and the environment—all issues of greater urgency for working families in this country.

The proponents of this latest attempt to deploy ballistic missile defenses at all costs have entitled this bill the American Missile Protection Act. But let's be clear, enactment of this bill will provide precious little if any additional protection. If the Senate were to immediately adopt this bill, we would not be a single day closer to actually having a national missile defense. In fact, as stated by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in recent letters to Congress, deployment of national missile defenses at this time is unnecessary, premature, and could effectively increase the nuclear threats this country faces.

Quoting from S. 1873, ''the United States should deploy as soon as is technologically possible an effective national missile defense system.'' In the eyes of the sponsors of this bill, the only standard that must be met in deciding whether to deploy defenses is that they be technologically possible.

Mr. President, I cannot find a clear definition of effective defenses in S. 1873. That troubles me greatly, though it apparently doesn't trouble the bill's supporters. They are strangely silent when it comes to establishing even the most minimal performance requirements for missile defenses. Many of these bill supporters are the same people who reject important domestic programs such as health care and school construction because they fail to meet their stringent—sometimes logically impossible—set of conditions.

This irony is not lost on me, nor should it be lost on the rest of the Senate. As I noted in May when we last debated this bill, the attitude displayed by the proponents of S. 1873 is cavalier even by military spending standards. Some research by the Department of Defense shows that S. 1873 would make history. For the first time ever, we would be committing to deploy a weapons system before it had been developed, let alone thoroughly tested.

An additional irony is that most experts believe that a rush to judgment on ballistic missile defenses will not necessarily lead to the deployment of the most effective system. According to General John Shalikashvili, the former Chairman of the Joint Chiefs of Staff, ''if the decision is made to deploy a national missile defense system in the near term, then the system fielded would provide a very limited capability. If deploying a system in the near term can be avoided, the Defense Department can continue to enhance the technology base and the commensurate capability of the missile defense system that could be fielded on a later deployment schedule.''

In addition to its silence on the effectiveness issue, there is not a word in S. 1873 about the costs of this system. The Congressional Budget Office estimates that the deployment of even a very limited system could cost tens of billions of dollars. And given that so much of the necessary technology remains unproven, history tells us the real cost could be much, much more. Despite the hefty price tag and the questionable technology, proponents of this bill essentially say, ''the costs be damned, full speed ahead.'' Yet when it comes to proven proposals to improve our nation's schools, increase the quality of health care, or enhance the environment, the first question out of the mouths of the proponents of S. 1873 is, ''how much does it cost?''

Mr. President, S. 1873 also says absolutely nothing about how a U.S. declaration that it plans to unilaterally deploy national missile defenses will affect existing and future arms control treaties. It should be clear to every one in this chamber that if the United States unilaterally abrogates the ABM Treaty, which is what S. 1873 states we will do, the Russians will effectively end a decades-long effort to reduce strategic nuclear weapons. They will back out of START I. They will not ratify START II. And they will not negotiate START III. In other words, a unilateral U.S. deployment of national missile defenses could end the prospect for reducing Russia's strategic nuclear arsenal from its current level of 9,000 weapons down to as few as 2,000.

I find it hard to believe that many of my colleagues are willing to forego the opportunity to eliminate thousands of Russian nuclear weapons today in exchange for the possibility that we might some day be able to deploy a system that can intercept a few missiles. This is much too steep a price to pay for a course of action that at present is unproven, unaffordable, and unnecessary.

Supporters of S. 1873 have argued that the Senate should reconsider its position on this issue as a result of three major developments since May—the nuclear weapons tests in India and Pakistan, the Rumsfeld Commission report on the threat posed by ballistic missiles, and North Korea's test of a medium-range ballistic missile. In reality, none of these events suggests we should go forward with premature deployment of national missile defenses. The tests of nuclear weapons by India and Pakistan as well as the larger issue of proliferation of nuclear weapons can best and most directly be addressed by swift consideration and ratification of the Comprehensive Test Ban Treaty. Adoption of S. 1873 does not directly address this situation and will, in fact, lead to more, not less, nuclear weapons. Unfortunately, the majority side of the Senate Foreign Relations Committee has not seen fit to conduct a single hearing on this issue, let alone report out this treaty for consideration by the full Senate.

As for the remaining two events, I commend to all members of the Senate an excellent letter from General Shelton, this nation's most senior military leader. General Shelton and the rest of the service chiefs take issue with the Rumsfeld Commission's findings and reaffirm their support for the Clinton Administration's current missile defense policy and deployment readiness program. As for the recent Korea missile test, although the letter was written prior to the test, the Chairman's conclusions were explicitly based on the assumption that North Korea would continue the development and testing of their missile program. Quoting General Shelton, the North Korean missile program, ''has been predicted and considered in the current examination.''

Mr. President, I ask my colleagues to reflect on the advice of the Secretary of Defense and the Joint Chiefs of Staff and vote against cloture on S. 1873.

Mr. ALLARD. Mr. President, I rise as a cosponsor and strong supporter of S. 1873, the American Missile Protection Act, and I urge all my colleagues to vote in favor of this much needed legislation.

Let me begin by being blunt—the United States cannot defend its borders against a single ballistic missile attack. This leaves all fifty states, especially Alaska and Hawaii, defenseless against any country that wants to threaten the U.S. with ballistic missiles.

We will hear that there is no need for a national missile defense because the Soviet Union is gone. This is true, but the USSR's demise has given rise to many nations ready to take their place. Russia has 25,000 nuclear warheads and recent reports show that their technology and warheads are readily available. Just as problematic is that 25 nations have or are developing nuclear, biological and chemical weapons. Over 30 nations have ballistic missiles, with many more attempting to strengthen their weapon of mass destruction capability.

Until just recently, China, with its over 400 warheads, had strategic nuclear missiles targeted at the United States. However, these missiles could be red-targeted within minutes if so desired. Just last week, North Korea placed all of South Asia on high alert due to their missile test. They now have demonstrated the capability to build two-stage missiles, which is significant because adding stages increases missile range. While the Administration plays down the threat, I cannot. This leaves the region and our over 80,000 troops in the area vulnerable to attack. Also, according to ''Jane's Strategic Weapons Systems,'' North Korea is developing long-range missile capability that could threaten southern Alaska and with additional assistance from Russia could later develop missiles with ranges which could threaten the west coast of the U.S.

Opponents will also argue that a missile defense system cannot defend the United States against suitcase nukes or terrorist attacks on our own soil. They are right, and we need to do more to detect this form of terrorism, but it should not be done at the risk of a ballistic missile attack. To quote William Safire, ''. . . nations like China, Iran, Iraq, North Korea, India, and Pakistan have not been investing heavily in suitcases.'' These countries are spending money on long range missiles. While many of these countries may never threaten the United States, we should not base all of our future threats on the present.

Opponents also point out that nonproliferation agreements will end the need for a missile defense. The problem is that not all countries abide by these agreements, or even sign at all. Presently, China, North Korea, and Russia are all engaged in the transfer of missile components and technologies. Despite past denials, North Korea now admits to testing and selling missiles in an effort to help build the arsenals of Iran, Iraq, and Syria. Again, despite the threats and pleadings of the Administration, North Korea has refused to stop developing, testing, and deploying missiles.

Lastly, opponents of a missile defense system point to the Administration's 1995 National Intelligence Estimate which stated that the United States would not face a threat of a missile attack for at least 15 years. However, to come to this conclusion, they had to exclude any threat to Alaska and Hawaii. This intentional omission is deceptive at best. We must not sacrifice the protection of U.S. citizens living in Alaska and Hawaii just to score political points. By leaving one state vulnerable, we leave the country vulnerable. This is unacceptable.

While I am a strong supporter of the capability of our intelligence community, they are not perfect. In May, the U.S. intelligence community was caught by surprise when India conducted a series of nuclear tests on the 11th and 13th of that month. In another surprise, despite intelligence estimates that Iran could not field its medium range ballistic missile until 2003, Iran flight-tested this system on July 22nd of this year. Also, it has been reported that Iran is developing a longer-range version capable of reaching Central Europe.

Again, the Administration believes that we will have at least 3 years warning before any missile attack would be feasible. However, on July 15th, the Congressionally mandated bipartisan Rumsfeld Commission concluded that the United States could get little to no warning of ballistic missile deployments from several emerging powers. The Commission stated that ''The threat to the U.S. posed by these emerging capabilities is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the intelligence community.'' It also warns that, ''The warning times the U.S. can expect of new, threatening ballistic missile deployments are being reduced. . . . the U.S. might well have little or no warning before operational deployment.''

While it may be difficult, we must admit that we live in an era of unstable international politics. The U.S. should never initiate a ballistic missile attack, but we cannot be sure that other nations are like-minded. The United States must be able to defend itself. I believe the world would be a better place without these weapons. In the meantime though, we must live with the reality that they do exist and in the wrong hands will be used.

The bottom line is that if the United States is on the receiving end of a missile attack, we are defenseless. I believe it is wrong to understate the danger still lurking in the world. We must do all that is possible to protect all Americans. We must develop a true national missile defense as soon as technologically possible. To do anything less would be to shirk our duties to provide for the common defense of the United States and all its citizens.

Mr. FAIRCLOTH. Mr. President, how we vote is not always clear to Americans. For the average citizen it is not easy to keep straight whether a ''yea'' is for or against something—whether it is a vote to pass a bill or table it. It also can be difficult to sort out where their senators stand when a particular vote covers many provisions in one ''package.'' Which provision was the ''yea'' vote for or the ''no'' vote against?

But, Mr. President, the vote on cloture of the American Missile Protection Act (S. 1873) this morning is not at all one of those ''confusing'' votes. I can think of no vote where it can be seen more clearly exactly where each senator stands. This morning's vote was black and white. This morning's vote shows who takes the most important function of the Federal Government—national security—seriously. The Senate failed for a second time this year to invoke cloture on the bill. Forty-one Senators, all Democrats, voted against protecting American families from the greatest threat to our homeland.

Nothing can be more frightening than the thought of an attack on our homes by another nation using nuclear, biological, or chemical weapons. Not thinking about it or pretending that it won't happen are absolutely not grownup ways to deal with this reality.

Opponents of the American Missile Protection Act claim concern with the fact that the bill mandates deployment of a National Missile Defense system. They claim that this bill ties our hands because when we finally do develop the capability to deploy a system, there might not be a need for it.

Might not be a need?? Let me be completely up-front. It's a myth that we have plenty of time to build a missile defense capability and hold off deployment until some potential future threat develops. The American people need to get that scenario out of their minds. The system is needed today, right now, and it is time for this Administration to get off its slow-track development program.

Just two months ago, the Rumsfeld Commission to Assess the Ballistic Missile Threat to the United States concluded that ''ballistic missiles armed with WMD payloads pose a strategic threat to the United States.'' The commission did not say there might be a future threat, it said there is a present threat. Further, India and Pakistan have conducted nuclear tests, North Korea just launched a two-stage missile over Japan, and we don't know Iraq's chemical weapons capability because the inspectors have not been allowed to look. If these events do not convince my colleagues on the other side of the aisle of our need for a National Missile Defense system, what will it take to convince them? Do they actually have to see a missile strike?

So, Mr. President, I do not take seriously this criticism that S. 1873 is flawed because it mandates deployment of a missile defense system that may not be needed. This sounds more like a smoke screen. I believe that the Democrat's real hope is to try and resuscitate the Anti-Ballistic Missile Treaty, which was voided by the break-up of the Soviet Union. Getting back the ABM Treaty seems to be all consuming for some senators, and a U.S. National Missile Defense system gets in the way of their goal.

Mr. President, after today's vote it is very clear to American families that their senators either support real national security action or are trying to convince the citizens that a paper treaty will be sufficient to protect them—there is no middle ground.

The PRESIDING OFFICER. The minority has 15 seconds remaining; the majority a minute and a half.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise today to oppose cloture on the Cochran bill.

I will agree at the outset that the many cosponsors of this bill, though haling overwhelmingly from a single party, probably believe they have the best interests of the nation in mind by giving their support to this bill. So I am not here today to challenge their motives or to impugn their character. I am here instead to state as concisely and sincerely as I can how and why I believe they are simply wrong.

This bill is fatally flawed because it bases a profound national security decision—that is, the decision to deploy a missile defense system spanning the entire territory of the United States—upon one single consideration . . . its technological possibility.

Voters across the land sent us here to Washington because here is where the tough decisions are made that face all Americans. They are tough decisions precisely because they rarely if ever involve only one consideration. They are tough because they often entail tough trade-offs in the pursuit of goals that our country simply cannot achieve all at once. As members of Congress, we have to consider politics, economics, short-term and long-term effects, impacts on other policies, legal issues, and other factors. We have to weigh all these considerations and reach a judgment on what will serve the interests of the nation.

Yet here we are today, deliberating a decision that could well lead to the expenditure of tens or potentially hundreds of billions of dollars solely on the basis of a wish on a star. And that star is Star Wars.

This is my main objection to the bill—I just do not think it is wise to base fundamental national security decisions on simply one criterion, especially one so notoriously ill-defined as the notion of a ''technological possibility.''

But I have other concerns as well. These relate to the potential cost of the policy enshrined in this bill. And they focus on the dubious technological objective that lies at the heart of what is known as ''National Missile Defense.'' I think it is certainly appropriate to ask some tough questions—as the Rumsfeld Commission did—about the foreign missile threat to determine if this threat is so grave or so imminent that it requires throwing twin babies out with the bath water: first, by abandoning standard US government procurement laws and procedures when it comes to acquiring major technological systems, and second by setting America on a course that is contary to our nation's arms control treaty obligations. And with respect to the consideration of what is actually possible, I also want to call my colleagues' attention to an article in the New York Times dated July 28 by Richard Garwin, a member of the Rumsfeld Commission. The article makes a persuasive point: that we cannot—must not—depend on a system for our defense which, even under the best circumstances, cannot accomplish its mission. In fact, it is not at all clear that any system we design could ever deal with all of the varied threats from different quarters.

Mr. President, the American people are not dummies. I am convinced that when they listen carefully to both sides on this issue, they will recognize that nobody has yet come up with an improvement on existing US policy for missile defense. They will come to this conclusion precisely because our current policy is premised upon all of the many considerations I have just summarized . . . not just one.

Americans understand that it makes sense not to force the government to buy costly, high-risk technologies that simply have the possibility of being effective.

They understand that America's national security decisions must not be made without considering the impacts of these decisions on the defense choices that will be left open to other countries.

They understand that in an age of balanced budgets, large new public sector commitments will jeopardize funding prospects for a multitude of other precious national goals.

They will know how to assess the incorrect claim so frequently made by missile defense advocates that America is allegedly ''defenseless'' against the foreign missile threat. The closer they look at the $270-plus billion that we are spending each year on the nation's defense (not to mention the additional billions that we are investing in our diplomatic and intelligence capabilities), the sooner they will see the fallacy in the idea of a defensless America.

Mr. COCHRAN. Mr. President, I yield the time remaining on our side to the distinguished Senator from Texas, Senator HUTCHISON, for closing our debate.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the Senator from Mississippi for his leadership.

Which of these actions would be the act of a strong and powerful nation led by men and women of vision and foresight: a nation that constantly reassesses its security threats and tailors its defense to meet those threats, or a nation that sits back and says let's see what the threat is, then we will assess it and then we will address it?

Mr. President, it was the latter thinking that caused us to go to a hollow military after World War II, and we paid the price with thousands of lives in the Korean war—lives of our men and women, because we hadn't planned for the future.

Mr. President, we have gotten the wake-up call. It is the Rumsfeld report that Congress commissioned, which said that we have failed to estimate how long it would take rogue nations to develop ballistic missiles. That is the wake-up call. Are we going to meet the security threats of this country? The greatest security threat we have is incoming ballistic missiles. If we put our mind to the technology, we can prioritize our defense spending to say to the American people that we will protect you from incoming ballistic missiles to our shores, or to any theater where our Armed Forces are present. We can do no less if we are men and women of vision and foresight for the greatest Nation on Earth.

I urge your support for the Cochran visionary amendment that would protect our country at the earliest opportunity.

Mr. COCHRAN. Mr. President, I ask unanimous consent that Senator COATS be added as a cosponsor of S. 1873.

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

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 345, S. 1873, the Missile Defense System legislation.

Trent Lott, Thad Cochran, Strom Thurmond, Jon Kyl, Conrad Burns, Dirk Kempthorne, Pat Roberts, Larry E. Craig, Ted Stevens, Rick Santorum, Judd Gregg, Tim Hutchinson, Jim Inhofe, Connie Mack, Robert F. Bennett, and Jeff Sessions.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on a motion to proceed

to Senate bill 1873, the missile defense bill, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 59, nays 41, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—59

Abraham	Frist	Mack
Akaka	Gorton	McCain
Allard	Gramm	McConnell
Ashcroft	Grams	Murkowski
Bennett	Grassley	Nickles
Bond	Gregg	Roberts
Brownback	Hagel	Roth
Burns	Hatch	Santorum
Campbell	Helms	Sessions
Chafee	Hollings	Shelby
Coats	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Inouye	Specter
Craig	Jeffords	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lieberman	Thurmond
Enzi	Lott	Warner
Faircloth	Lugar	

NAYS—41

Baucus	Feingold	Levin
Biden	Feinstein	Mikulski
Bingaman	Ford	Moseley-Braun
Boxer	Glenn	Moynihan
Breaux	Graham	Murray
Bryan	Harkin	Reed
Bumpers	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. GORTON. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Washington is recognized.

Mr. GORTON. Mr. President, the distinguished President pro tempore has asked for 5 or 10 minutes to speak as in morning business. I ask unanimous consent that you recognize him for that purpose.

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

The distinguished Senator from South Carolina is recognized.

CONSUMER BANKRUPTCY REFORM ACT

Mr. THURMOND. Mr. President, I rise today in support of cloture on the motion to proceed to S.1301, the Consumer Bankruptcy Reform Act, which will be voted on later today. This legislation is urgently needed to address abuses of our bankruptcy laws and help make sure bankruptcy is reserved for those who truly need it.

We have had Federal bankruptcy laws for 100 years, and no one disputes that some people must file for bankruptcy. Some people fall on hard times and have financial problems that dwarf their financial means. They need to have the debts that they cannot pay forgiven under chapter 7.

However, other people who file for bankruptcy have assets or have the ability to repay their debts over time. These people should reorganize their debts under chapter 13. Bankruptcy should not be an avenue for someone to avoid paying their debts when they have the ability to do so. People should pay what they can.

Unfortunately, too many people today who file for bankruptcy choose to discharge their debts rather than reorganize them and pay what they can. The reason may be because filing for bankruptcy does not have the moral stigma it once had. It may be because the person needs to be educated on how to better manage their money. Maybe attorneys do not encourage enough people to reorganize their debts. Whatever the reason, it is a big problem today.

The problem is becoming more serious because more and more people are filing for bankruptcy every year. In fact, more Americans filed for bankruptcy last year than ever before, about 1.35 million people.

S.1301 addresses the issue by making it easier for judges to transfer cases from chapter 7 discharge to chapter 13 reorganization, based on the income of the debtor and other factors. The bill permits creditors to be involved if they believe the debtor has the ability to repay. However, if a creditor abuses that power and brings such motions without substantial justification, the creditor is penalized. Also, the legislation places more responsibility on attorneys to steer individuals toward paying what they can.

The bill makes reforms without jeopardizing the truly needy. For example, the bill has special provisions to protect mothers who depend on child support by making these payments the top priority for payment in bankruptcy.

Mr. President, it is too easy to file for bankruptcy. It is too easy to get the slate wiped clean. We recognize that some people need a fresh start. But a fresh start should not mean a free ride. We must stop this type of abuse.

It is important to note that we are only attempting to proceed to the bill. It is only appropriate that we consider this legislation on the merits this year.

Under the outstanding leadership of Senator GRASSLEY, we held numerous hearings during this Congress in the Judiciary Committee on bankruptcy and on this bill in particular. We have considered and debated this legislation at the subcommittee and full committee, where it was reported out on a bipartisan vote of 16 to 2. Much work has been invested in this complex issue, and it would be a mistake not to act on this important reform proposal this year. It deserves our consideration and our support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise to speak during morning business for 5 minutes.

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

NEW WORLD ALTITUDE RECORD BREAKING FLIGHT

Mr. AKAKA. Mr. President, I rise today to recognize and celebrate the world record breaking achievements of the National Aeronautics and Space Administration's (NASA) Unmanned Aerial Vehicle (UAV) program conducted at the Pacific Missile Range Facility (PMRF) on Kauai. This exemplary program is part of NASA's Environmental Research Aircraft and Sensor Technology (ERAST) program, which first gained national recognition for record breaking Pathfinder flights last year.

Mr. President, on December 10, 1997, I was proud to participate in a ceremony dedicating the previous record breaking flight that reached an altitude of 71,500 feet in memory of Hawaii's beloved hero, Colonel Ellison Onizuka. This was a most fitting tribute to honor Colonel Onizuka and inspire our youth to excellence.

Since that time, the Pathfinder solar electric powered remotely piloted aircraft has undergone design upgrades which have allowed the ERAST Team to once again set a new world altitude record for unmanned solar-powered aircraft. This landmark was accomplished when the solarplane climbed to 80,200 feet above PMRF on August 6, 1998. I am particularly proud of the students and faculty of Kauai Community College and the talented personnel at PMRF who assisted NASA's ERAST Team in attaining this monumental achievement.

The success of Pathfinder and Pathfinder Plus has opened new doors to possible educational, scientific, and technological applications that were not imaginable a few years ago. There are countless implications for advances in the fields of aviation, satellite deployment, solar energy technology, oceanic and atmospheric research and monitoring, and environmental protection.

Mr. President, I commend NASA's ERAST Team, the students and faculty of Kauai Community College and the personnel at PMRF for demonstrating that through our imagination, we can reach unimagined realms in space and near space.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Deanna Caldwell and Jennifer Gaib be allowed to be on the floor during the debate on campaign finance reform.

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

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Washington.

MEASURES PLACED ON THE CALENDAR—H.R. 2183 AND H.R. 3682

Mr. GORTON. Mr. President, I understand there are two bills at the desk awaiting their second reading. I now ask for the second reading of the first bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes.

Mr. GORTON. I object to further consideration of the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. GORTON. I now ask for the second reading of the second bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3682) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.

Mr. GORTON. I object to further consideration of the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2237, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McCain Amendment No. 3554, to reform the financing of Federal elections.

AMENDMENT NO. 3554

The PRESIDING OFFICER. The Chair will observe that the pending amendment is numbered 3554.

Mr. GORTON. Mr. President, while we are on the Interior appropriations bill, the current amendment is the McCain-Feingold campaign financing amendment. Whether we will use all of the time of the Senate between now and the time for a vote on a motion for cloture on the amendment, I am not certain.

However, it is very unlikely, I say to my colleagues, that we will debate contested amendments to the Interior appropriations bill before we have completed debate on McCain-Feingold. However, we are available to deal with amendments that can be worked out and agreed to which we will send up and deal with if there are any short spaces of time in which Members are not available to discuss the McCain-Feingold bill. Members who have interests in the Interior appropriations bill who have amendments that they think will be accepted or can be worked out should be in contact with me or with staff of the Appropriations Committee, and we will attempt to work them in whenever it is convenient to do so.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, first I mention a scheduling item. I am confident that the agreement we reached yesterday was that there would be a vote either late tomorrow afternoon or early evening. Now I am told that there may be some Members on the other side who want to have an earlier vote. Mr. President, I will not agree to such a thing. I believe that we need more than 2 days' debate on this issue even though we have been over this issue many times before. I just want to tell my colleagues on both sides, but particularly on the other side of the aisle, I understand there are personal commitments and we will try to accommodate those, but to have a vote earlier than very late tomorrow afternoon or tomorrow evening I think would not be in keeping with the agreement that we reached yesterday.

This is not a happy time for America. It is not a happy time for the institutions of government, especially the Presidency, but also the Congress. We are going through a very wrenching and difficult episode which already, I think most of us would agree, ranks in the first order of crises that affect this country. And it affects us. As I have said on numerous occasions, all of us are tarred by a brush when the institutions of government are diminished and affected by scandal. But it also points out the criticality of us addressing this issue of campaign finance reform now rather than later. In today's newspaper, ''Reno Sets 90-day Clinton Probe'':

Attorney General Janet Reno yesterday opened a preliminary investigation of President Clinton that could lead to an independent counsel probe of allegations that he orchestrated a plan to violate spending limits for his 1996 reelection campaign. . . .The new Clinton inquiry was triggered by a preliminary report last month from the Federal Election Commission auditors. The auditors concluded that the DNC ads about issues such as Medicare and the budget amounted to ''electioneering'' on the President's behalf, and the Clinton-Gore campaign should be required to reimburse the government for the entire $13.4 million it received in Federal matching funds.

This morning, in most of the major newspapers in America, there is a poll that is conducted by the Terrence Group and Lake, Snell, Perry and Associates—one Democrat and one Republican polling group: ''What do you think is the number one problem today? Moral-religious issues, 14 percent; crime and drugs, 14 percent; economy and jobs, 13 percent.''

Mr. President, perhaps moral and religious issues have been a No. 1 priority in America before, but I don't think there is any doubt that that is the case today. ''Which of the following issues do you want Congress to focus on? Restoring moral values, 22 percent; improving education, 19 percent; reducing taxes and Federal spending, 13 percent.''

Mr. President, when 22 percent of the American people say they believe that restoring values is the No. 1 issue they want Congress to focus on, I don't believe they are just referring to the problems concerning the Presidency and that crisis. I think they are talking about the fact that they don't believe that they, as individual citizens, are represented here in the Congress in the legislative process. I think they believe that special interests rule. I believe they are concerned that no longer are their concerns paramount, but only those of major contributors.

The effect of this was manifested just yesterday in my home State of Arizona in the primary that was held, as has been true throughout the country. It was the lowest voter turnout, as a percentage, of any time in the history of my State. I don't think that voters didn't turn out to vote in the primary in Arizona yesterday because of their anger—which may be justified—at the President of the United States; I think they didn't turn out because they believe that the present system of financing campaigns results in an exclusion of them in the legislative process; their homes and their dreams and aspirations for themselves and their families are no longer reflected here in the Congress of the United States.

Mr. President, the amendment at the desk, which is commonly known as the McCain-Feingold campaign finance legislation, is amended by Senators SNOWE and JEFFORDS. This amendment would begin to reform a severely broken campaign finance system. Early last month, the Members of the other body did what the Senate has failed to do, and that is to pass genuine campaign finance reform. By so doing, they have given Members of this body who support reform encouragement that Congress, at long last, may accede to the wishes of the majority in both Houses of Congress and to the wishes of the vast majority of the people we represent by repairing a campaign finance system that has become a national embarrassment and assails the integrity of the office that we are privileged to hold.

I want to commend and thank Representatives SHAYS and MEEHAN, and many other Members of the other body, whose courage and determination have given us a chance to reclaim the respect of the American people. I appeal to all Members of the Senate to listen to the majority of our colleagues in the other body, and to the majority of Senators, and seize this historic opportunity to give the Nation a campaign finance system that is worthy of the world's greatest democracy.

Mr. President, no Washington pundit thought that the House would actually

pass campaign finance reform, but it did. It was not an easy fight. But those in favor of reform prevailed. I hope the majority in the Senate that favors reform will be able to prevail here. A majority in the House passed reform because the American people demand it. Members of the House recognized that the current system is awash in money, exploited loopholes, and publicly perceived corruption. It is a system that no Member of Congress should take pride in defending.

Before I discuss the matter more fully, I want to remind my colleagues of three points. One, for reform to become law, it must be bipartisan. This is a bipartisan bill. It is a bill that affects both parties in a fair and equal manner.

Two, reform must seek to reduce the role of money in politics. Spending on campaigns in current inflation-adjusted dollars continues to rise. In constant dollars, the amount spent on House and Senate races in 1976 was $318 million. By 1986 that total had risen to $645 million, and in 1996 it was $765 million. Including the Presidential races, over a billion dollars was spent in the last campaign. As the need for money escalates, the influence of those who have it rises exponentially.

Three, reform must seek a level playing field between challengers and incumbents. Our bill achieves this by recognizing the fact that incumbents must always raise more money than challengers. As a general rule, the candidate with the most money wins the race. If money is forced to play a lesser role, then challengers will have a better chance.

The amendment before the Senate achieves these three points. Is the measure perfect? No. Is it a legitimate start for discussion? Yes. For that reason, I hope my colleagues will support cloture and allow the Senate to work its will, to improve the measure where necessary, and begin a real dialog with the House on what can and should be sent to the President for his signature.

I want to repeat that this is the Senate's opportunity to not only do what is right but what is necessary. Washington has lately become synonymous with scandal, but for all the recent scintillating revelations, the real scandal—a scandal that will not go away—is the money that is and has been corrupting our elections. Unless this Senate finds the courage to act, that scandal will not subside.

Some will come to the floor and state that we do not need to reform how campaigns are run. They will state instead that we should simply enforce the laws that already exist. Mr. President, with all due respect, this argument is specious. Republicans demanded that the welfare system be reformed not only because it was the right thing to do but because the system was riddled with loopholes and was being abused and exploited. We didn't sit back and simply challenge the executive branch to enforce the laws. We acted, we changed the law, and we changed it in our society for the better. Let's do the same now.

I know that many colleagues think this refrain has become all too familiar, and they are correct. This is not the first time our campaign finance system has been in need of reform, and it will undoubtedly not be the last, because as time passes, the flaws and loopholes in the law become more evidence. It is at that time that the Congress has historically done what is needed; it has passed campaign finance reform.

The underlying purpose of this movement for the publication of contributions made for campaign purposes is to limit expenditures in political contests to legitimate purposes and to lessen the use of money in political elections.

So said Senator Culberson in 1908.

Senator Culberson inserted into the RECORD many letters, many of which could have been written today:

For some years there has been earnest agitation of the question of enforcing campaign contributions relating to national elections. A strong public sentiment has been created in favor of this important regulation. In obedience to this sentiment, a bill is now pending in Congress providing for the desired publicity. The question is whether the bill will be passed, defeated, or smothered.

The letter continues:

No party should be afraid to go before the country with a record of its campaign financiering.

No candidate for office should hesitate to have the people know the sources of campaign money. In other words, such contributions should come only from legitimate sources, and only money from such sources would be accepted, if the facts had to be made public: Hence, the great importance of publicity. The people do not want successful candidates to owe their elections to special interests affected by the subsequent administrations of such candidates. Such favors and obligations they involve are absolutely against the principles of honest government, whether that government be national, State, or municipal.

In the House that same year 1908, Congressman Sulzer stated:

In my opinion, this publicity campaign contribution bill is one of the most important measures before this House. It is a bill for more honest elections, to more effectively safeguard the elected franchise, and it affects the entire people of this country. It concerns the honor of the country. The honest people of the land want it passed. All parties should favor it. Recent investigations conclusively demonstrate how important to all the people of the country is the speedy enactment of this bill.

Remember, this statement was made in 1908.

In every national contest of recent years the campaign has been a disgraceful scramble to see which party could raise the most money, not for legitimate expenses but to carry a system of political iniquity that will not and cannot bear the light of publicity. Political corruption dreads the sun of publicity and works in the secret of darkness . . . Napoleon said victory was on the side of the heaviest guns. There are many thoughtful people in this country who have been saying since 1896 that the political victory in our Presidential contest is on the side of the campaign committee which can raise the largest boodle fund.

This important bill for publicity of campaign contributions is a nonpartisan measure. There should be no politics in it. We should all advocate from patriotic motives; but some of the gentlemen on the other side are injecting party politics into it, and are doing everything in their power to prevent the Members of this House who sincerely favor the bill from having the opportunity to vote for it. . . It is a shame the way this bill is being strangled to death.

In 1908, Congress went on to do the people's bidding. It passed the campaign finance reform legislation.

In 1947, Senator Ellender stood on this floor, and stated:

It came to my attention as chairman of that committee—and this feeling is shared by committee members joining me in sponsoring this bill—that the present statutes dealing with elections, campaign expenditures, and contributions, and limitations thereon, are utterly inadequate and unrealistic and as now in force and do not begin to accomplish the purposes for which they were enacted. . .

I may state, Mr. President, that our committee last year found that many corporations and some labor organizations had spent thousands of dollars in Federal elections, but we could not force them to report for the reason that the money expended was not considered as contributions. So this bill requires any money spent to be reported by whoever makes the expenditure.

Experience has shown that some corporations and labor unions have spent money directly on behalf of a party or candidate and thus I invaded the application of the prohibition upon contributions.

In 1947 the Congress, again, responded to the public's disdain for the way our campaigns are financed and passed campaign finance reform legislation.

In 1974, in the aftermath of the Watergate scandal, the Congress again passed campaign finance reform legislation.

Mr. President, after what we know about the last election, it is time again to pass campaign finance reform legislation.

Mr. President, recently there was given to me a memo that is public knowledge: The Democratic National Committee, Democratic National Committee Managing Trustee Events and Membership Requirements Events; two annual Managing Trustee Events where the President in Washington, DC, attended; two annual meetings, trustee event for the Vice President, et cetera. It is kind of a standard thing that you see on these kind of things. But the thing that is interesting about this is the fifth one down, ''Annual Economic Trade Missions.'' ''Managing trustees are invited to participate in foreign trade missions, which affords opportunities to join Party leaders in meeting with business leaders abroad.''

Another memorandum that was given to me of May 5, 1994, to Anne Cahill from Martha Phipps:

White House Activities: In order to reach our very aggressive goal of $40 million this year, it would be very helpful if we could coordinate the following activities between the White House and Democratic National Committee: 1. Two reserved seats on Air Force

One; and, 2. Six seats at all White House private dinners.

No. 4: ''Invitations to participate in official delegation trips abroad. Contact: Alexis Herman.''

Mr. President, that is wrong. We know that is wrong. And the people who did it knew that it was wrong at the time. That is not an appropriate use of official trade missions.

This gives rise to all the speculation and allegations concerning the transfer of technology to China. It makes it much more logical or believable when you read about these kinds of things.

Mr. President, I know this legislation is not perfect. I know that if given the opportunity to offer amendments, many Members would do exactly that, and the measure could be improved.

For example, I think there would be a majority vote in this body that would raise the individual spending limits to the level of $1,000, which it was in 1974, that some here may not agree with. But I believe the majority would.

I believe that the Snowe-Jeffords amendment went a long way towards leveling the playing field as far as unions, businesses, and corporations are concerned. I know that there are other ways we could improve this legislation. I know that we can do that if my colleagues would vote for cloture.

I appeal to my colleagues to muster the courage that led to reform in 1908, 1947, and 1974.

Mr. President, I ran for public office first in 1982. It was not the kind of money in that campaign that I see today. When I meet a young man or woman who is interested in public office nowadays—I used to ask them, ''How do you feel about smaller government, taxes, less regulation?'' We would have discussions of the issues. Now there is only one question you ask a young man or woman who is interested in seeking public office. And I might add it seems to be fewer and fewer. The only question is, ''Where is the money? Where is the money?'' Because, if they don't have the money, obviously no matter how they stand on the issues, no matter how principled they are, and how impressive their resume might be, their chances of achieving public office are dramatically diminished.

I know that many on this side of the aisle don't agree with all of the provisions of the amendment. I know they recognize that there is a problem—a problem that we have to address.

This is our opportunity, and if we opt to gridlock over results, we will only fuel the cynicism of the American electorate.

I want to point out again, every political expert is predicting that we will have the lowest voter turnout in this upcoming election than at any time in history. I think that is a sad commentary.

I hope we will do what is right to take such steps as necessary to pass meaningful campaign finance reform. Should we fail, we will have only ourselves to blame for the low esteem in which we are held by the American people. We will have done our part to degrade the high office to which we have been elected. We will by our inaction contribute to the alienation of the American people from the people who have sworn an oath to defend their interests.

As I mentioned, Mr. President, yesterday was primary day in Arizona. Turn out was an all-time low, indicating another record-setting low turnout election day. I have no doubt whatsoever that the way in which we finance our campaigns has in no small measure contributed to the abysmal commentary of the health of our democracy. The people's contempt—there is no more charitable way to describe it—for us and for the way in which we attain our privileged place in government cannot be sustained perpetually. We will someday pay a high price for our inattention to this problem. We will forfeit our ability to lead the country as we meet the complicated challenges confronting us at the end of this century because we have so badly squandered the public respect necessary to persuade the Nation to take the often difficult actions that are required to defend the Nation's interests.

Our ability to lead depends solely on the public's trust in us. Mr. President, people do not trust us today. And that breach, that calamity, is what the supporters of campaign finance reform intend to repair. I beg all of my colleagues to join in this effort and give our constituents a reason to again trust us, and to take pride in the institution we are so proud to serve.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, some in the press have suggested there is a sense of momentum for this issue because it passed the House of Representatives. I would remind my colleagues that a measure similar to this passed the House in the 101st Congress, the 102d Congress, and the 103d Congress. So it is not unusual, I would say, for the House of Representatives to pass this kind of legislation. It has happened before, and I would say it does not reveal any sense of momentum behind a plan that is constitutionally flawed. Speaking of the Constitution, we were on this same issue last fall and then we were on it again in February. The outcome was the same during those debates, and in a sense what we are doing is having the same debate once again.

There have been suggestions, particularly on the other side, that the courts might be open to changing the Buckley case or revisiting it in some way. So I think it is always appropriate, when we have these periodic campaign finance debates, to bring my colleagues up to date on what has been happening in the courts. As we all know, the so-called reformers have been out around the country seeking to get new laws on the books at various States and localities, some by referendum, some by State statute. All of those, of course, are subsequently found in the courts, in litigation. So what I would like to do here at the outset is give my colleagues an update on what is happening in the courts; all of these court cases, by the way, reaffirming Buckley in one way or another.

I would remind everyone—I think everyone in this Chamber surely knows the Buckley case, Buckley v. Valeo, the landmark case in the area of campaign finance reform which has not been changed by any of the courts over the last almost 25 years. In fact, court decisions have deepened and broadened areas of permissible political speech over the quarter of a century since this landmark case, widely thought to have been written by Justice Brennan. So let me just run down a few cases that have been decided just since April of this year, since there is a good deal of litigation emanating from these State efforts to restrict the rights of people to be involved in political activity.

On April 17, in Americans for Medical Rights v. Heller, the United States District Court for the District of Nevada held that the Nevada State Constitution could not be enforced so as to prevent issue advocacy groups from contributing more than $5,000 to a ballot initiative. This was a court response to an effort to try to shut up groups in criticizing politicians—very similar to the measure currently before us which seeks to make it essentially impossible for a group to criticize a politician in proximity to an election.

On April 27, in Kruse v. Cincinnati, the United States Court of Appeals for the Sixth Circuit held that a Cincinnati ordinance placing spending caps on campaigns for city council violated the first amendment. This case is noteworthy. Here was a conscious effort on the part of the city council in Cincinnati to get a court, some court, to revisit the question of whether spending limits were permissible. This is something the Buckley case struck down forthwith, and forthrightly. That effort to get the court to reverse its decision was unsuccessful.

On April 29, in North Carolina Right to Life v. Bartlett, the U.S. District Court for the Eastern District of North Carolina held a State statute that attempted to regulate issue advocacy groups as unconstitutional. That is the same issue we have before us in the McCain-Feingold amendment, the effort by the Government to try to regulate constitutionally protected issue advocacy.

On June 1, in FEC v. Akins, the Supreme Court held that voters have standing to challenge the FEC's dismissal of an administrative complaint. Although the Court remanded the case for further proceedings, the Court strongly suggested that a membership organization's communications with

its own members would not meet the definition of ''expenditures'' subject to regulation by Congress.

In another case, on June 1, in Right to Life of Dutchess County v. FEC, the U.S. District Court for the Southern District of New York joined a chorus of many other Federal groups in striking down—striking down—an FEC regulation that prohibited corporate speech, even though that speech stopped short of the ''express advocacy'' standard adopted in the Buckley case.

Then on June 4, in Russell v. Burris, the U.S. Court of Appeals for the Eighth Circuit held that contribution limits of $300 to certain State candidates violated the first amendment and that special privileges to so-called ''small donor'' PACs violated the equal protection clause.

On June 11, in State of Washington v. 119 Vote No!, the Supreme Court of Washington held that a State statute which prohibits a person from sponsoring, with actual malice, a political advertisement containing a false statement of material fact to be facially unconstitutional.

On July 21, in Virginia Society for Human Life v. Caldwell, the U.S. Court of Appeals for the Fourth Circuit held that a Virginia campaign finance statute could not reach the conduct of groups that engaged in issue advocacy.

On July 23, in Shrink Missouri Government PAC v. Adams, the U.S. Court of Appeals for the Eighth Circuit held that a first amendment challenge of a State statute limiting campaign contributions was so likely to succeed that a preliminary injunction should issue preventing Missouri from enforcing the statute.

On July 23, in Suster v. Marshall, the U.S. Court of Appeals for the Sixth Circuit enjoined the enforcement of a provision of the Ohio Code of Judicial Conduct which capped spending in a judicial election for the Ohio Common Pleas Court at $75,000—again, a court decision striking down spending limits.

On August 10, in Alaska Civil Liberties Union v. the State of Alaska, the Superior Court for the State of Alaska granted summary judgment, ruling Alaska's campaign finance reform legislation unconstitutional and, therefore, null and void.

Finally, on August 11, in Vannatta v. Keisling, the U.S. Court of Appeals for the Ninth Circuit held that an Oregon ballot measure passed into law which prohibited State candidates from using or directing any contributions from out-of-district residents and penalizing candidates when more than 10 percent of their total funding comes from such individuals does not survive scrutiny under the first amendment.

My reason for the recitation of these cases is these are cases just since April, and every single one of them, at least three of which are right on the point of issue advocacy, which is what we have before us today, have ruled these government restrictions unconstitutional.

So there is virtually no chance—no chance—that the restrictions on citizens' ability to engage in issue advocacy contained in McCain-Feingold will be upheld as constitutional. There is certainly no evidence that the courts are moving in the direction of allowing governments at any level to restrain the voices of citizens at any time in proximity to an election or any other time.

Mr. President, issue advocacy is, of course, as I said, constitutionally protected speech. The New York Times, the Washington Post, and USA Today are some of the most aggressive users of issue advocacy. These multimillion-dollar corporations express themselves without limitation at any point, both in the news sections and on the editorial pages. They are the practitioners of the first amendment.

The problem with the New York Times, the Washington Post, and USA Today is that they think the first amendment only applies to them. It is amusing to look at the amount of space dedicated over the last 2 years by these three newspapers to their efforts to aid and abet those who would shut up citizens and make it difficult for them to exercise their constitutional rights.

Just looking at the New York Times, they have editorialized on the subject of campaign finance reform between July 1, 1997, and September 9, 1998, 82 times. The average number of days between campaign finance editorials in the New York Times is 8. On the average, every 8 days, the New York Times is lobbying for campaign finance reform, which they have a constitutional right to do. What is particularly amusing is the way in which they do it, which is remarkably similar to issue advocacy that groups engage in frequently on television.

The typical issue ad says at the end of the ad, ''Call Congressman'' so-and-so ''and tell him to either keep on doing what he is doing'' or ''stop doing what he is doing.'' I thought it was particularly amusing that the April 21, 1998, editorial in the New York Times was just like issue advocacy. The same opportunity they would deny to anyone else, they engaged in themselves.

They opined here about the importance of passing their version of campaign finance reform and then listed Members of the House and their phone numbers—exactly the kind of thing they don't want anybody else to do. Exactly the kind of thing they would prohibit every other American citizen from doing in proximity to an election, they are doing right here on the editorial page.

Of course, the newspapers are exempt from the Federal Election Campaign Act. I think they should be exempt, but I find it disingenuous in the extreme for them to engage in the very same practice. This is a huge, multi-, probably billion-dollar, American corporation, a corporation engaging in issue advocacy, putting the heat on elected officials, putting their phone numbers in there, saying call them—call them up and tell them to do this or not to do that. That is what they don't want anybody else in America to be able to do.

Mr. President, part of what is at the root of this debate is: Who is going to have the opportunity to express themselves, who is going to be able to engage in political discourse, in this country? Just newspapers and nobody else? Boy, that would be a good deal for them. That is exactly what they have in mind, because they practice issue advocacy every day, and sometimes it is remarkably similar to the issue ads you see on television run by organized labor, or plaintiffs' lawyers, or you name it. ''Call Congressman'' so-and-so, ''and tell him to do'' this or do that, it said in the New York Times of April 21.

The Washington Post has been not far behind, another megacorporation which exists for the purpose of influencing political discourse in this country. This big corporation, of course, like the other big corporation I just mentioned, the New York Times, is exempt from the Federal Election Campaign Act, and this big corporation, too, would like to restrict the speech of other American citizens in order to enhance its own views.

On the subject of campaign finance reform, going back to January 1, 1997, the Washington Post has written 53 editorials. The average number of days between editorials on campaign finance reform in the Washington Post is 12. So, Mr. President, every 12 days, this great, huge American corporation is lobbying the Congress to take a particular position on campaign finance reform.

I defend their right to do it, but I find it amusing—if not really troubling more than amusing—that this kind of corporation should have this kind of influence and everybody else in society in proximity to an election would be essentially muffled from being able to mention a candidate's name in proximity to an election.

So some big corporations would have an advantage; others a disadvantage. That is what the Washington Post would like—more power and more advantage. USA Today, another huge American corporation—between January 1, 1997, and today, USA Today has run 25 editorials on the subject of campaign finance reform. That is an average of one every 25 days—another major American corporation seeking to influence the course of this legislation, which also supports McCain-Feingold, which would make it impossible for anybody else to do the same thing in proximity to an election.

The USA Today editorial just yesterday was remarkably akin to an issue ad, Mr. President, remarkably akin to an issue ad, just like the New York Times editorial back in April I mentioned awhile ago. They state their case on the editorial page, and then they list all the Republican Senators, and particularly they highlight those

who are up for reelection this year. And they put their phone numbers by their names. Issue advocacy, Mr. President; within 60 days of an election.

Under the bill they support, over at USA Today, nobody else in America could do this, could mention a candidate's name within 60 days of an election. So this big corporation would have its power further enhanced by the quieting of the voices of everybody else in America who sought to express themselves within 60 days of an election by maybe saying something unkind about some Member of Congress.

So, Mr. President, there isn't any question; there is an enormous transfer of influence and power to the part of corporate America that owns and operates newspapers. Of course they are enthusiastic about this kind of legislation. This industry, the newspaper industry, which already has an enormous amount of power, would be dramatically more powerful if the kind of legislation we have before us were passed.

Some would argue there is a media loophole in the Federal Election Campaign Act because they are exempt from all of these restrictions that currently apply to everybody else, and certainly would be exempt of the greater restrictions that this legislation seeks to place on Americans of all kinds.

Mr. President, there are some Americans who believe that newspapers are a bigger problem, a bigger problem than campaign contributors. There was an interesting article back on October 21, 1997—excuse me, Mr. President, it is a Rasmussen poll, an interesting finding.

More than 80% of Americans would like to place restrictions on the way that newspapers cover political campaigns. In fact, restricting newspaper coverage is far more popular than public funding of campaigns.

Restrictions on newspaper coverage is far more popular than public funding of campaigns. This is the American people in a poll in late 1997 discussing the influence of newspapers on the political process.

Further, in the description of the poll finding, it says:

One reason for the public desire to restrict newspapers is that Americans think reporters and editorial writers have a bigger impact on elections than campaign contributions.

Mr. FEINGOLD. Mr. President, would the Senator yield for a question?

Mr. MCCONNELL. Not at the moment.

The Rasmussen Research survey found that 68% of Americans believe newspaper editorials are more important than a $1,000 contribution. Only 17% think such contributions have a bigger impact.

Americans may also support restrictions on reporters because more than seven-out-often believe personal preferences of reporters influence their coverage of politics. In fact, Americans overwhelmingly believe (by a 61% to 19% margin) that a candidate preferred by reporters will beat a candidate who raises more money.

Let me repeat that, Mr. President. This comprehensive poll of American citizens on the influence of newspapers, in late 1997, found that Americans, by a margin of 61 percent to 19 percent, believe that a candidate preferred by reporters will beat a candidate who raises more money.

Mr. President, I am making these points somewhat tongue in cheek because, obviously, I am not advocating restrictions on newspapers. But what I find particularly outrageous is newspapers advocating restrictions on everyone else. Who are they to think that they are the only ones who are to have influence in the American political process?

Richard Harwood of the Washington Post, on October 15, 1997, made some interesting points along those lines. Mr. Harwood said:

It is fortunate for the press in the United States that the voice of the people is not the voice of God or the Supreme Court.

That is because Americans, in the mass, believe in ''free speech'' and a ''free press'' only in theory. In practice they reject those concepts.

That was the troubling conclusion drawn, ironically, from a major study of public opinion commissioned in 1990 by the American Society of Newspaper Editors as part of the observance of the 200th anniversary of the Bill of Rights. . . .

So this was a survey taken, I guess, by the Louis Harris organization for the Center for Media and Public Affairs. And Mr. Harwood points out the findings are, as he puts it, ''depressing.''

The first point in this survey of the American people, Harwood, in talking about the American people, said:

If they had their way, ''the people''—meaning a majority of adults—would not allow journalists to practice their trade without first obtaining, as lawyers and doctors must, a license.

The second finding of this survey:

[The people] would confer on judges the power to impose fines on publishers and broadcasters for ''inaccurate and biased reporting''. . . .

Third:

They would empower government entities to monitor the work of journalists for fairness and compel us to ''give equal coverage to all sides of a controversial issue.'' They also favor the creation of local and national news councils to investigate complaints against the press and issue ''corrections'' of erroneous news reports.

Harwood further points out, at the end of his article:

So press freedoms remain, as in the past, dependent not on the goodwill of the masses but on the goodwill and philosophical disposition of the nine men and women of the Supreme Court of the United States.

Mr. President, I make those points to illustrate that the principal beneficiaries of the amendment before us are the huge corporations of America that control the press. They almost uniformly support legislation that would quiet the voices, at least in 60 days' proximity to an election, of all other American citizens, thereby enhancing the ability of newspapers to control the outcome of American elections.

The good news, Mr. President, is we are not going to pass this legislation. The further good news is the courts would not uphold this legislation if we did pass it. I just mentioned three cases that have been handed down in the last 6 months indicating that Government restrictions on issue advocacy, tried by State governments, is clearly unconstitutional.

But what is truly disturbing in this free country, Mr. President, is that these big corporations that own these newspapers are so aggressively advocating efforts to quiet the voices of other American citizens.

It is truly alarming that in 1998 these big corporations, which already have enormous influence in our country, want to have even more. In fact, they want to have a monopoly on influence in proximity to an election. And as we all know, they are perfectly free to do editorials, both on the front page and on the editorial page—and do—up to and including the day before the election. And I defend their right to do it.

But what is disturbing is they do not want to let anybody else have their say. So this legislation, Mr. President, dramatically benefits the fourth estate at the expense of other citizens in our country.

Now, finally, before going to Senator BYRD, I have heard it said that we need to pass this kind of legislation. I have heard for over a decade we need to pass this kind of legislation in order to restore the faith of the American people in the Congress. In October of 1994, in the waning days of the end of Democrat control of this Congress, only 27 percent of the American people approved of the Congress. As of this past week, the congressional approval rating was 55 percent. Now, the 55 percent approval rating Congress has today comes after two Federal elections, 1994 and 1996, with record spending, three intervening filibusters of McCain-Feingold and its ancestor, Boren-Mitchell, and even the Clinton-Gore fundraising scandal.

Clearly, Mr. President, there is no political imperative to pass campaign finance bills that are unconstitutional. To suggest that the Congress is still unpopular—which it isn't—or that when it was unpopular it was somehow related to this issue simply cannot be supported by the facts.

Bill Schneider, a reputable pollster who works for CNN, back in February of this year had an interesting article in the National Journal. This was when the approval rating of Congress began to turn around. He pointed out in February 14 of this year:

For the first time in at least 25 years, a majority of Americans approve of the way Congress is doing its job. Congress—perhaps the most ridiculed institution in America—has rarely gotten above a 40 per cent job-approval rating since 1974. Now, it's at 56 per cent.

That was then; it is 55 percent now.

''What's going on here?'' said Bill Schneider.

A balanced budget, a booming economy and—not the least important—a smaller government. ''We have the smallest government

in 35 years, but a more progressive one,'' the President said. Right now, trust in government is at its highest level since the Reagan era, when it was ''morning in America.''

Now, we clearly do not need to pass this unconstitutional legislation in order to deal with cynicism about the Congress, which enjoys a 55 percent approval rating.

I might say that at the end of the Congress in 1994, I was personally involved in an all-night filibuster on September 30, 1994. I will never forget it. It is the only real filibuster we have had here in 10 years. It was an all-nighter. The cots were out. People were blurry eyed. But it was a remarkably uplifting event for those of us who were involved in it. We defeated Boren-Mitchell a mere 5 weeks before the greatest Republican congressional victory of this century.

Suffice it to say, there is no connection between this issue and electoral success. The responses you get on polls on this issue depend on how you ask the question. This is an arcane, complicated subject, and it is the obligation and the responsibility of Members of the Senate to protect the Constitution, to protect political discourse in this country, and to do the right thing one more time.

Mr. President, I am confident that, at the appropriate time, this amendment will be defeated.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. MCCONNELL. Yes, I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I wonder if I might get consent to speak on another matter at the conclusion of the Senator's remarks?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Reserving the right to object, I wonder if the Senator has any notion about approximately how much time he would consume?

Mr. BYRD. I guess it would be 45 minutes to an hour. It would give Senators a chance to get lunch.

Mr. MCCAIN. Mr. President, reserving the right to object, I would say in all due respect to the most respected Senator from West Virginia, we have a limited amount of time to debate this issue. There are Senators who want to talk on it. I say in all respect to the Senator from West Virginia, we have just begun this debate. We just had the first opening statements. If we interrupt for 45 minutes to an hour, I think that would certainly disrupt this entire debate, which is of the greatest importance. I hope the Senator from West Virginia, in all great respect, would understand.

Mr. BYRD. I do understand that. I have to be somewhere else from 1:30 on, for awhile. I had hoped that I might be able to speak out of order earlier.

Mr. FEINGOLD. Mr. President, let me indicate, if I may, I will not object to this Senator's request. But let me say that after this address I do intend to object to any other discussions about other matters that do not have to do with the issue before us, before the scheduled cloture vote. But in this instance I will not object.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I hope that other Senators would permit me to proceed.

Mr. MCCAIN. Mr. President, could the Senator at least wait until 12:30, if he has to be someplace at 1:30? We just began. There have been two statements that have been given on this very important issue. I understand and appreciate the seniority and respect and dignity that the Senator from West Virginia has, but this is incredibly disruptive, which I am sure the Senator from West Virginia can understand.

Mr. BYRD. Mr. President, will the distinguished Senator yield so I might reply?

Mr. MCCONNELL. I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I hope the Senator will remember that debate on the Interior bill is being interrupted here. I have no objection to that. And there was a request that there be no amendments until, I believe it was Friday or Thursday, at some point, or until we vote on cloture on this matter. I had no objection to that. But I could have objected. That debate was interrupted. I don't interrupt in debates very often. I hope the Senator will allow me to proceed in this instance.

Mr. MCCAIN. Mr. President, reserving the right to object, and I will not object because of the Senator from West Virginia, but the fact is we are debating an amendment just as we normally do. And we are under a unanimous consent agreement, which we normally do. The Senator from West Virginia could object to us going into session—we all know that—because we function by unanimous consent. I think it is very unfortunate that when we have, really, now, a day and a half, and we just initiated debate on this very, very critical issue, the Senator has to do that at this time. I will not object.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

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

Mr. BYRD. If the Senator from Kentucky will yield, I make the request I be recognized, upon the conclusion of the remarks by the Senator from Kentucky, for not to exceed 1 hour.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. FEINGOLD. Mr. President, will the Senator yield for a question?

Mr. MCCONNELL. I yield the floor.

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to make brief remarks before the Senator from West Virginia begins.

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

Mr. FEINGOLD. Mr. President, I repeatedly asked the Senator from Kentucky if he would yield for a question about his statements about the case law, and he refused on several occasions. That is regrettable because I hope we will have a debate here, but I do appreciate his review of the case law. I think it is helpful, and I do want to hear Senator BYRD's remarks very shortly.

Let me quickly point out that I heard the Senator from Kentucky discussing a Nevada case regarding restriction on spending on issue advocacy. But the bill before the Senate has no such restriction. So that case is not applicable to what is before the Senate.

The Senator referred to the Cincinnati spending limits case. The problem is, our bill before the Senate does not have any spending limits in it.

The Senator is arguing case law that has absolutely nothing to do with what we are debating here today. I think that is regrettable because this is supposed to be a debate about the amendment before the Senate.

The Senator discussed a case involving in-state contributions. But there are no in-state limits included in this bill. And the same for the California case involving small donor——

Mr. MCCONNELL. Will the Senator yield?

Mr. FEINGOLD. I will yield for a question, yes.

Mr. MCCONNELL. The Senator from Kentucky—if the Senator from Wisconsin was closely listening—didn't claim the cases were about issue advocacy. What the Senator from Kentucky said is that all the cases were further reinforcement of the Buckley decision and that several of the cases were about issue advocacy.

Mr. FEINGOLD. None of the provisions that were specifically cited with regard to those cases has anything to do with the legislation before us. I will make the point now and continue to make the point throughout this debate that when case law is cited, it ought to have something to do with the matter before the Senate, or that clouds the issue of constitutionality in a way that is a disservice. If the Senator from Kentucky is going to make his arguments based on court cases, he should at least recognize and acknowledge that this version of the bill does not include many of the red herrings that he keeps presenting before the Senate. As we say in the law, these cases are readily distinguishable from the matter before us.

With that, Mr. President, I ask unanimous consent to add as cosponsors to the McCain-Feingold amendment, in addition to Senators THOMPSON, SNOWE, COLLINS, and JEFFORDS, Senators LEVIN, GLENN, LIEBERMAN, and WELLSTONE, who are long-time and vigorous supporters of this bill.

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

Mr. FEINGOLD. Mr. President, I very much look forward to the remarks of the Senator from West Virginia and appreciate his courtesy in allowing me to speak.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for up to 60 minutes.

Mr. BYRD. Mr. President, I thank the distinguished Senator, and I thank, again, all Senators for allowing me to speak at this particular juncture.

(By unanimous consent, the remarks of Mr. BYRD, Mr. GRAMM, Mr. FEINGOLD pertaining to another subject are printed later in today's RECORD.)

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the McCain-Feingold bill was first introduced in the fall of 1995, just about 3 years ago. To date, thanks to the truly extraordinary efforts of our colleagues in the other House, we are as close as we have ever been to passing that bill and making a start on cleaning up the corrupt campaign finance system that has seemed so intractable for so long. As we stand here today, only eight votes stand between this bill and the President's desk—just eight votes. Only eight Senators out of all Members of the Congress are preventing this body from joining the other body in passing campaign finance reform. Eight Senators are blocking the Senate from banning soft money.

Mr. President, the time for excuses is over. It is time to finish the job. It is time to pass campaign finance reform and send it on to the President.

Let me first take a moment to remind my colleagues of what happened in the other body the week after we in the Senate left for the August recess. This campaign finance reform bill that all the pundits thought was dead and constantly claimed as dead actually passed the other body by a very strong vote. The vote was 252 to 179. That is right, Mr. President, 252 to 179 in the House. It wasn't even close. By any measure, the passage in the House of the Shays-Meehan version of the McCain-Feingold bill was a landslide. Sixty-one Republicans, over one-quarter of the Republican caucus in the entire House, voted for this bill. Mr. President, I think that should answer once and for all the allegation that the McCain-Feingold bill is a partisan piece of legislation. It is not.

Sixty-one Republicans would not vote for a bill that is a Trojan horse for the Democratic Party. No, this bill has now been shown in both Houses to be a bipartisan solution to a bipartisan problem.

The House vote was the culmination of literally months of debate on campaign finance reform. The debate actually started, if you can believe this, on May 21 and did not conclude until August 6. There were 72 amendments offered to the House version of the Shays-Meehan bill. There were a total of 41 rollcall votes on those amendments. The House spent over 50 hours debating campaign finance reform, an amount of time that is almost unprecedented to spend on one bill over there. I think we do it fairly frequently here, but it is almost unprecedented in the House.

The opponents of reform tried to take a page from the Senate playbook and openly proclaimed that they were going to try to kill the bill with amendments. Just like here, they offered poison pills and they tried to overwhelm the reformers with just the sheer number of amendments. They tried to drown them in amendments, but they failed, and they failed miserably.

In the end, a reform bill emerged and passed the House that retained all of the essential features of the McCain-Feingold bill—a ban on soft money, improved disclosure of campaign contributions, codification of the Supreme Court Beck decision, and provisions designed to deal with campaign advertising that is dressed up as issue advertising.

After many months of debate in the House, the bill has come back to the Senate. It is now on the calendar and is awaiting action.

The majority leader objected to bringing up the House-passed version of McCain-Feingold, but, fortunately, that was not the end of the matter. Because we have the right as Senators to offer amendments to pending legislation, we were able to bring it up on this bill, and that is exactly what Senator MCCAIN and I have done. We would have been delighted if the majority leader had agreed to bring up the House-passed version of the bill, and some comments that he made on ''Meet the Press'' this weekend suggested that he was going to do just that. But by offering our amendment, we will assure that the Senate will again vote on this issue, which is what the people of this country want.

Once again, I want to say that I am very proud of the solid, 100-percent support of the Democratic Senators for this bill. I am grateful for the efforts of the minority leader, Senator DASCHLE, to keep this issue on the agenda and line up our caucus in support of the McCain-Feingold bill.

But we are not doing this for partisan reasons. We are doing this because it is the right thing to do for our country. This campaign finance system is sapping the confidence of the American people in their Government. People have seen time and time again that these huge soft money contributions do influence the congressional agenda. They understand that we cannot act in the interest of average people if we are spending too much time trying to woo the big contributors. They know that soft money must be eliminated before it just totally swamps our elections and our legislature.

It is absolutely critical that we finish the job now; that we finish the job now before the end of this Congress, otherwise, we will undoubtedly see an explosion of soft money fundraising as the parties get ready for the next big show, and that is the next Presidential election in the year 2000.

If we go home and allow this soft money system to continue into the next Presidential election cycle, we will reap scandals that will make the scandals of 1996 look pale by comparison.

Look at what has happened in this cycle already will give you a clue as to what is going to happen. Already in this cycle, according to Common Cause, the parties have raised a total of $116 million, and that is the most ever in a non-Presidential cycle. Soft money fundraising more than tripled from 1992 to 1996—from an already troubling amount of $86 million to the now staggering amount of $262 million. Based on that growth, some estimate that the parties could raise $600 million in soft money in the year 2000 cycle—$600 million. Over half a billion dollars in soft money is likely to be the consequence and the disgusting display in the year 2000.

Mr. President, we already have a majority in this body, and with just eight more votes in the Senate we can stop this escalation of soft money. We can say to the political parties, Enough is enough. Go back to raising money under the limits established in the Federal Election Campaign Act. And then if somebody says, ''Well, we need more money,'' then start raising money from more people; get more people involved. Don't just extort more and more money from the major corporations and labor unions that are eager to curry favor with the Congress or the President.

Mr. President, the American people are sick of tales of big money fundraisers. It is a terrible turnoff for a citizen of average means to read that people give $100,000, or $250,000 to sit at the head table with the President, or have a special meeting with the majority leader of the U.S. Senate. They do not want more stories like the story of Roger Tamraz who gave $300,000 to the Democratic National Committee hoping for the special access he needed to promote his pipeline project. Tamraz told the Governmental Affairs Committee that as he thought about it, the next time he would give $600,000 if he thought this would help his business and that getting special access was not just one of the reasons he gave to the DNC, he said it was the only reason he gave the $300,000 and would give $600,000—for special access.

But these kinds of scandals are bound to come back again and again because our political parties, Mr. President, are addicted to soft money. They cannot get enough of it. And the reason is that they have found a way to make soft money work directly for them in Federal elections. This is an incredible

twist of a loophole that was established by the FEC in 1978. Remember that prior to 1996, most of the parties' soft money went into what were called party building activities—get out the vote drives, voter registration efforts, and the like.

But then in 1996, the parties discovered the issue ad, and it was off to the races. Both Presidential campaigns directly benefited from these kinds of ads—you know, the ones that do not explicitly say ''vote for'' or ''vote against'' a candidate, but they are nonetheless obviously aimed at directly influencing an election, obviously intentionally intended to cause someone to vote specifically for one candidate or another. And they used party soft money to pay for the ads.

Now, here is an irony, Mr. President. Just yesterday, Attorney General Reno announced yet another 90-day inquiry into the campaign finance scandals of the 1996 campaign. It has to do with issue ads run by the DNC, a portion of which were paid for with soft money. The allegation is that it was improper for the President to have participated in the development of that ad campaign. The McCain-Feingold amendment that is before us makes it very clear that such ads cannot be paid for with soft money and cannot be coordinated by the parties with their candidates. Yet some of the very people who are calling on the Attorney General to appoint this independent counsel are staunchly opposed to this amendment anyway.

We also already have seen the parties and outside groups preparing to exploit the phony issue ad loophole in this election. Over the next month, more and more election ads will begin appearing around the country, but because of that loophole, in many cases there will be no disclosure either of the spending itself or of the identity of the donors who are really behind the ads. These issue ad campaigns, Mr. President, are blatantly targeted at specific elections, but again their creators intentionally avoid the elections law, but avoiding the so-called magic words of ''vote for'' or ''vote against.''

Here is an example. The Capitol Hill newspaper Roll Call reported in July that the Republican Party is planning a $37 million issue advocacy campaign to begin running after Labor Day designed to help Republicans pick up seats in the House in November. Roll Call described the campaign as follows:

> Republican leaders are calling the plan ''Operation Break-Out:'' a comprehensive strategy to blanket as many as 50 to 60 battleground districts with ''issue advocacy'' television ads touting the GOP's success in balancing the budget, cutting taxes and reforming welfare.

The story then states that Republican officials predict that if Members help raise the $37 million, then the party will pick up as many as 25 additional seats. So they are candid. They are very upfront about the fact that this issue ad campaign is designed specifically to help elect more Republicans to the House, not just to talk about issues.

So here you have the leaders of a national political party designing a huge media plan specifically to elect candidates from that party, and specifically planning to take advantage of the phony issue ad loophole so they can at least partially pay for the campaign with soft money.

This is what the twin loopholes—soft money and phony issue ads—have led us to. And, of course, Mr. President, neither party is exempt. I have consistently maintained a bipartisan approach to this issue in my work with the senior Senator from Arizona and in my other work on this issue. And I will do so today.

A Democratic Party source is quoted in that same Roll Call story as saying that the Democratic Party is budgeting $6 million for issue ads and possibly a lot more. And, of course, the Republican Party justifies its plan as a preemptive strike against the labor unions that spent about $25 million on issue ads in the 1996 elections.

Mr. President, I ask unanimous consent that the entire Roll Call story be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Roll Call, July 23, 1998]

GOP PLANS TO ''BREAK OUT'' IN FALL ELECTION, LEADERSHIP WANTS $37 MILLION FOR AD CAMPAIGN

(By Jim VandeHei)

Speaker Newt Gingrich (R–Ga) and top GOP leaders have devised a $37 million ''issue advocacy'' media campaign and a detailed communications plan to deliver poll-tested messages to dozens of targeted Congressional districts in coming months, according to internal documents and several Republican sources familiar with the strategy.

The $37 million media campaign, the centerpiece of the Republicans' strategy, will be launched around Labor Day in an effort to preempt an anticipated ad blitz by the AFL–CIO and to define the agenda heading into November. Republican Members are expected to contribute or raise $15 million to $20 million total for the project, including $8 million in hard money in the next few weeks.

Republican leaders are calling the plan ''Operation Break-out:'' a comprehensive strategy to blanket as many as 50 to 60 battleground districts with ''issue advocacy'' television ads touting the GOP's success in balancing the budget, cutting taxes and reforming welfare.

Gingrich and National Republican Congressional Committee Chairman John Linder (Ga) predict that if Members help raise the $37 million, the GOP will pick up as many as 25 additional seats, according to GOP officials.

Operation Break-out, according to GOP leadership sources, also includes a new communications regime and a legislative agenda that caters specifically to the Republicans' financial contributors off Capitol Hill. These contributors, once placated, will be hit up during the August recess to help bankroll the ad campaign.

While Gingrich insisted in an interview that a 40-seat gain is possible, GOP strategists have determined that a net pickup of 15 of 25 seats in ''eminently doable'' if Members cough up millions of dollars for their colleagues before the August break, according to a GOP leadership source close to the effort.

Privately, top GOP leaders expect a net gain of five to ten seats unless the Operation Break-out is implemented.

Gingrich and company rolled out the $37 million issue-advocacy campaign to Members at a private meeting at the Capitol Hill Club yesterday and plan to brief key Members and staffers on the communications plan in coming weeks.

If Republican leaders can overcome internal opposition from key Members—including Majority Whip Tom Delay (Texas) and Conference Vice Chairwoman Jennifer Dunn (Wash)—the new election plan will be the vehicle Gingrich and company hope to ride to an expanded majority in November's elections, the sources said.

''I have always felt that we get weak-kneed in the spring and worry we'll lose seats,'' said Appropriations Chairman Bob Livingston (La), who has pledged $500,000 for the project.

''This is the best economy in 50 years, so it's the incumbents' time. This (new strategy) will help expand (our majority) even further.''

Democrats are not losing any sleep over the GOP's plan.

''Republicans will spend more than us, but we will be competitive in the area of issue advocacy,'' said Democratic Congressional Campaign Committee spokesman Dan Sallick, who added that Democrats will budget more than $6 million for issue advocacy and possibly ''substantially more.''

''As 1996 showed, we do not have to spend more money to be competitive''

SHAKING THE MONEY TREE

As of today, there are roughly 170 Republican incumbents who either have no opposition in November's election or token opposition from an inadequately funded challenger who has little chance of winning. Combined, these Members are sitting on almost $60 million in campaign funds, according to GOP strategists.

If Linder, Gingrich and the rest of the GOP leaders can pry some portion of that money from these Republican incumbents, they are confident that the NRCC can blanket as many as 60 Congressional districts with issue-based ads between Labor Day and Election Day.

''We can sit back, do little on the House floor, get out of here early and probably win five seats,'' said one GOP operative. ''But if we can get Members and (outside groups) to kick in $40 million more than we have budgeted, there's a damn good chance we can expand our majority by 20 to 30 seats.''

That's the message Gingrich and Linder delivered to Republican Members at the closed-door meeting yesterday.

And they promised to lead by example.

Gingrich, Majority Leader Dick Armey (Texas), Livingston and Rep. David Dreier (Calif) all pledged to kick in $500,000 each. Linder promised $200,000 from his personal account and Oversight Chairman Bill Thomas (Calif) pledged $100,000 and will urge other chairmen to follow suit.

Deputy Majority Whip Dennis Hastert (Ill) stood up at Wednesday's meeting and promised $150,000, and Reps. Tom Davis (Va), Jim McCrery (La) and Larry Combest (Texas) vowed to pump in $100,000 each. Even Rep. Chris Shays (Conn), a moderate Republican who has worked closely with Democrats on certain issues, pledged $50,000.

Top political strategists from the NRCC and certain leadership offices are reviewing campaign data from every Republican Member to determine how much money individual Members can afford to ante up. While no

specific targets have been spent, any Republican who is a cinch to win this November will be expected to contribute significantly to the effort.

''Members will be leaned on to help the team,'' said one leadership source.

Gingrich, Armey and Linder have formed a ''whip team'' of about 20 Members who will make sure that Members and outside groups are paying their fair share.

The whip team—which includes top GOP leaders and the party's most aggressive money men, such as Reps. Mark Foley (Fla) and Bill Paxon (NY)—will twist Members' arms for cash and lobby wealthy business leaders for sizable contributions, the sources said.

Their goal is to raise $8 million in hard money by August to prove to business leaders that Republican leaders are dead serious about expanding their majority. ''We know that business leaders are investors. They put their money on the party that will control this place. We want to show them that investing in Democrats is not wise,'' said another GOP leadership source.

By September, Gingrich and Linder predict that Members will have kicked in at least $15 million to $20 million and that corporate America and individual contributors will match that amount.

The last thing they want, according to strategists, is a repeat of the 1996 elections, when GOP Members sat $30 million-plus and the business community failed to raise one-quarter of what it promised for issue-advocacy ads.

SETTING THE AGENDA

A $35 million issues-based ad campaign financed by the AFL–CIO is widely credited with helping Democrats chip away at the Republicans' House majority in 1996.

AFL–CIO president John Sweeney picked about three dozen competitive districts and flooded the airwaves with ads hammering Republicans for gutting Medicare and blocking a minimum wage. The ads, Gingrich and Linder believe, defined the 1996 election before most candidates hit the campaign trails and cost the Republicans nine House seats.

The NRCC fired back with a $20 million issue-ad campaign and the pro-Republican Coalition dumped in $5 million more, but it was too little, too late, Republicans say.

This year, GOP leaders plan to beat the AFL–CIO and the Democrats' allies to the punch, Linder has told Members.

The reason for such an ambitious issue campaign, sources said, was that internal polls found that the Republican message on key issues like education and the budget were more popular than expected in the most competitive districts.

Republican operatives picked the 28 most competitive districts and tested the Republicans' positive message versus the Democrats' positive message; on virtually every topic, Republicans learned they could win a head-to-head debate, sources said.

''The bottom line is . . . we are going to be competitive with labor . . . and we are going to have the debate on our turf,'' said NRCC spokeswoman Mary Crawford. ''And with these two goals in mind we will determine where we need to run these spots and when.''

THE PLAY BOOK

In a recent interview, Gingrich admitted that communications, internally and externally, has been a disaster for Republicans at serveral points since winning the majority in 1994.

The behind-the-scenes battle for control over communications has soured Gingrich's relationship with Conference Chairman John Boehner (Ohio) and has been a source of friction during countless leadership meetings. As late as a month or so ago, control over the message led to a nasty fight between Boehner and Dunn, and their relationship remains icy at best, according to several sources.

Congnizant that communications is the weakness, top advisers for Gingrich, Armey and Boehner have spent the past two months writing a Republican ''playbook,'' which will be distributed to Members soon. The playbook, which provides Members with the party line on a variety of topics, outlines a unified message for the campaigning Republicans, according to a draft copy of the document.

Top Republicans have also revamped the communications structure to make sure the message is filtered down to rank-and-file Members and broadcast outside to Republican supporters and likely voters. Gingrich's office will schedule Members for Sunday talk shows; Armey will control the message on the floor; DeLay will use his whip team to distribute the message du jour to Members; and Boehner will write the overall communications message.

Armey's office is also responsible for making sure that hard feelings between GOP leaders do not interfere with disseminating the message. GOP leadership sources said that will not be an easy task.

Already, there is concern among some GOP leaders that DeLay and Dunn are spending too much time privately briefing Members on a separate communications strategy that could divert Members' attention away from the overall plan, according to leadership sources. While most leaders are confidant that that problem will be taken care of by week's end, other sources said it shows that distrust and competitiveness could hamper the leadership's campaign problems.

But on Wednesday, DeLay spokesman John Feehery said: ''Mr. DeLay supports what they are doing. I think he believes that anything that helps him do his job, like getting more Republicans, is something that should be done. A lot of our concerns have been met.''

Mr. FEINGOLD. This arms race of soft money spending on issue ads has to stop. And the way to do that is to ban soft money and bring these types of ads within the election laws in a fair and reasonable way that respects the constitutional rights of all citizens. That is what we have done in the McCain-Feingold bill. Contrary to the completely inaccurate and sometimes dishonest advertisements that have been run across the country saying that we use a different approach, we, in fact, maintain a clear respect for free speech, which both Senator MCCAIN and I strongly adhere to. We have addressed in our bill, which is in the form of the amendment before us today, the two biggest problems in our campaign finance system—soft money and phony issue ads.

Mr. President, if we do not act on this bill, the exploitation of the loopholes will continue to spiral out of control. In the year 2000, we will see both Presidential candidates promising to limit their private fundraising in order to receive public funds while their parties pursue parallel or even intertwined campaigns with issue ads funded by as much as $600 million in soft money.

Is that the kind of campaign we want to see in the first Presidential election of the next century? I do not think so. We need to make the next campaign a cleaner, less corrupt, less out of control Presidential campaign. We do not want more of the same of what we saw in 1996.

Mr. President, all across the country the American people are telling us that they do, in fact, overwhelmingly support the McCain-Feingold bill. Recent polls conducted in eight States during the month of August by the Mellman Group for the advocacy group Public Campaign showed that strong majorities, ranging from 58 percent in Mississippi to 75 percent in New Hampshire, are in favor of the McCain-Feingold bill. And this support is constant—it is constant, Mr. President—across demographic groups and across party lines. In fact, in seven of the eight States polled, believe it or not, Republican voters were more likely to support the bill than Democrat voters.

Editorial boards across the country are constantly calling on us to act. And it is not just the Washington Post and the New York Times, although they have been wonderful advocates for this much-needed change; it is also the Hartford Courant, the Kansas City Star, the St. Louis Post-Dispatch, The Tennessean, and the Charleston Gazette.

The message from each of these editorial boards is that this body, the Senate, has one last chance to salvage some semblance of respect on the issue of campaign finance reform. After all the investigations, all the allegations, and all the finger-pointing of the last 2 years, this is the chance to show that we care, that we think there is something wrong with such a corrupt system. This is the chance.

Now, these writers know that McCain-Feingold is not perfect, and I agree with that. But they think it will make a difference and that it should be passed and that it should be sent to the President.

Mr. President, I ask unanimous consent recent editorials from each of the fine newspapers I just mentioned be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Hartford Courant, Sept. 4, 1998]

LISTEN TO THE PUBLIC, MR. LOTT

After a monthlong summer recess, senators returned to Washington this week to find a full agenda and only a short time to work through it. High on the to-do list should be campaign finance reform. But getting that legislation to the floor for a vote will be a daunting struggle despite the fact reform is favored by a majority of Americans.

Appalled by the fund-raising abuses in the 1996 elections, the public wants change. Republican congressional leaders, however, are comfortable with the status quo.

It would be a pity to let this opportunity to clean up the political system pass by. Reformers must redouble their efforts. Citizens who want the campaign finance cesspool drained must let Congress know how they feel.

Before the August vacation, the House passed the Shays-Meehan bill to eliminate soft money—the unrestricted, unregulated

contributions (in effect, payoffs) from corporations, unions and wealthy individuals that are corrupting politics. House reformers triumphed because there were enough Democratic votes and enough courageous Republicans such as Rep. Chris Shays of Stamford to win the day.

As considerable risk to themselves, Republican House members bucked their party leadership's opposition to change.

The Senate version of the soft-money ban, called the McCain-Feingold bill, was favored by a majority of the 100 senators when the issue was taken up earlier this year. But backers coundn't get the 60 votes needed to shut off a filibuster mounted by Republican leaders.

Quashing a filibuster will again be difficult.

Senate Majority Leader Trent Lott and other top Republicans are ''dead set against reform,'' Sen. Joseph I. Lieberman of Connecticut observed recently. ''They don't feel that they will suffer any consequences if they don't bring it up. They feel that people just don't care.''

That isn't what the polls say. But people have to act on the disgust they feel toward a system under which politicians become the wards of favor-seekers with lots of money. The public should apply pressure on politicians who scoff at the idea of cleaning up the system.

Connecticut's senators—Mr. Lieberman and Christopher J. Dodd—long have favored change in the way campaigns are financed. They should assume high-profile, leadership positions in making the case for the Senate version of reform. These two Democrats should use their powers of persuasion to bring reluctant colleagues of both parties aboard the reform cause.

As Mr. Shays and his Democratic partner, Martin Meehan of Massachusetts, proved, the good fight can be won even against long odds.

[From the Kansas City Star, Sept. 3, 1998]

VOTE NEEDED ON CAMPAIGN FINANCE

A showdown on campaign finance reform is shaping up in the U.S. Senate. The test will be whether a minority of the Republican-dominated body can continue to block action on legislation that would outlaw the scandalous fund-raising and spending that occurred in the 1996 elections.

The access and influence bought by moneyed interests are contaminating our political system. Ordinary citizens are increasingly locked out of the policy-making decisions on Capitol Hill.

The fight in the Senate is over the McCain-Feingold bill, a measure considered dead until recent weeks. Earlier this year a bipartisan majority of the Senate voted for McCain-Feingold, which is co-sponsored by Sens. John McCain, Arizona Republican, and Russell Feingold, Wisconsin Democrat.

Despite that vote, a GOP-led filibuster prevented the Senate from a final decision on the bill. Reformers, including all Democrats and some Republicans, failed by eight votes to get the 60 necessary to halt the filibuster. Thus a minority of Republicans blocked a measure that would bring genuine reform to the way campaigns are financed.

The issue was revived when the House passed a bill last month similar to McCain-Feingold, setting the stage for new action in the Senate.

Based on previous performance, no help is expected from Missouri and Kansas senators. They seem satisfied with the current arrangement.

The McCain-Feingold bill and the House-passed measure would prohibit ''soft money,'' the funds that are contributed by corporations, labor unions and wealthy individuals to the political parties. Soft money funding, which is not limited or regulated, is supposed to be used for party-building activities, but not specific candidates. This rule was largely ignored in 1996.

The majority votes for campaign finance reform in both houses of Congress this year reflect broad support for change. That sentiment disputes the contention of many members of Congress that the public is not interested in the issue. Opinion polls also show overwhelming public support for reforms.

That is why the Senate Republican leadership is obligated to allow a new vote on campaign finance reform before adjournment.

[From the St. Louis Post-Dispatch, Aug. 31, 1998]

DO THE RIGHT THING

If the two gentlemen running for the U.S. Senate would stop kicking each other in the shins, each would see a monumental opportunity to serve the public good while serving his own political interest.

Attorney General Jay Nixon should sit down at the negotiating table and not get up until he has a settlement in the St. Louis school desegregation case. A settlement would be good for the schoolchildren and would mend political fences with African-Americans upset by Mr. Nixon's extreme opposition to the desegregation program.

Meanwhile, Sen. Christopher S. Bond, R–Mo., should go back to Washington this week where he holds a key vote for campaign finance reform. Passage of the McCain-Feingold bill would restore people's faith in the political process and spotlight Mr. Bond's willingness to occasionally stand up to misguided GOP leadership.

DESEGREGATION

The Missouri Legislature provided Mr. Nixon with the tools to work out a settlement of the school desegregation case with the NAACP, which represents African-American children. The Legislature passed SB 781, which would provide $2 in new state aid to the St. Louis schools for every additional $1 raised locally in taxes. This would enable the city to fund desegregation programs, like the magnet schools.

SB 781 also continued the transfer program under which about 12,000 black children from the city attend suburban schools.

In this way, SB 781 took away Mr. Nixon's main legal arguments. Across many years and in many courts Mr. Nixon has argued that the transfer program has never been legal and that the state obligation to help fund desegregation programs in St. Louis should end soon.

Legally disarmed, Mr. Nixon should be able to settle pronto.

There have been recent rumblings that some suburban school districts are causing problems behind the scenes by making unreasonable demands to get out of the transfer program. Mr. Nixon should simply sidestep that sideshow and settle the case with the NAACP. Those two sides should be able to obtain a final judgment from the court.

Mr. Nixon has complained recently that his civil rights record is actually better than Mr. Bond's. Yet some African-American leaders seem to want to judge Mr. Nixon on his deeds rather his words.

There is one way for the attorney general to counter: Do something. Settle the case.

CAMPAIGN FINANCE

Distressingly, Mr. Bond joined the GOP leadership to kill the McCain-Feingold campaign finance reform bill earlier this session.

The bill had majority support, but needed eight more Republican votes to escape a filibuster. At the time the bill was killed in the Senate, it didn't look as though it would pass in the House. But in Phoenix-like fashion, the House version of the bill—Shays-Meehan—passed this summer.

Mr. Bond now has an opportunity to reconsider in light of the changed circumstances. Mr. Nixon, who supports the bill, should keep the heat on this issue.

When Mr. Bond helped kill the bill, he said he was acting on First Amendment concerns. Although the free speech questions are not frivolous, the bill appears to be constitutional. The bill would ban ''soft'' money—the huge gobs of dough that political parties raise for campaign purposes from corporate and union treasuries, wealthy individuals and foreign nationals.

Federal law now bars ''hard'' money contributions to individual candidates from corporations, unions and foreign citizens. Extending this ban to soft money simply recognizes that soft money is used for electing candidates, too. There should be no First Amendment problem.

The other main part of the bill regulates issue ads within 60 days of an election or when the ads are clearly intended for campaign purposes. Politically active organizations—like those for or against abortion rights—could not use organization funds for these issue ads. They would have to set up political action committees. That would require disclosure of donors and $5,000 contribution limits. Issue ads are clearly at the core of protected speech, but the Supreme Court has given Congress latitude in regulating speech when it is for campaign purposes.

Frankly, Mr. Bond, the First Amendment arguments do not justify the GOP leadership's morally bankrupt position on campaign finance. Senate Majority Leader Trent Lott talks a lot about President Bill Clinton's campaign abuses, but he won't reform the system that allowed them.

The GOP claims that Mr. Clinton's abuses were illegal. But most of those big $100,000 contributions were legal, soft money contributions, obviously intended to buy access and favorable consideration—and maybe a night between the sheets in the Lincoln bedroom.

In the end it comes down to the voters. Holding Mr. Bond's feet to the fire on campaign finance reform and Mr. Nixon's on school desegregation would be a lot better use of this election than sitting idly by and watching the attack ads that distort, demogogue and demean the entire process.

[From the Tennessean, Aug. 31, 1998]

SALVAGE SORRY SESSION WITH CAMPAIGN REFORM

The U.S. Senate comes back from recess today with a long agenda, a short calendar, and an even shorter list of accomplishments to date.

It's already snuffed out anti-smoking legislation. It has shoved to the back burner President Clinton's proposal to expand a self-financed form of Medicare to early retirees. It has largely ignored the administration's call to provide more teachers and more federal money to public schools. The prospects for reaching consensus on a massive bankruptcy bill or the so-called Patients Bill of Rights are slim indeed this year.

And with five weeks left on the Senate calendar, some members might be satisfied just to pass the necessary appropriation bills and head for home.

But such a minimalistic approach from the Senate, however, would shortchange the public. The Senate can still salvage this unproductive year by focusing its energy and effort on one extremely worthy area, the McCain-Feingold campaign finance bill.

Since this bill's House counterpart has already passed, the Senate adoption of

McCain-Feingold could send the reform measure to the President's desk.

The heart of the bill is a ban on ''soft money,'' which is now largely unregulated and can therefore be given in unlimited quantities by individuals, unions or corporations. The elimination of soft money would greatly reduce the aggregate amount of political money.

A majority of the Senate is already on record in support of McCain-Feingold. The obstacle, however, comes down to eight votes the number of Republican senators who need to switch their votes on cloture so the bill can come up for a vote.

The opponents to this bill, led by Sen. Mitch McConnell, R-Ky., believe they have made it through the August recess without any defections. And in truth, the opponents are counting on public apathy to help kill the measure. McConnell has remarked on several occasions that the public doesn't really care about campaign finance reform.

It's not too late to prove him wrong. Although the public may not know the intricacies of campaign law, it cares deeply when it sees its leaders kowtowing to big money while they ignore average citizens.

Sen. Fred Thompson has been a strong supporter of McCain-Feingold from the start. Tennesseans who want to see a measure of reason restored to the campaign finance process should contact Sen. Bill Frist, and ask him to vote for cloture on this issue.

The McCain-Feingold bill would not cure all that ails the U.S. political system. But it would greatly weaken the ties between big money and politicians. The result would necessarily be a more responsive government. Eight additional votes needed for cloture.

[From the Charleston Gazette, Aug. 27, 1998]

POLITICAL CASH CLEAN UP THE CESSPOOL

Americans have turned cynical about Congress, assuming that big-money pressure groups buy influence by lavishing cash on senators and representatives.

High-cost campaigning forces Congress members to be ''bag men,'' carrying home loot from every lobbying interest wanting legislation. Republicans get most industry money, so they resist every attempt to dam the cash river. But they've lost a few battles—and another victory for the public seems within reach.

On Aug. 6, the House strongly passed the Shays-Meehan campaign finance reform bill, which bans unlimited ''soft money'' gifts to political parties. Speaker Newt Gingrich, R-Ga., and other GOP leaders fought it, but 61 Republicans defected and voted with Democrats to pass the bill. (Disgustingly, West Virginia Democrats Nick Rahall and Allan Mollohan jumped the other way and joined the Republicans.) Now it's in the Senate, which returns from summer recess Monday. Passage in the Senate is tougher because a GOP filibuster is likely, and a three-fifths majority is needed to break a filibuster. Twice before, attempts to ban soft money were killed by Republican filibusters despite unanimous Democratic support.

But this is an election year, and GOP senators don't want voters to see them as defenders of the cash sewer. Perhaps a few more will switch sides, creating the three-fifths majority. We surely hope so. After the House victory, the New York Times said: ''The House action was a milestone in a journey that began with the first disclosure of campaign fund-raising excesses in the 1996 presidential election. Hearings into those abuses last year were clouded with partisan acrimony. But on Monday Republicans and Democrats showed they could work together.

''Gingrich and his henchmen, especially Tom DeLay, tried to portray the legislation as revolutionary. In fact, it simply closes loopholes in the existing law by banning unlimited 'soft money' donations to political parties from corporations, unions and rich individuals.'' The newspaper said the House vote ''kindles genuine hope that Congress does listen to the public's yearning for a more accountable political system. Members of the House or the Senate will now ignore that message at their peril.''

Exactly. Any senator who opposes the Shays-Meehan bill is voting to keep the money flood pouring—in effect, voting for disguised bribery. We hope that election-year pressure is enough to push through the cleanup.

Mr. FEINGOLD. Mr. President, again, we are down to 8 votes out of 535 Members of Congress. After a clear demonstration that a bipartisan majority in both Houses support this bill, we are just down to eight votes, eight votes to break the filibuster that is holding up this important reform bill.

This isn't one of those situations where we haven't had votes to see if there might be a majority. We have. We had the votes in March, in February, and it was clear that a bipartisan majority of this body supports McCain-Feingold. So it is only the filibusterers, a minority of this body, who are standing against the majority of this body and the other body. We will soon see whether eight more Senators are ready to do what so desperately needs to be done.

Time and time again the senior Senator from Arizona and I have said we are more than willing to entertain changes to our bill that will allow us to get those eight votes, as long as the basic integrity of the bill remains intact. We reached that kind of agreement with Senators SNOWE, JEFFORDS and CHAFEE, and it led to our proving that a clear majority in this body supports McCain-Feingold.

I say to all of my colleagues, but especially the 48 who have not yet joined the majority, if you are one of the potential eight votes, if before the end of this year you want to show that you do care about the corrupting influence of money in our political process, and if you have a particular concern or problem with the amendment that is on the floor now, please come talk with us. I have had several fruitful conversations with some of these potential Senators and I look forward to more of them. Let's try to come to some agreement that will allow us to give the American people what they so desperately want from this Congress—a campaign finance reform bill that will make the first election of the next century one of which we can all be proud.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, the American body politic has a disease. It is a serious disease that some would argue is a critical disease. It is called ''the money chase.'' No party and few candidates are immune from it. The good news is that it is curable. The bad news is that there may be enough Members in this body—the Senate—who want to block the cure so that the cure cannot succeed.

To inoculate our democratic system against this disease, we passed a series of laws in the 1970s to limit the role of money in Federal elections. It was our intent at that time to protect our democratic form of government which relies so heavily on the interchange of ideas and actions between the government and the private sector and to protect our form of government from the corrosive influence of unlimited and undisclosed political contributions. We wanted to ensure that our elected officials were neither in reality nor in perception beholden to special interests who are able to contribute large sums of money to candidates and their campaigns. These laws were designed to protect the public's confidence in our democratically elected officials.

For many years those laws setting limits on campaign contributions worked fairly well.

The limits that they set were respected, and these limits, indeed, are still on the books today. Those same laws that purportedly set limits on how much people can contribute to campaigns are on the books. And here is what they say.

Individuals aren't supposed to give more than $1,000 to a candidate per election, or $5,000 to a political action committee, or more than $20,000 a year to a national party committee, or $25,000 total in any one year. Corporations and unions are supposed to be prohibited from contributing to any campaign. Contributions from foreign countries, foreign citizens, and foreign corporations are prohibited. And Presidential campaigns are supposed to be financed with public funds.

That is the law. That is what it says on the law books today. Yet in the last few years we have heard story after story after story about contributions of hundreds of thousands of dollars from individuals, corporations, and unions, and even about contributions from foreign sources. And we have heard stories about Presidents and Presidential candidates spending long hours on fundraising tasks.

Now, how is that possible? Well, what has happened is that a pretty good law setting limits on the size and source of contributions had some soft spots which, over the years, both parties took advantage of. Both parties pushed up against those soft spots and created holes in the law, big loopholes that allowed the big money to pour in.

So now there are effectively no limits at all. That is why we hear about a $1.3 million contribution to the RNC from just one company in 1996, and a half-million dollar contribution from just one couple to the DNC the same year.

Some in this Chamber like it that way. They don't want any limits. The majority leader has said it is ''the American way.''

I disagree. We have got to plug those loopholes. We have to make the law whole again and, in making it whole, to make it effective. If we don't do that, we risk losing the faith the American people have that we represent their best interests.

Soft money has blown the lid off the contribution and spending limits of our campaign finance system. Soft money is the 800-pound gorilla sitting right in the middle of this debate. Some want to pretend that it is not there, but it is. Soft money is at the heart of this problem. All soft money means is money which is unregulated and unlimited that, for one reason or another, crawls through that loophole that has been pierced by both parties in our campaign finance limits.

Look at the most recent data. In the 1996 election, Republicans raised $140 million in soft money contributions, while Democrats raised $120 million—almost as much. In the first 18 months of the 1998 election cycle, Republicans have raised about $70 million, and Democrats have raised about $45 million. That was double the amount that both parties raised in the first 18 months of the 1996 elections. That money currently is legal, and it is legal because of the loopholes in the law that we must close with the McCain-Feingold bill.

The way both parties have gotten around the law of the 1970s has been to establish a whole separate world of campaign finance. It is the world of soft money—contributions that are not technically covered by the limits under current law. Once that soft money loophole was opened, once the loophole was viewed as legitimate, the money chase was on by both parties. Couple that with the high cost of television advertising, and you have the money chase involving just about all candidates.

The chase for money has led most of us in public office or seeking public office to push the envelope, to take the law to the limits, to get the necessary contributions.

The money chase led the head of the Republican National Committee, Haley Barbour, to use a subsidiary of the RNC, the National Policy Forum, to obtain some $750,000 in what, practically speaking, became a foreign contribution from a Hong Kong businessman to run ads in key congressional races.

The money chase drove the actions of Roger Tamraz, a large contributor to both parties who, during last year's investigation, became the bipartisan symbol for what is wrong with the current system. Roger Tamraz served as a Republican Eagle in the 1980s during Republican administrations and a Democratic trustee in the 1990s during Democratic administrations. He was unabashed in admitting his political contributions were made for the purpose of getting access to people in power. Tamraz showed us in stark terms the all too common product of the current campaign finance system—using unlimited soft money contributions to buy access. And despite the condemnation by Members of Congress and the press of Tamraz's activities, when asked at a hearing to reflect on his $300,000 contribution to the Democrats in 1996, Tamraz said, ''I think next time I'll give $600,000.''

What happened to the limits? What happened to the $1,000 limit and the $5,000 limit on PAC contributions, and the overall $25,000 limit per year? What happened to the intent of this Senate and the House of Representatives back in the 1970s to establish limits on contributions to candidates? How is it that a Roger Tamraz can unabashedly appear in front of a Senate committee and say, ''Yes, I gave $300,000 to the Democrats. I did it to gain access.'' And when asked, ''Would you do it again?'' indicated that, next time, he'll give $600,000, if necessary.

Now, what do we believe the public feels and senses when they hear and see that? What do we think goes through the average person's mind when they see a Roger Tamraz unabashedly, boldly, without any shame, saying, ''Hey, I can give you guys $300,000, I can give you $600,000, using that loophole, and I will do it again''?

Is that what we want our election system to be—when we have passed a law which says $1,000 to a candidate, $25,000 overall in a year, that somebody can just appear in front of a Senate committee and say, ''Yes, I gave $300,000, nothing illegal about that. I used the soft money loophole, folks. If you don't like it, close it. If you want to put limits on how much money I can give, close the loophole. But until you do it, I am going to keep on giving it''?

That is the Tamraz challenge to us. That is the gauntlet that he has laid down in front of us, both parties. Answering his challenge cannot be done on a partisan basis. There is no way we are going to reform these laws unless enough Democrats and enough Republicans come together, as they did in the House of Representatives, and say enough is enough. We intended limits, we intended limits to apply, and we are going to close the loopholes which have obviated those limits, destroyed them, undermined them and, in the process, undermined the confidence of the American people.

The money chase also pressures political supporters to cross lines they should not in order to help their candidates get needed funds.

The money chase led a national finance chair of Senator Dole's presidential campaign, Simon Fireman, to engage in a 5-year money laundering scheme which funneled $120,000 through a secret Hong Kong trust to his employees who contributed to the candidates he supported. Similarly, the money chase led members of the Lum family, a father, mother and daughter, to funnel $50,000 through company employees and stockholders to Democratic candidates they supported, resulting in the first guilty pleas in the Justice Department's ongoing campaign finance fraud case.

The money chase led a foreign corporation, Korean Airlines, and four U.S. subsidiaries of foreign corporations from the same country to funnel illegal contributions through their employees to a Republican Member of Congress JAY KIM, resulting in $1.6 million in corporate criminal fines.

The money chase in political campaigns is a serious disease that has become chronic and too many of us have been affected by it. Too many of us have spent too much time fund-raising and in the process, pushing the fund-raising rules to their limits. Most of us know in our hearts that the money chase is a bipartisan problem and the bipartisan solution is the McCain-Feingold bill.

But we have been here before. During my career in the Senate I have lost count of the number of times that this body has debated the need for campaign finance reform, been presented with reasonable bipartisan proposals, yet, in the end, failed to get the job done.

Will this time be different?

The Senate has before it a bipartisan campaign reform bill, the McCain-Feingold bill, that would do much to repair our campaign finance system. It is not a new bill. It has been before this body for years now and has received sustained scrutiny from Members on both sides of the aisle.

It is a bill that recognizes that the bulk of troubling campaign activity is not what is illegal, but what is legal—what is currently legal because of the soft money loophole. The McCain-Feingold bill takes direct aim at closing the loopholes that have swallowed the election laws. In particular, it takes aim at closing the soft money and issue advocacy loopholes, while strengthening other aspects of the federal election laws that are too weak to do the job as they now stand.

I have heard experts and my colleagues condemn the excesses of the 1996 elections. I've also heard people bemoaning the lack of tough civil and criminal enforcement action against the wrongdoers. But there is an obvious reason for the lack of strong enforcement—the existing Federal election laws are riddled with loopholes and in many respects unenforceable. And as much as some want to point the finger of blame at those who took advantage of the campaign finance laws during the last election, there is no one to blame but ourselves for the sorry state of the law.

The soft money loophole exists because we in Congress allow it. The so-called issue advocacy loophole exists because we in Congress allow it to exist. Tax-exempt organizations spend millions televising candidate attack

ads days before an election without disclosing who they are or where they got their funds because we in Congress allow it.

It is time to stop pointing fingers at others and take responsibility for our share of the blame. Congress alone writes the laws. Congress alone can shut down the loopholes and reinvigorate the Federal election laws.

The Federal Election Campaign Act was first enacted 20 years ago, in response to campaign abuses uncovered in connection with the Watergate scandal. Congress enacted a comprehensive and tough system of laws, including contribution limits and full public disclosure of all campaign contributions and expenditures.

At the time they were enacted, many people fought against those laws, claiming they were an unconstitutional restriction of First Amendment rights to free speech and free association. The laws' opponents took their case to the Supreme Court. The Supreme Court issued the Buckley decision, which held both contribution limits and disclosure requirements were constitutional.

I want to repeat that, because Buckley is thrown around quite a bit on this floor, so I want to just repeat that last statement. Buckley upheld the constitutionality of contribution limits.

There are those who say we should not, or cannot, limit the amount of contributions. We do limit the amount of contributions, and Buckley said that we can. The question now is whether we close the loopholes which have destroyed those limits. But in terms of the constitutionality under the first amendment, Buckley upheld the constitutionality of limits on campaign contributions.

The Buckley court wrote specifically—relative to disclosure requirements, by the way—that:

> While disclosure requirements serve the many salutary purposes discussed elsewhere in this opinion, Congress was entitled to conclude that disclosure was only a partial measure and that contribution ceilings were a necessary legislative concomitant to deal with the problem.

And the court held in Buckley that:

> We find that under the rigorous standard of review established by our prior decisions, the weighty interests served by restricting the size of financial contributions to political candidates are sufficient to justify the limited effect upon first amendment freedoms caused by the $1,000 contribution ceiling. Congress was justified [the Buckley court wrote] in concluding that the interest in safeguarding against the appearance of impropriety requires that the opportunity for abuse inherent in the process of raising large monetary contributions be eliminated.

That is Buckley explicitly holding that Congress can set and enforce contribution limits, and that the first amendment does not preclude us from doing so. The Buckley court also wrote:

> It is unnecessary to look beyond the Act's primary purpose—to limit the actuality and appearance of corruption resulting from large individual financial contributions—in order to find a constitutionally sufficient justification for the $1,000 contribution limitation. Under a system of private financing of elections, a candidate lacking immense personal or family wealth must depend on financial contributions from others to provide the resources necessary to conduct a successful campaign. . . . To the extent that large contributions are given to secure political quid pro quo's from current and potential office holders, the integrity of our system of representative democracy is undermined. . . . Of almost equal concern is . . . the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions. . . .

Roger Tamraz spent $300,000 buying access and said, ''I'll double it next time.'' Buckley, the Supreme Court, said:

> Of almost equal concern . . . is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions. . . .

Congress [the Buckley court held] could legitimately conclude that the avoidance of the appearance of improper influence . . . is also critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent.

That is Buckley. That is Buckley ruling on contribution limits. That is Buckley saying that Congress could legitimately conclude, to use its words, that ''the avoidance of the appearance of improper influence . . . is also critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent.''

That is Roger Tamraz' challenge to us.

And when he and others say, ''I can give $300,000 because of that soft money loophole, and I'll double it next time,'' the Supreme Court says that Congress can legitimately conclude that the avoidance of the appearance of improper influence ''is also critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent.''

The Buckley Court also upheld the disclosure limits that we had in the law. In upholding both the contribution limits and the disclosure requirements, the Supreme Court used a balancing test that weighed the first amendment rights against the integrity of Federal elections, and the Court ruled that the integrity of our elections is so compelling a Government interest that contribution limits and disclosure requirements are constitutionally acceptable.

Some have argued that McCain-Feingold is an unconstitutional restriction of free speech, but that analysis leaves out several key legal considerations.

First, although Buckley is often cited in support of that argument, Buckley, as a matter of fact, is the decision that upheld contribution limits and disclosure requirements. Buckley did strike down spending limits, but not contribution limits which Buckley affirmed. Spending limits were stricken by Buckley, but no one is talking about mandatory spending limits in this bill. What we are talking about is contribution limits and disclosure requirements, exactly what Buckley said is a constitutional means to protect the integrity of our elections, to deter corruption and the appearance of corruption, and to inform voters.

Some have correctly cited other court decisions holding that only ads which contain a short list of so-called magic words can be subjected to the Federal election law requirements and limits relative to contributions, but that analysis leaves out a decision in the ninth circuit in the Furgatch case which holds that the list of magic words, which those other courts cited, ''does not exhaust the capacity of the English language to expressly advocate the election or defeat of a candidate.''

The analysis by some relative to issue ads also leaves out, in addition to ignoring the ninth circuit Furgatch case, the fact that the Federal Election Commission has reaffirmed, on a bipartisan basis, its commitment to a broader test that goes beyond the magic words to unmask ads that claim to be discussions of issues but which are clearly intended to advocate the election or defeat of a Federal candidate.

The Supreme Court has yet to rule on the Federal Election Commission regulation or whether the magic words must be present before Federal election laws can be applied to ads that clearly attack or support candidates.

Despite attempts to depict the constitutional picture as providing crystal clear support for unfettered speech, no matter how corrupting of our electoral system, that is not the state of the law. To the contrary. The Supreme Court has repeatedly held that the integrity of our elections is a weighty concern which Congress can consider. The question is how to balance that concern for the integrity of elections against the free speech concerns in the first amendment.

How do you balance the two? In Buckley, the Court balanced them by saying contribution limits are constitutional; disclosure requirements are constitutional; spending limits, expenditure limits are not. That is what the Buckley Court ruled. This bill, our bill, is consistent with Buckley, consistent with Furgatch, and consistent with the Federal Election Commission s reaffirmation of the broader test for candidate advocacy.

The problem with our campaign laws is that candidates and parties have pushed against the limits of the law and found loopholes to such an extent that the law's limits are no longer effective. We intended to establish limits after Watergate. Those limits have been destroyed by the soft money loophole.

The Supreme Court said we can, in fact, limit contributions. The issue before us is whether we will restore those limits on contributions. Individuals can now give parties hundreds of thousands of dollars, millions of dollars at a

time, claiming that they are providing soft money rather than the hard money that has to meet the legal limits. Corporations, which are not supposed to make direct contributions at all, now routinely contribute huge sums to both parties, millions to both parties. While those contributors claim to be providing money that is simply for party-building purposes and not for candidates, the issue advocacy loophole allows parties and others to televise ads that clearly attack or support candidates while claiming to be discussions of issues beyond the reach of the election laws, but which are indistinguishable from candidate ads which are subject to contribution limits and disclosure requirements.

To show the absurd state of the law, at least in some circuits, we can just look at one of the 1996 televised ads that was paid for by the League of Conservation Voters and which referred to House Member GREG GANSKE, a Republican Congressman from Iowa, who was then up for reelection. This is the way the ad read:

It's our land; our water. America's environment must be protected. But in just 18 months, Congressman Ganske has voted 12 out of 12 times to weaken environmental protections. Congressman Ganske even voted to let corporations continue releasing cancer-causing pollutants into our air. Congressman Ganske voted for the big corporations who lobbied these bills and gave him thousands of dollars in contributions. Call Congressman Ganske. Tell him to protect America's environment. For our families. For our future.

The ad sponsor claimed that was an issue ad, an ad that discussed issues rather than a candidate, and so could be paid for by unlimited and undisclosed funds. If one word were changed, if instead of ''Call Congressman Ganske,'' the ad said, ''Defeat Congressman Ganske,'' it would clearly qualify as a candidate ad subject to contribution limits and disclosure requirements.

In the real world, that one word difference doesn't change the character or substance of that ad at all. Both versions unmistakably advocate the defeat of Congressman GANSKE. But the ad sponsor claims that only one of those ads must comply with election law contribution limits and disclosure requirements. That doesn't make sense, and McCain-Feingold would help close down that interpretation of the law.

This is not the first time that loopholes have eroded the effectiveness of a set of laws. It happens all the time. The election laws are just the latest example. Congress is here partly to oversee the way that laws operate, to close loopholes that have been discovered.

The question is, What are we going to do about it?

The time for crying crocodile tears about campaign fundraising is over. Folks should wipe away those crocodile tears from their eyes, because if they do, they will see a public disgusted with both parties for allowing unlimited fundraising and contributions in our Federal elections. Seventy-three percent of American people in a poll conducted by the Los Angeles Times believe both parties committed campaign finance abuses in the 1996 elections; 81 percent—81 percent—of the American people believe the campaign fundraising system needs to be reformed; 78 percent of the American people believe we should limit the role of soft money.

Campaign finance reform is an issue that can convert a dedicated optimist into a doomsayer, but we have before us a bipartisan bill that provides the key reforms, that has passed the House and that the President will sign.

We have before us a bipartisan bill which a majority in the Senate support, and we have a bipartisan coalition that is willing to fight hard for this bill.

So let us stop complaining about weak enforcement of the election laws when the wording of those laws make them virtually unenforceable. Let us stop feigning shock at the laws' loopholes while allowing them to continue. It is time to enact campaign finance reform. That is our legislative responsibility. Otherwise, we are going to be haunted by the words of Roger Tamraz that in the next election it will be $600,000 instead of $300,000.

Mr. President, I thank the Chair and yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. MCCONNELL). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me thank my colleagues. I thank Senator LEVIN for his remarks. I thank him for his unbelievable dedication in trying to push through reform legislation. He has been at this a long time. This is the time to do it; I agree with my colleague. We have an opportunity. We have a bill that was passed on the House side. It is a bipartisan measure. We have a public that is calling for the change. And I agree with you, I say to the Senator; now is the time to pass this legislation.

I also thank my colleagues, Senator MCCAIN, Republican from Arizona, and Senator FEINGOLD, Democrat from Wisconsin. I have a special kind of affection for both of my colleagues. I think Senator MCCAIN is principled; he speaks out for what he believes in; he is a courageous legislator. I think Senator FEINGOLD has emerged here in the U.S. Senate as a leading reformer. He is my neighbor. I am a Senator from Minnesota, and I tell you, people from Minnesota who follow Russ FEINGOLD's work have a tremendous amount of respect for him. I am honored to be an original cosponsor of this legislation.

I do not know exactly where to get started. It is interesting. Senator Barry Goldwater told it like it is. I went to Senator Goldwater's service in Arizona, not because I was necessarily in agreement with him on all the issues. As a matter of fact, some of my good friends, Republican colleagues, who were on the plane with me kept giving me Barry Goldwater's book ''Conscience of a Conservative'' and kept telling me if I had read that book when I was 15 I would be going down the right path. I told them I did read the book when I was 15. I just reached different conclusions.

Senator Goldwater about a decade ago said:

The fact that liberty depended on honest elections was of the utmost importance to the patriots who founded our nation and wrote the Constitution. They knew that corruption destroyed the prime requisite of constitutional liberty, an independent legislature free from any influence other than that of the people. Applying these principles to modern times, we can make the following conclusions. To be successful, representative government assumes that elections will be controlled by the citizenry at large, not by those who give the most money. Electors must believe their vote counts. Elected officials must owe their allegiance to the people, not to their own wealth or to the wealth of interest groups who speak only for the selfish fringes of the whole community.

Let me just start out with some examples. I was involved in a debate here on the floor of the Senate last week which was emotional. It was kind of heart rending. You had a small group of people who were sitting where some of our citizens are sitting today. And they were from Sierra Blanca. They were disproportionately poor. They were Hispanic. And you know what? They were saying, ''How come when it comes to the question of where a nuclear waste dump site goes, it's put in our community? How come it always seems to be the case that when we figure out what to do with these incinerators or where to put these power lines or where to dump this waste, it almost always goes to the communities where people don't make the big contributions? They are not the heavy hitters. They are disproportionately poor, disproportionately communities of color; thus, the question of environmental justice.

This was a debate where you had the interests of big money, big contributors, corporate utilities, versus low-income minority communities. I would argue different colleagues voted for different reasons, and some voted because it was not their State and they felt a certain kind of, if you will, deference to Senators from other States. I understand that. But my point is a little different.

I tell you that all too often the conclusion is sort of predetermined. Those who have the clout and those who make the big contributions are the ones who have the influence, and those are the ones we listen to. All too often, a whole lot of citizens—in this particular case, the people from Sierra Blanca—are not listened to at all. Big money prevails, special interests prevail, for the same reason that the people in Sierra Blanca cannot get a fair shake in Texas. That is to say, they do

not give the big contributions, they do not have the political clout. For the same reason, they could not get a fair shake here in the U.S. Senate.

In about 20 minutes I am going to be at a meeting with some colleagues from the Midwest. We have an economic convulsion in agriculture. Let me wear my political scientist hat. I really believe that when people look back to 1998, 1999, going into the next century, and raise questions about our economy—because I fear that we are going to be faced with some very difficult times—they are going to be looking at this crisis in agriculture as a sort of precursor.

What has happened in agriculture is record low prices. Not everybody who is watching the debate comes from a State where agriculture is as important as it is in the State of Minnesota, the State I come from. But let me say to people who are listening to the debate, if you are a corn grower and you are getting $1.40 for a bushel of corn, you can be the best manager in the world, you can work from 5 in the morning until midnight, but you and your family will never make it. You will never make it. Record low prices. People are having to give up. They are just leaving. The farm is not only where they work, it is where they live.

It is interesting that we had a farm bill, the 1996 farm bill. It was called the Freedom to Farm bill. I called it then the ''freedom to fail'' bill. It was a great bill—I am not saying anything on the floor of the Senate that I have not said a million times over in the last 2 years. It was a great bill for the grain companies because what this piece of legislation essentially said to family farmers is, ''We're no longer going to give you a loan rate. We're going to cap the loan rate at such a low level that you won't have the bargaining power.''

This sounds a little technocratic, but to make a long story short, you have family farmers faced with a monopoly when it comes to whom they sell their grain to. If they do not have some kind of loan rate that the Government guarantees that brings the price to a certain level, they have no bargaining power in the marketplace.

Not surprisingly, the prices have plummeted. There is no safety net whatsoever. And now we see in our part of the country, in the Midwest, a family farm structure of agriculture which is in real peril. We see an economic convulsion. We see many family farmers who are going to be driven off the land.

We are going to be coming to the floor of the Senate—you better believe we are going to be coming to the floor of the Senate—and we are going to be saying to our colleagues, ''Look, you could have been for the 'freedom to fail' bill or not, but there's going to have to be a modification. You are going to have to cap off the loan rate, and we're going to have to get the prices up for family farmers.''

I would argue that in 1996—and I hope this will not be the debate again—what was going on here was a farm bill that was written by and for big corporate agribusiness interests. That is what it was. It was a great bill for the grain companies, but it was a disaster for family farmers.

So we are going to revisit this debate. And once again, is it going to be the grain companies and the big food processors and the big chemical companies and the transportation companies, or is it going to be the family farmers? I hope it will be the family farmers. I hope our appeal to fairness and justice will work on the floor of the U.S. Senate.

But I tell you, all too often, as I look at these different issues in these different debates, it is no wonder, as Senator LEVIN said, that people are so disappointed and disillusioned with both political parties. It is no wonder that people do not register and do not vote. Because you know what? They have reached the conclusion that if you pay, you play, and if you do not pay, you do not play.

They have reached the conclusion that this political process isn't their political process. I mean, my God, what happens in a representative democracy when people reach the conclusion that they are not stakeholders in the system, that when it comes to their concerns about themselves, about their families and their communities, their concerns are of little concern in the corridors of power in Washington? This is really dangerous. What is at stake is nothing less than our very noble, wonderful, 222-year experiment in self-rule and representative democracy. That is what it is really all about.

(Mr. FRIST assumed the Chair.)

Mr. WELLSTONE. Now, let me give some other examples. We went through a debate about whether or not we were going to do anything to provide our children with some protection from being addicted to tobacco. Guess what happened? Tobacco companies, huge contributors, individual contributions to Senators and Representatives, big soft money, hundreds of thousands of dollars of contributions to the party, and guess what happened? As a special favor to those big tobacco interests, we didn't even provide our children with sensible protection.

I fear as a special favor to the big insurance companies we are not going to eventually provide patients with the kind of protection that they need. I fear that as a special favor to those bottom dwellers of commerce who don't want to raise the minimum wage, we are not even going to raise the minimum wage for hard-pressed working people.

What I see over and over and over again is a political process hijacked by and dominated by big money. I tell you, that is the opposite of the very idea of representative democracy, because the idea of representative democracy is that each person counts as one and no more than one.

What we have instead is something quite different. Let's just think for a moment about what is on the table and what is not on the table, because I think this mix of money and politics, this is the ethical issue of our time. We are not talking about corruption as in the wrongdoing of individual office holders; we are talking about systematic corruption. What systematic corruption is all about is when too few people have the wealth, the power, and the vast majority of people are locked out. Some people march on Washington every day and other people have a voice that is never heard.

Let's just think a little bit about what is on the table and what is not on the table. I think quite often money determines who runs for office. I will talk about who wins, what issues are put on the table, what passes, what doesn't. Let's talk about what is not on the table and maybe should be on the table. What is not on the table is the concentration of power in certain key sectors of our economy which poses such a threat to consumers in America.

Think for a moment about the concentration of power in the telecommunications industry. If there is anything more important than the flow of information in a democracy, I don't know what it is. This is so important to us. Now, we had a telecommunications bill that passed a couple years ago, which, by the way, I think has led to more monopoly. What was interesting is that the anteroom right outside our Chamber was packed wall to wall. You couldn't get in here if you tried to get through that anteroom. Personally, I couldn't find truth, beauty and justice anywhere. There was a group of people representing a billion dollars here, another group of people representing a billion dollars over there. You name it.

What is not on the table is a concentration of power in financial services or a concentration of power in agriculture or all the ways in which conglomerates have muscled their way to the dinner table and are taking over the food industry. What is not on the table is a concentration of power in the health care system, the way in which just a few insurance companies can own and control most of the managed care plans in the United States of America.

Again, I would say that we are moving toward this new century. I hope the brave new world isn't two airline companies. I come from a State where we now have a strike. In Minnesota we don't have a lot of choice. We can't walk from Minnesota to Washington, DC. Northwest Airlines has 85 percent of the flights in and out. What are we going to have—two airlines, two banks, two oil companies, one supermarket, two financial institutions, two health care plans? It is interesting that this isn't even on the table here. Could it be that these powerful economic interests are able to preempt some of the debate and some of the discussion by virtue of the huge contributions they can make with the soft money loophole that can

add up to hundreds of thousands of dollars?

What is not on the table is, I argue, a frightening maldistribution of wealth and income in America. The goal of both political parties, the goal of political leaders, ought to be to improve the standard of living of all the people. Since we started collecting social science data, we have the greatest maldistribution of wealth and income we have ever had in our country. You don't hear a word about it. It is important for people, if they work hard, to be able to participate in the life of our country. It is important for people to be able to receive the fruits of their labor.

We have this huge maldistribution of wealth and income. We are not even going to discuss it. Could it be that some of the people who are the most hard-pressed citizens in this country have basically become invisible? They are out of sight; they are out of mind. They don't have lobbyists. They don't make the big contributions. They don't even register to vote because they don't think either political party has much to say to them. They think both parties have been taken over by the same investors. Unfortunately, there is some truth to that. Unfortunately, we have given people entirely too much justification for that point of view.

What is not on the table? What is not on the table is a set of social arrangements that allow children to be the most poverty-stricken group in America. One out of every four children under the age of 3 is growing up poor in America. One out of every two children of color under the age of 3 is growing up poor in America today. That is a national scandal. That is a betrayal of our heritage. Certainly we can do much better.

Now, there are organizations like the Children's Defense Fund. They do great work. But it is a very unequal fight. It comes to whether or not you are going to have hundreds of billions of dollars of what we call tax expenditures—tax loopholes and deductions, corporation welfare, money that goes to all sorts of financial interests, some of the largest financial institutions, some of the largest corporations in America—or whether or not we are going to make a commitment to make sure that every child has the same opportunity to reach his or her full potential. This is the core issue. I am convinced that so many good things that could happen here get ''trumped'' by the way in which money dominates politics.

Now, the House has passed a good campaign finance reform bill, the Shays-Meehan proposal. It is not everything that some of us would have liked. As a matter of fact, what is interesting is that the original McCain-Feingold bill applied to Senate races. I thought that was one of the most important things. We had voluntary spending caps—you can't mandate it—and at the same time an exchange for media time. That is gone. That was really important. So we are talking about a proposal that is a milder proposal, but it is an enormous step forward. It is an enormous step forward.

There are other things that are going on in the country that I am excited about, that I wish for, that I think eventually we will get to. The clean money, clean election bill that some of us have introduced here on the Senate side is an exciting proposal. We have a lot of energy behind it at the State level. I think New York City will pass it. I think the State of Massachusetts will pass it. The State of Maine already did pass it. The State of Vermont passed it. There are initiatives in other States.

Basically, with the clean money, clean election proposal, we get the big private money out. You say to the citizen, listen, for $5 a year, would you be willing to contribute to a clean money, clean election trust fund? And then those candidates who abide by spending limits and don't raise the private money, this money goes to their campaigns. You have a level playing field, and you own the elections, and you own your State capitol, and you don't have all of this mix of big money in politics. A lot of people in the country really like this proposal. I think the political problem here is we are not ready for it yet because the system is wired. It is wired to people who can raise the big money, and quite often, they are the incumbents. And a lot of people don't like to vote out a system that benefits them. But the McCain-Feingold bill represents a very important step forward—following on the heels of a really exciting victory in the House of Representatives. It is very important, very similar. It bans the soft money as my colleague, Senator LEVIN—and there is nobody with more intellectual capital in this area—discussed. Senator LEVIN knows all of the specifics. I am so impressed with him as a legislator, with his ability. He talked about it. I will just say that this is a huge loophole. It is all very amorphous.

Corporations and unions can make these huge soft money contributions. We all end up calling for this money now because everybody is trapped by the same rotten system. It restricts issue advocacy, these phony issue ads that are disguised as not really election ads. I went through this. I don't mean this in the spirit of whining, but it started in 1996, in the spring in Minnesota, and it went on all summer. There were all of these ads that would come on TV and they bash you for this and bash you for that, but they don't say ''vote against'' whether you are Democrat or Republican; they just say ''call.'' It is unbelievable. They could be financed by soft money. A huge loophole, huge problem. This bill codifies the Beck Supreme Court decision requiring unions to notify their dues-paying members of their right to disallow political use of their dues. It improves disclosure and FEC enforcement. This bill would represent a substantial step forward.

Mr. President, there is a wonderful speech that was given by Bill Moyers in December of 1997, the title of which is ''The Soul of Democracy.'' I want to quote from part of Bill Moyers' speech:

> If Carrie Bolton were here tonight, she could speak to this. The Reverend Carrie Bolton from North Carolina. You'd have a hard time seeing her because she is only so high and her head would barely reach the microphone. But you would hear her, of that I'm sure. The state legislature in North Carolina established a commission to look at campaign financing, and Carrie Bolton came to one of the hearings. She listened patiently as one speaker after another addressed the commissioners. And then it was her time. She spoke softly at first. Then the passion rose, and her words mesmerized her audience. When Carrie Bolton finished, they stood and cheered. This is what she said; listen to what Carrie Bolton said:
>
> ''I was born to a mother and father married to each other, who were sharecroppers, who proceeded to have ten children. I picked cotton, which made some people rich. . . . I pulled tobacco. . .I shook peanuts. . .I dug up potatoes and picked cucumbers, and I went to school * * * with enthusiasm. And with great enthusiasm I memorized the Preamble to the Constitution of the United States, I learned the Pledge of Allegiance to the flag, and I was inspired to believe that somehow those things symbolized hope for me against any odds I might come upon.
>
> ''I am a divorcee, a single parent divorcee, and I earn enough money to take care of my two children and myself. And I have managed to get a high school diploma, a bachelor's degree, two master's degrees, and do post doctoral work.
>
> ''I am energetic. I'm smart. I'm intelligent.
>
> ''But a snowball would stand a better chance surviving in hell than I would running for political office in this country. Because I have no money. My family has no money. My friends do not have money.
>
> ''Yet, I have ideas. I'm strong, I am powerful (with her right hand she lifts her left wrist)—people can feel my pulse. People who are working, and working hard, can feel what I feel.
>
> ''But I can't tell them because I don't know how to get the spotlight to tell them.
>
> ''Because I have no money.''
>
> Anyone who believes Carrie Bolton's cry isn't coming from the soul of democracy is living in a fool's paradise—a rich fool's paradise.

That is from Bill Moyers' speech. He is my hero journalist. I think he has done some of the finest work. He concludes his speech by saying this:

> I have three grandchildren—Henry, 5; Thomas, 3; and 10-month-old Nancy Judith. I want them to grow up in a healthy, civil society, one where their political worth is not measured by their net worth.

That is one of the reasons Bill Moyers goes on to argue that this is his passion, this is his work. He is right. This is the core issue.

Now, Mr. President, I don't know that I would have the eloquence of Carrie Bolton, but I conclude this way because I see other colleagues who may want to speak. I can't forget my own experience. It is not quite Carrie Bolton's experience, but I ran for office in 1990, and it was amazing. I mean, you don't come to the floor to brag, but you don't run for office if you don't

think you have the character and ideas. Basically, everywhere I went, the argument was made, ''you don't have a chance.'' I was a teacher, so I didn't have much money. My father was an unsuccessful writer. My mother was a cafeteria worker, a food service worker. My family didn't have any money. My wife Sheila worked in the library at the high school. Everywhere I would go—including on the Democrat side, not just the Republican side—people were trying to decide whether or not I was a viable candidate. It had nothing to do with content of character, nothing to do with ideas, nothing to do with leadership potential, and it had nothing to do with positions on issues. People just wanted to know how much money you raised. You were viable or you weren't viable. You were a good candidate or you were a bad one based upon how much money you yourself had—and I didn't have it—or how much money you would raise.

It is unbelievable, absolutely unbelievable. There are so many people who can't run for that reason alone. I was lucky. I come from Minnesota, and I am emotional about how much I owe to them. They were an exception to the rule. We were outspent six or seven to one, and we won. Sometimes it happens—if you have a great green schoolbus to campaign in and a great grassroots organization.

I am the son of a Jewish immigrant who fled persecution from Russia. We have had a 222-year, bold, important experiment in self-rule in democracy, representative democracy. That is what is at jeopardy here. I have talked to people about potentially running for office. They don't want to. A lot of people, good people, don't want to run for office any longer because they can't stand the thought of this money chase. They can't stand doing it. Moreover, if you combine what the money is used for, with communication technology becoming the weapon of electoral conflict, people using the money for poison politics, all the attack stuff on TV, a lot of very good, sane people don't run.

I think what is happening is a lot of good people aren't going to be involved in public affairs. A lot of young people are not going to get involved in public affairs. You get to where people are either millionaires or they have to raise millions of dollars. I think you get into this awful self-select where a whole lot of good men and women aren't going to run at all. I am not going to cite the polls because we have the evidence for this. Everybody knows it. Every Democrat and Republican knows full well that people are disengaged and disillusioned with politics in this country, and this is one of the central reasons.

So, Mr. President, I simply say to my colleagues that we have a piece of legislation on the floor that follows up on an exciting victory in the House of Representatives, and we need to pass this legislation. I also say to my colleagues—Democrats and Republicans alike—frankly, I can't figure out the opposition. People want to see this changed. People just hate the way in which they feel like money dominates politics. Those of us in office, and even those of us who are challenged for office, hate it. We hate raising the money; we hate this system. I would think if we wanted the people we represent to have more confidence and faith in us, more confidence and faith in this political process, more confidence and faith in the U.S. Senate, we would vote for the McCain-Feingold piece of legislation.

So the debate will go on. We will have this vote.

I say to my colleagues on the other side—which doesn't mean just Republicans because there are some Republicans who support this legislation—that I think they are making a big mistake filibustering. From my point of view, this should go on and on for the next however many weeks it takes. I don't think we should drop this one. This is the core issue. This is the core question. It speaks to all the issues that are important to people's lives. It speaks as to whether or not we are going to have a functioning democracy or not.

As a Senator from Minnesota, from a good government State, from a reform State, from a progressive State, there is no more important position that I can take than to be for this reform legislation.

Mr. President, I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say at the outset that it is tough to follow the Senator from Minnesota. Senator WELLSTONE brings to this body extraordinary talent, and more than that, a conviction and fervent commitment to principle that all of us admire so greatly.

His first campaign for the U.S. Senate was legendary. He was a college professor, I believe, in a small college in Minnesota. He put himself on a school bus—an old, beaten up school bus—and traveled all around the State of Minnesota. He was dramatically outspent by a gentleman who had formerly served in the U.S. Senate, and, yet, prevailed.

His presence on the floor of the Senate indicates his reelection to the U.S. Senate and to the fact that there are Members of the Senate who can basically break the rules. He wasn't supposed to win. You are not supposed to have a chance when somebody outspends you 6 or 7 to 1. It might raise some question in some people's minds. Why we are even debating this if someone like PAUL WELLSTONE can win when he is being so dramatically outspent? Why do we need campaign finance reform? It is just because of the fact that PAUL WELLSTONE, unfortunately, is the exception to the rule. The rule is that at the end of a campaign, if you take a look at the amount of money spent by a candidate, in most instances—the overwhelming majority of instances—the candidate, whether it is the incumbent or the challenger, who spends more money will prevail, will win the election.

That really tells the story of why this bill—the McCain-Feingold bill—the only bipartisan campaign finance reform bill, is so important, because it strikes at the heart of this money chase.

Think about this last Presidential election in 1996—incumbent President Bill Clinton v. Senator Robert Dole, two extraordinarily talented men with a background in public service running for the highest office in the land. They traversed America from one side to the other. They were on every newscast every night. They debated with frequency. There was a great exchange on issues, and a real difference of opinion on many important questions.

We in America—at least the politicians—were focused on a daily basis.

Then came the election in November of 1996. Something historic occurred. I am not talking about who won and lost. What was historic was the fact that we had the lowest percentage turnout of eligible voters casting ballots in the Presidential election than we had in 72 years in America. Think of it. Despite all of the publicity, and all of the attention, when the election day came, Americans—American voters—stayed home.

Let me amend that for a moment.

The reason why 72 years applies is that 72 years before 1996 was the first election in American history when women were eligible to vote, and many did not. If you would take that particular election in 1924 out of the picture, you have to go back into the early part of the 19th century to see a lower turnout of eligible voters. Is that important? Does it mean anything that voters stayed home; that they have decided for the most important election in America that they wouldn't participate? I think it means everything in a democracy, because the voters—the citizens of this country—will not even come forward to express their choice in an election. It is not only a sad commentary on our democracy. It is a threat to our democracy.

The McCain-Feingold bill goes to the heart of the problem. Why did people stay home? Did they assume they already knew the results? That is possible. But I think a lot of them were sickened by this political process. They looked at the way that, in this case, men ran for President; and men and women ran or not for the House and Senate. They basically said, ''We don't care to participate in it. Our family is going to stay home.'' And they did.

What was it about those election campaigns? Was it the groveling that all of us as candidates who were not independently wealthy had to do to raise the money to be viable? I think that is part of it. I think that is the big part of it. They wonder how a man or a woman aspiring to serve in this body,

or the House, can raise literally millions of dollars without dirtying themselves in the process, without sacrificing their own principles and values. They become increasingly skeptical of politicians in general, and the candidates up for election in particular.

There is another element, too—the advertising that we put on television during the course of the campaign. A lot of people are turned off by it. Most campaigns hire sophisticated people to make those ads. They hire pollsters who go out and take legitimate samples of American opinion—samples within a given State—and convert those samples into messages; 30-second messages that go up on television. Some of the messages are positive. Some are negative. It is the negative ones that unfortunately give us the bad name and lead a lot of people to say that this process itself is so fundamentally flawed.

This McCain-Feingold bill has one more aspect. And one important aspect of that says when it comes to these so-called independent expenditures—the issue advocacy ads—at the very minimum let us find out who these people are that are paying for the ads. That is not too much to ask. Let me give you an illustration.

The last time we debated this bill on the floor, I left the debate to go to a meeting of the Senate Judiciary Committee before which we had witnesses who were testifying on a variety of subjects, including the question of term limits. The term limits issue is fairly obvious. It says that we should limit—at least those people argue—that we should limit the number of terms served by Members of the U.S. Senate and Members of the House of Representatives. There is some surface appeal to this that has become a hot issue in a variety of elections. I know the issue myself personally, because in the closing days of my Senate race in the State of Illinois they spent about a quarter of a million dollars on TV ads criticizing me because I opposed the term limits proposal. And those ads were fairly effective. I won. But I had to deal with the criticism that they raised.

So there sat before me this gentleman representing the term limits movement who said he agreed with the opponents of McCain-Feingold that we shouldn't reform our campaign finance system. I said to the gentleman representing the term limits movement, ''Please, since I as a candidate have to disclose every penny that I raise, the source of the amount, and my political party has to do the same, I would like for your term limits movement, having spent millions of dollars to defeat or elect candidates to office, to do the same. Are you prepared to disclose to the American people the sources of the money that paid for those TV ads?'' His answer in a word was ''no.''

Why wouldn't he make a full disclosure? His argument was—follow this one, if you will—that there would be retribution from elected officials whom they disagreed with. I don't buy it.

Men and women organizations come forward on a regular basis to contribute to political campaigns. They understand they have taken a position for a man or woman running for office. The fear of retribution is part of the concern. But it is an illustration of how an organization with some high-sounding purpose like limiting terms for Members of the House and Senate can literally spend millions of dollars of mystery money and never make a full disclosure; never make any disclosure as to the source of those funds.

Is it important? It could be. Who knows who is financing term limits in America? Is it one person? Is it one company? Is it one special interest group? That is a legitimate question. I can guarantee you that you will not see the term limits movement people standing around the shopping centers of America with kettles and bells asking for quarters and dimes. They don't do business that way. They deal in big checks from big players, big expenditures, to make a big impact on the system, and they are totally, totally unregulated. That to me is shameful. It is disgraceful.

What is going on here in this debate on McCain-Feingold is an attempt to change the system, to clean it up, and to restore some character to our political process. I am at the same disadvantage as Senator WELLSTONE of Minnesota and Senator FEINGOLD, one of the cosponsors, of Wisconsin. I was raised in a family that was not wealthy. I had a wealthy background in terms of values and education but not a lot of money. Fortunately, with good education and some good friends, I was able to start a career in public service. But now we find this new emerging phenomenon in American political life on both sides, Democrat and Republican, the so-called middle-aged, crazy millionaire who shows up on the scene bored with his life who decides he is tired of practicing law, he is tired of making lots of money in business and now has dreams of being Governor or Senator or you name it. They then take their personal wealth and, under the existing law, spend it to basically buy a campaign, buy their way into office.

I think there are some genuinely good people who have done this, but I think we have to ask ourselves what will happen to this political process if more and more of this sort of person become the Representatives and Senators of America. I think we will lose something. We would lose something like a PATTY MURRAY, who is a Senator from the State of Washington, who has a background of teaching in a classroom. I am glad Senator PATTY MURRAY is on the floor of the Senate. When we discuss educational issues, I turn to PATTY MURRAY. Time and again, I want her perspective because she has been there. She comes from a family of modest means, but she makes a great contribution because the voters in the State of Washington have allowed her to come to this floor. And when you look around this Chamber you find others, Democrats and Republicans, of similar backgrounds. Unless we are prepared to reform this campaign finance system, I am afraid it will become more elite, more plutocratic, if you will, and limited in terms of the types of people who do serve it.

Let me also, in closing, note the procedural issue that we face here. This is an important issue. It was brought up before the Senate once before, and it was stopped. Some 57 Senators, if I am not mistaken, Democrats and Republicans, came forward saying they supported it, but in this body it really takes 60 in order to stop the filibuster. Sixty votes were not there. Campaign finance died. The House went through heroic efforts to bring this to the floor over the opposition of Speaker GINGRICH. After weeks of debate, weeks of amendment, they passed it, and now this bill sits ready for our approval.

Will we vote on it? That would seem the obvious thing. Let's vote on campaign finance reform, up or down. We are going to have it or we are not. If we can pass it, let's send it to the President. Let's try to make sure that we achieve at least one thing in this legislative session. And yet it is not likely we will ever see that opportunity. It is not likely because under the rules of the Senate procedurally you can basically stop a vote. I hope that doesn't happen. I hope we have an opportunity for the yeas and nays on this question, an up-or-down vote. Let the Senators of both parties be on record before they go home. Are they in favor of reform or would they want to obfuscate this issue, cover it up with rhetoric? Try to say to the voters back home: You just don't understand; it is much more complicated.

I hope that doesn't occur. I hope that we will have the up-or-down vote. I hope the men and women of the Senate, Democrats and Republicans, will cast their vote on this issue of campaign finance reform. I do believe what is at stake here is more than just a bipartisan bill. Senator MCCAIN of Arizona and Senator FEINGOLD of Wisconsin are the chief sponsors. At stake here is the question of the future of this democracy. We are just a few scant weeks away from an important election, an election which will ask the American people to make their choices again.

I guess it sounds almost hackneyed now to talk about the legacy that we have in this country, that we so often take for granted.

I can recall just a few years ago when I was given an opportunity to visit the tiny country where my mother was born, the country of Lithuania. Lithuania, which has for over 50 years been under Soviet domination, was given for the first time a chance at democracy, the first time in half a century. I was there as then-President Gorbachev sent

in the tanks in an effort to quell this democratic movement, and, fortunately, he was not successful. People of that country risked their lives. They certainly risked their political futures because they wanted to vote. They wanted to elect their leaders. It was gratifying that they would invite me and others from the United States, because we represented to them what this was all about—democracy, the people speaking.

I found it curious. As each one of these leaders would emerge in these new countries, they would visit around the world, but the first stop would always be right here in this building, on Capitol Hill, before a joint session of Congress. Whether it was Lech Walesa, Vaclav Havel, the leaders of the Philippines and other places, in order to validate their democratic experiment, in order to come to what they considered to be the cradle of liberty, they came here to this building. They recognized in our country what many of our citizens are failing to recognize—what this democracy really means and what it is all about.

There are some who will argue this issue and say that the speech I have just made is too idealistic, it is way beyond practical politics. They are right. It is about ideals. It is about the democratic ideals that are at stake if we don't reform this system. I hope those who oppose this bill will in all fairness give us a chance for an up-or-down vote.

Mr. President, I yield back the remainder of my time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the first amendment to the Constitution of the United States reads in relevant part:

> Congress shall make no law abridging the freedom of speech or of the press.

No law, Mr. President, and I pick up this relatively long and detailed proposal for a new law, and I read the title of one of the sections, the title appearing on page 16: ''Prohibition of Corporate and Labor Disbursements for Electioneering Communications.'' Let me read that once again, Mr. President. Section 200B of this bill is a ''Prohibition of Corporate and Labor Disbursements for Electioneering Communications.''

Now, what is an electioneering communication? According to the bill, and again I quote, ''electioneering communication means any broadcast from a television or radio broadcast station which refers to a clearly identified candidate for Federal office; is made or scheduled to be made within 60 days before a general, special, or runoff election for such Federal office.''

Mr. President, I go back to the first amendment. The first amendment says:

> Congress shall make no law abridging the freedom of speech or of the press.

It is impossible for me to see how the proponents of this legislation can claim that these detailed restrictions on what corporations or labor unions and within the body of the bill, individuals, political parties or organizations, can do when they are communicating about an election and so much as naming a political candidate.

The American Civil Liberties Union, in writing about this provision in connection with last February's debate, wrote:

> This unprecedented provision is an impermissible effort to regulate issue speech which contains not a whisper of express advocacy simply because it refers to a Federal candidate who, more often than not, is a congressional incumbent during an election season.

This argument doesn't even go to the desirability of such a provision but simply to the fact that it is clearly a violation of the first amendment to the Constitution of the United States.

One can go beyond that and wonder why this phrase ''electioneering communication'' only applies to radio and television. I think at the time of our previous debate the definition was broader than that. But here we have a situation in which a particular form of communication about public issues—of speech about public issues—is banned but an identical speech about the same public issues using the same words is not banned or controlled in any respect whatsoever—radio and television; not newspapers, not handbills, not direct mail. I believe it is likely that these provisions would be found unconstitutional if only because of that distinction without a difference between forms of communication; that if one form of communication is allowed, how can you possibly prohibit another form of communication?

The rationale, I believe, is that the sponsors of this provision believe that radio and television communication is somehow more effective than other forms of communication and so they will ban it only. But the fundamental position of the opponents to this bill is that this whole section, the whole subtitle dealing with independent and coordinated expenditures, dealing with what can and cannot be done within 30 days of a primary election and 60 days of the general election, clearly abridges the ''freedom of speech'' clause of the first amendment to the Constitution of the United States.

In both Congress and the courts, there have been frequent appeals to certain limitations on certain forms of speech and the broadest definition of that word when that speech is asserted to be obscene. Much of that debate revolves around whether or not James Madison and the Founding Fathers would have protected certain forms of speech—obscenity, even advertising and the like. We debated that issue in connection with proposed tobacco legislation earlier this year. But clearly the draftsmen of the first amendment, the Founding Fathers, were absolutely certain and clear in their belief that political speech, the debate about political ideas, be absolutely free and unfettered. And they succeeded in doing just exactly that.

In Buckley v. Valeo, the Court said:

> A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money.

I may return to this issue in a few moments, but it does represent only one-half—one section of this bill. The other element of the bill, the prohibition of what is called ''soft money,'' probably is not subject to the same constitutional strictures. It is simply overwhelmingly undesirable. Congress, in 1974, in a portion of its campaign finance regulations passed in that year, limited the amount of money that one individual could give to another individual's political campaign for Federal office. That portion of the 1974 statute was found to be valid, though the limitations on actual expenditures by a given candidate from that candidate's own money or from other sources was found to be invalid, under the Constitution, for the very reasons that I have just read, from the Supreme Court's opinion in Buckley v. Valeo.

What has been the inevitable result of those restrictions? What has been the inevitable result of those restrictions as the limitations passed in 1974 have shrunk by the operation of inflation in our society so that the $1,000 per individual per campaign limitation in 1974 is worth roughly $380 or $390 today? Mr. President, the response on the part of people who feel strongly about political ideas and about political campaigns has been to cause them to switch a great deal of their support from individual candidates to the political parties under whose aegis those candidates run for office.

Now, I think that this is, at least, a modest step in the wrong direction. Why? Because, of course, every dollar spent by a candidate—whether that candidate has written a check out of his or her own pocket or whether or not that money has been solicited from others—every dollar spent by an individual candidate on a communication is subject to criticism from the newspapers, television stations, and from other candidates to exactly the extent that it is deceptive or dodges the perceived real issues in a political campaign. Each candidate, in other words, can be held responsible, and candidates are generally held responsible, for the quality of their own communications. A candidate, however, cannot nearly so easily be held responsible for communications coming from that candidate's party. So to exactly the extent that we have limited—have choked off the ability of candidates other than the wealthiest of those candidates to raise—

Mr. FEINGOLD. Mr. President, will the Senator yield for a question?

Mr. GORTON. Yes.

Mr. FEINGOLD. Let me first express my admiration for the Senator from Washington's interest in first amendment and free speech issues, and his very careful presentation.

I would just like to ask, in light of his earlier comments, if he believes the Buckley v. Valeo decision was correctly decided?

Mr. GORTON. He does, though in this case I am not sure that Buckley v. Valeo would have been so decided, even with respect to the limitation on contributions to individual candidates, had those limitations been, say, $380 or $390 today. That is to say, a restriction or a limitation that is constitutional under one set of circumstances could easily find itself to be unconstitutional under another set of circumstances, if the Court deemed those limitations to be unreasonably restrictive.

Mr. FEINGOLD. Mr. President, I recognize the point that in Buckley v. Valeo the Court did suggest that there was some magnitude of contribution that might be needed to constitute a corrupting influence on the political process. But the Senator apparently accepts the notion that it is constitutional to have some kind of limitation on what a person can give to a candidate.

Mr. GORTON. That is the decision in Buckley v. Valeo, and while I question the wisdom of the limitation, I don't question the constitutionality.

Mr. FEINGOLD. I think the Senator has been—if I can continue, Mr. President—has been very candid on the floor as to whether it would be constitutional to prohibit soft money contributions. I think you have spoken to that. Correct me if I am wrong, but I believe you have indicated you believe that, under Buckley v. Valeo, it would be constitutional to do that although it may not be wise to do so. Is that a fair statement of the Senator's position?

Mr. GORTON. The Senator is correct.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. The point the Senator from Washington was making was simply this, Mr. President: That limitations, constitutional as they may be, on the ability of candidates, other than those who can finance their own campaigns, to solicit money from others, has forced that money into a channel in which the electioneering communications are far less the responsibility of the individual candidate than they are when that candidate spends for himself.

From a public policy point of view, it is the view of this Senator at least that money spent by political parties is less desirable because there is less responsibility for it than money spent by individual candidates. But of course those aren't the only two alternatives for spending money for political purposes.

As and when these limitations on contributions to political parties become law, to the extent they are found constitutional, the interest of those who feel a vital necessity to communicate political ideas to advance causes of either ideas or for candidates is not going to be eliminated, it is not even going to be diminished.

What do we have under those circumstances, Mr. President? Under those circumstances, we have the individual who can no longer give a significant amount of money to a candidate of his or her choice, can no longer give what he or she considers a sufficient amount to the political party of that candidate engaged in one or two other political activities: Either in independent expenditures on behalf of an individual candidate or an idea or in issue advocacy. Under those circumstances, the communications are even less the responsibility of the candidate who benefits from them than they are when the money is spent by that candidate's political party.

The political party is not responsible for the content of any such electioneering communications either, but we then get to the very unconstitutional limitations on express advocacy that are included in this bill. The sponsors of the bill run up against the fact that the limitations that they can impose constitutionally simply force money used on politics into areas that they cannot constitutionally touch because the Constitution says Congress shall make no law abridging the freedom of speech.

The amount of money spent on political ideas and political advocacy is no less—in fact, in many respects it may be more—it is simply that it is, for all practical purposes, impossible to criticize a candidate for money that is, for all practical purposes, being spent on behalf of that candidate.

That, Mr. President, is the fundamental reason that even those portions of this bill which are arguably constitutional are highly undesirable. They will not lessen the amount of money spent during the course of political campaigns. They will make the spending of that money less responsible than it is at the present time. They have nothing to do with an argument about corruption, other than to encourage the kind of subterfuge which so marked the 1996 elections.

If, for example, the money spent in 1996 could have been legally given directly to the candidates and disclosed at the time, we wouldn't be in the midst of one more search for an independent counsel to examine the results of those elections.

The net results of this bill, it seems to me, are twofold: They are to force political money into less and less responsible channels in which disclosure is less than it is at the present time and, to the extent that they attempt to control those expenditures, to come afoul of the first amendment to the Constitution of the United States. No, Mr. President, we would be far, far better off in encouraging, rather than discouraging, contributions directly to candidates and requiring their immediate disclosure, and in encouraging rather than discouraging support of our political parties.

Most of us who are engaged in partisan politics through most of our careers have been exposed to the academic proposition, at least, that one of the shortcomings of the American political system, in comparison with the parliamentary systems of most other democracies, is the almost total absence of party discipline and party responsibility. We are often criticized for the fact that each one of us as an individual—that a voter cannot be at all certain when he or she votes for a candidate of the Republican Party, or the Democratic Party, for that matter, that they will get what they believe to be the platform of that political party adopted, because the candidates, in each case, are independent agents.

Most academics would ask us to increase the power, the degree of influence, of political parties over their members, especially over their elected officials, so that we could have a brighter line of distinction between the parties and their platforms, so that voters would have what they consider to be a more significant choice.

I may say that I don't necessarily buy that argument. I am not sure I buy it at all. But there are few arguments put forward by either academics or, I think, by practicing politicians that political party organizations of the United States should be weaker and of less account than they are today.

This bill, to the extent that it is constitutional, weakens, marginalizes, almost eliminates, the effect of political party organizations, and it does so to exactly the extent that it increases the authority and the influence of nonparty organizations of the most narrow of special interest organizations in political campaigns.

No, Mr. President, we should strengthen the candidates' organizations. We should require candidates to be more responsible for the money that is spent on their behalf, and we should probably be strengthening political party organizations at the same time.

What we do in this bill is to continue the weakening of the candidates, to add to that the weakening of the parties, and we encourage, because of the unconstitutional nature of the second part of this bill, the portion of spending in our political system for which the spenders and the political parties and the candidates are least accountable.

This bill is no better than it was in February when it was defeated. It is no better than it was nearly 2 years ago when it was defeated.

The comments during the course of the debate a year ago last fall from George Will are as applicable today as they were then. And I will conclude by quoting him:

> Nothing in American history—not the left's recent campus ''speech codes,'' nor the right's depredations during 1950s McCarthyism, or the 1920s ''red scare,'' not the Alien

and Sedition Acts of the 1790s—matches the menace to the First Amendment posed by campaign ''reforms'' advancing under the protective coloration of political hygiene.

That was true last year. It is true this year. It will be true next year. It is the fundamental reason that this bill violating first amendment rights of free speech should be rejected by this body once again.

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. GORTON. The Senator has yielded the floor.

Mr. FEINGOLD. I was wondering if the Senator would briefly be willing to continue the discussion of the constitutional issues.

Mr. President, I appreciated the Senator's candid responses on the relationship of the Buckley v. Valeo decision to the issues of contributions. He also talked a little bit about corporate and union spending and what should be done there.

Does the Senator have a constitutional problem with the current law's ban on corporate union spending in connection with Federal elections?

Mr. GORTON. This Senator has some question on that subject, but this Senator is completely convinced that, as undesirable as he regarded the political campaigns in 1996 by labor unions, that they were, are, and will remain completely constitutional, totally within the rights of those unions, and that they cannot be restricted in any respect whatsoever by the Congress.

Mr. FEINGOLD. Is the Senator aware that since 1904 corporations have not been able to make contributions directly, and since 1943 labor unions cannot? That is current law.

Mr. GORTON. That is current law, but that has to do with the direct contribution to a candidate. It has nothing to do with the express advocacy that is covered by the second part of this bill.

Mr. FEINGOLD. If the corporation or union simply ran campaign ads, the prohibition would apply as well, would it not?

Mr. GORTON. It is very difficult to see the difference between what was done during the course of the 1996 elections in direct campaign ads, and they were distinctions without a difference.

Mr. FEINGOLD. That is exactly the point.

To continue, is that not a reason that a majority of this body, as expressed in the Snowe-Jeffords amendment, believes that this is a very simple and logical extension on the ban of corporate and union campaigning by saying that a corporation and union cannot directly fund issue ads that directly mention a candidate's name in the last 60 days? Is that not simply an extension of, in effect, what has always been the law?

Mr. GORTON. No, I do not believe under any circumstances that it is. There is an absolute prohibition against so much as mentioning the name of a candidate in a 60-day period before an election in this bill. I simply refer the Senator to the first amendment. If that is not a law abridging the freedom of speech, we could not pass a law abridging the freedom of speech. Any other limitation or restriction would be valid. It flies directly into the teeth of the plain meaning of the first amendment.

Mr. FEINGOLD. It is interesting that the Senator makes that comment because a few years ago, for example, there was no question that Philip Morris could not write out a million-dollar check and run ads like that, but somehow now it is almost standard practice. Somehow the law has been moved away from almost a century-long prohibition on corporate spending in connection with Federal elections to the ability to have unlimited spending on Federal elections through the ruse of pretending that an issue ad is an issue ad when it actually does everything but say the words, of course, ''vote for'' or ''vote against'' a certain candidate.

Isn't that just, in effect, eliminating the whole corporate prohibition that has existed for such——

Mr. GORTON. The quarrel that the Senator from Wisconsin has is not with this Senator but the Supreme Court of the United States and the first amendment.

Mr. FEINGOLD. Mr. President, that is exactly what we would hope to determine with the passage of this bill. We would find out if in fact the Supreme Court would find that an ad that does everything to promote a candidate or attack a candidate but say ''vote for'' really is an issue ad. That would be a matter for the Supreme Court to determine.

Mr. President, I appreciate the courtesy of the Senator from Washington in responding to a series of questions.

I ask unanimous consent that the Senator from Nevada, Mr. BRYAN, be added as a cosponsor of the McCain-Feingold amendment before the body.

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

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I thank my colleague from Wisconsin, and I thank him and the senior Senator from Arizona for their leadership on campaign finance reform. They have been faithful to the cause. They have been leaders on the floor and they have, I think, engaged the American people at long last in a colloquy so that I believe, as I will comment later in my remarks, the American public now has a better understanding of what is at issue here.

Mr. President, I rise today as a cosponsor and strong supporter of the legislation brought to the floor by Senators MCCAIN and FEINGOLD. I must say that I am pleased—''overjoyed'' may be an understatement—that the Senate has at last an opportunity to revisit this issue.

Although campaign finance reform has been derailed in the past by a perennial filibuster, the event of passage of the Shays-Meehan legislation in the House has provided us with a golden opportunity to move past the procedural maneuvering that has obstructed this important legislation for far too long.

The volume of evidence from our most recent Federal elections clearly demonstrates that our current system has spiraled completely out of control. It is no longer a system of rules but a system of loopholes, and through these loopholes has poured a staggering amount of money that continues to escalate each and every campaign cycle.

We no longer have a system in which candidates are encouraged to debate their records and their positions on the issues. We no longer have a system in which candidates are encouraged to look for votes by shaking hands at a coffee shop or greeting workers at a factory gate and knocking door to door at residents' homes.

Sadly, the system in place today encourages candidates to look not for votes but for money. It is a money chase, Mr. President. And all of us are part of this unsavory system. And only we can change it. It is a shameless and demeaning system. And that just speaks to the extraordinary sums of money that candidates themselves are required to raise and spend.

Add to that the millions and millions of dollars raised and spent by the national political parties and outside special interest groups who have perfected the art of saturating an entire State with political ads months and months before the election day.

Mr. President, those who continue to oppose meaningful campaign finance reform must be living in a different world. I simply cannot fathom how anyone can look at the chaos of our past and current elections and suggest that the response of the U.S. Senate should be to do nothing.

During the recent August recess, I had the opportunity to travel widely throughout my home State of Nevada and to meet face to face with thousands of my constituents. In fact, by automobile I traveled more than 3,000 miles through Nevada, visiting with some of the smallest communities in our State and holding 17 townhall meetings during the course of this recess.

Time and time again, the issue of campaign finance reform was raised at these townhall meetings. It was deeply unsettling to see firsthand how disgusted the American people are with the absolute scandal taking place in our campaign finance system. These were not politicians talking about the need for reform. These were ordinary people who have become so disillusioned with our political process that they no longer feel any sort of connection to our democratic system. This is a dangerous threat to democracy itself.

Let me also point out that as often as this issue was raised, not a single person, not one, expressed opposition

to the McCain-Feingold bill on campaign finance reform. No one. Absolutely no one.

Thankfully, the House of Representatives has provided us with the opportunity to at least stop the hemorrhaging of our current finance system. Several weeks ago, on a strong, bipartisan vote, the House passed the Shays-Meehan bill which was modeled on the McCain-Feingold legislation before us today. This was not just a handful of Republicans voting with Democrats to pass this legislation. In point of fact, one quarter of the entire House Republican conference voted for that bipartisan bill which passed by a margin of 252–179.

Now, I have heard some of our colleagues, in expressing opposition to campaign finance reform, argue that just because the House has passed this legislation, it does not mean we should do so. I must say I have a different interpretation of the present situation. Shame on the Senate for not passing campaign finance reform in the past; shame on the Senate if we refuse to do so now when we have the opportunity to do so.

Some of us, myself included, would have preferred more comprehensive reform legislation than McCain-Feingold offers. But it is an important step, a vital step, on the road to campaign finance reform. Its centerpiece is the ban on the so-called soft money. Banning these unlimited and unregulated contributions would represent the most important political reform enacted by the Congress in more than two decades. Let me repeat this: Banning these unlimited and unregulated contributions would represent the most important political reform enacted by the Congress in more than two decades.

Despite the 3-year long filibuster of this legislation, we have heard very few opponents come down to the floor and stand up and defend the virtues of a $250,000 in soft money contribution or more. Soft money is an embarrassment to the American political system. It is the mother of all campaign finance loopholes and perhaps the most ingenious money-laundering system in history. Soft money as we know it refers to the unlimited and unregulated contributions from corporations, labor unions and wealthy individuals that flow to the political parties, unchecked and unregulated, outside the accepted contribution limits and reporting requirements of Federal law. This soft money, with little or no disclosure, is then poured into what have become known as issue ads, a nickname given to television and radio advertisements that skirt Federal election laws and fall under no regulations. This money is raised and spent with virtually no limits and no disclosure.

How much soft money can be contributed? Sadly, the sky is truly the limit. In fact, there are no limits to this incredulous, bizarre system. In 1992, just 6 years ago, the two parties raised and spent a combined $86 million in soft money. In just 4 years, soft money more than tripled, exploding from $86 million in 1992 to $262 million in 1996; $260 million that was raised and spent, completely outside the scope of Federal election law.

Perhaps the only thing worse than to know how this soft money is raised is to know how this soft money is being spent. In recent years, the airways have been bombarded, saturated with political ads paid for with soft money. These political ads specialize in shredding various candidates without telling the viewers who paid for the ad, where the money came from, and who was responsible for its content.

It should come as no surprise to any of us that more and more Americans are repulsed by these anonymous assaults and the sheer volume of money pouring into our election system. As a consequence, they are distancing themselves from the political process. That is the greatest tragedy of all. Americans are so turned off by our political system that they don't even vote on election day. When they do vote, often it is not the sense of voting for the better of two candidates; it is a perception that they are voting for the lesser of two evils on the ballot.

With a tidal wave of campaign cash flowing into our political system, the torrent of negative advertising on the airways, and the lack of meaningful disclosure or accountability, it is becoming increasingly difficult, almost impossible, for the American people to feel good about any candidate, or their participation in the democratic process.

Just last week, in my home State of Nevada, we had a critically important primary election. Not only is there an open gubernatorial seat in a hotly contested primary, there were primaries for the U.S. Senate, an open House seat, and a number of seats in the State legislature. I am sad to report that only 28 percent of all registered voters in Nevada turned out for this election—28 percent. Let me make an important distinction. That is not 28 percent of all Nevadans who were eligible to register and to participate in the system. That is 28 percent of those who are actually registered. This is a tragedy. It is not good for our system. Seventy-two percent of all registered voters in Nevada did not vote. And Nevada is not alone.

I have heard it said that if one looks at the entire primary election cycle this year—and I presume they are factoring in those who are eligible to register and chose not to do so, as well as those who are eligible to vote, having registered but chose not to vote—less than 17 percent of the people in America have participated in the electoral process this year. This is a disaster wherever one comes down in the political scale. Whether one registers himself or herself more closely aligned with Democrats or Republicans, independent Americans or Libertarians, wishes to revive the old Know Nothing party, would like to see the old Whig party revived, or want to be part of the avant garde 1990s and become a member of the vegetarian party, wherever one comes down on the political spectrum, 72 percent of those registered to vote not participating is a system that we cannot sustain and still have a representative democracy in America.

In addition to cutting down the soft money system, the McCain-Feingold proposal would place significant restriction on the issue ads which I have just described. Under the Snowe-Jeffords modification, if a radio or television advertisement mentions a candidate's name within 30 days of a primary election or 60 days of a general election, the funds used to pay for that advertisement must be raised under Federal election law and must be fully disclosed. Some outside organizations have suggested that they have a constitutional right to freely discuss an issue with the electorate. I agree. In fact, under this legislation, any organization can run an advertisement on any issue they want—whether it is health care reform, gun control, or any other issue—with no restrictions.

That is a true issue ad and a sort of communication that the Supreme Court has said is free from government regulation, and properly so. The Supreme Court has also said that we can regulate advertisements that are not meant to advocate issues, but instead are meant to advocate candidates. That is what this legislation provides. True issue ads would be exempt from this legislation. However, if an organization chooses to run an ad in the weeks before an election, and if that ad is clearly designed to advocate for or against a particular candidate who is involved in that election, this legislation will define that activity as election related, and the money used for those ads will be required to be raised and spent under the provisions of Federal election law.

Finally, in addition to banning soft money and enacting tough restrictions on candidate ads, the legislation includes a number of provisions that will improve the disclosure of fundraising activities and provide the Federal Election Commission with greater tools to detect and to investigate campaign finance abuses.

Unfortunately, it appears that once again it will require 60 votes to move this important legislation through the U.S. Senate. I, for one, would like to see us move past these procedural games and start having real votes and real issues and debate campaign finance reform on the merits, on the substance. Let's vote on whether or not we should ban all soft money. Let's vote on whether these thinly disguised attack ads should be considered election and campaign ads subject to Federal election law, and let's vote on whether we should strengthen our disclosure requirements under the Federal Election Commission and provide that Commission with greater tools to ensure that

all candidates and all parties and outside groups are playing by the rules.

After the outrageous amount of money spent in the 1996 election, after all the charges and countercharges of abuse, impropriety and quid pro quo, and after what we have already witnessed in the opening months of the election season this year, it would be appalling, in my judgment, if the 105th Congress were to adjourn without passing a single reform of this deplorable system.

Madam President, I urge my colleagues to support the McCain-Feingold legislation and begin the process of restoring a sense of integrity and confidence to our democratic process.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Washington is recognized.

Mr. GORTON. Madam President, I note that at least two Senators are on the floor who wish to introduce a resolution on another subject, a subject that I think is appropriate. At this point, I yield to the Senator from Missouri.

Mrs. BOXER. Madam President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Missouri, I be granted time to express my support for what he is about to do.

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

The Senator from Missouri is recognized.

RECOGNIZING MARK McGWIRE OF THE ST. LOUIS CARDINALS FOR BREAKING THE HISTORIC HOME RUN RECORD

Mr. BOND. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 273.

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

The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 273) recognizing the historic home run record set by Mark McGwire of the St. Louis Cardinals on September 8, 1998.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. BOND. Madam President, it is a great honor and with pleasure that I introduce this resolution for myself, Mr. ASHCROFT, the Senator from California, and others who may wish to join us.

Yesterday, I was on this floor describing a very difficult predicament that Major League baseball was encountering. It seemed, as of early yesterday morning, that the Internal Revenue Service might say that a fan who caught a historic home run ball hit by Mark McGwire and turned it back to him might be liable for $150,000 or more in gift taxes on that ball. We pointed out that that made no sense. I am proud to say that we had bipartisan support for that proposition, Madam President. There are very few things that have brought this Chamber together more than that one simple proposition.

I was very pleased yesterday afternoon to have a call from Commissioner Rossotti of the IRS, who understood the magnitude of the problem this could cause. He advised me that he has issued a release from the IRS saying that, while resolving gift tax issues is as difficult as figuring out the infield fly rule, it made sense that we congratulate a fan who returns the baseball rather than hit him with taxes. That is particularly good news to Deni Allen, a 22-year-old marketing representative from Ozark, MO, Mike Davidson, a 28-year-old St. Louis native, and Tim Forneris, a 22-year-old from Collinsville, IL, a member of the St. Louis grounds crew. They all just wanted to give Mark McGwire the baseball and didn't want to be taxed on it. Thanks to the support of this body and the action of the Commissioner, they will not be taxed. I am very pleased with that.

I was also pleased to join many friends and colleagues last night in rooting for the historic home run hit by Mark McGwire. Mark McGwire's achievements are there for all to see on television, or to read about in the sports page, because this is one tremendous athlete. He hit home run ball No. 62 in his 144th game of the season.

The purpose of our resolution is to recognize that historic contribution to baseball. But I also want to just spend a minute on Mark McGwire, the person. I have in my hand a copy of Sports Illustrated, which features a picture of Mark McGwire and his son, Matt McGwire. The article is entitled ''One Cool Dad.'' I think a lot of people who watched Mark McGwire in the year he has been in St. Louis, and probably before that in California, know that he is a dedicated father and he is a community leader. He has shown his willingness to serve his community by his generosity.

This man is a great role model for young people in our country today, and the way he approached this record-setting mark, with due recognition for Roger Maris—also a tremendous athlete, one I greatly respected, who held the record prior to him—reflects extremely well on Mr. McGwire. I hope that I will have many cosponsors who will join in this resolution. I see several colleagues on the floor who want to discuss it, but suffice it to say that Mark McGwire has made a historic contribution to baseball. He has brought the country together. The only thing we are talking about in Missouri is Mark McGwire, not a lot of the other problems. His dedication to leadership and family values, his spirit of community contribution and leadership mark him as an outstanding gentleman who I trust all of us in this body are willing to recognize.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I thank the Senator from Missouri for his eloquent remarks, and I thank both Senators for introducing this resolution.

I rise to salute a native son of California, a man who grew up in the playing fields of southern California, a graduate of California public schools and honed his skills at the University of Southern California and developed into a mature professional in Oakland, CA, where I saw him play many a game; a man who has since settled in Missouri, but will always remain a favorite son of California; a man who brought immense talent, hard work, energy, enthusiasm and, above all, dignity and grace to one of America's most revered institutions.

I grew up, when I was a kid, six blocks from a Major League ballpark. I heard the sound of those home runs all through the years I was growing up. I went to many a game and sat in the bleachers. I am a baseball fan. Yet, I haven't seen such excitement in so many years that we have seen in the last month or so.

This man has really helped reinvigorate the game of baseball, further enshrining it as our national pastime. He has thrilled countless lifelong fans of baseball, and he has made millions of new fans who knew very little about the game. This is a man who has put us in touch with baseball heroes of the past, and he has inspired baseball heroes of the future—a giant of a man, playing a game that we learned to love as children, and who has made us all feel like little kids again at a time when we need that every once in a while. Of course, I speak of Mark McGwire.

I think it is also important to recognize the Cubs' Sammy Sosa. Both of these men have pursued Babe Ruth's and Roger Maris' home run records, and they did it under intense pressure, but with grace and joy, rooting for each other, appreciating their fan support, and infecting us all with good humor, poise and good sportsmanship.

Today is a day of heroes—one particular hero, Mark McGwire. I wanted to say on behalf of all of California—and I know Senator FEINSTEIN joins me in this—that we are very proud of Mark McGwire.

In closing, I want to say that it is hard to join a nexus between one thing and another here. But I have two heroes here today on the floor of the Senate—RUSS FEINGOLD and JOHN MCCAIN—because I am really proud of the way they have pursued their goal, a goal that I think will make this democracy stronger, a goal of good, solid campaign finance reform.

On the one hand, we laud the baseball heroes. I wanted to laud a couple of Senate heroes of mine on campaign finance reform.

Let me again thank the Senators from Missouri for giving us a chance to get to see this praise in writing in the RECORD for all time.

Thank you. I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Madam President, let me extend my appreciation to the senior Senator from the State of Missouri, Senator BOND, for having presenting this important resolution; and my thanks as well to the Senator from California, Senator BOXER.

I was elated when I saw what we had all anticipated for so long—that Mark McGwire would learn uniquely how to pay the price for greatness, would achieve something that some had said could never happen. We watched and I watched in anticipation as I believe it was in the fourth inning last evening when the first pitch was, incidentally, not what I would call a home run pitch. It looked to me like it was a borderline strike zone, low and away, and Mark reached out and, on the low and away pitch, pulled the ball like a rifleshot over the wall in Busch Stadium in St. Louis.

I stand today to commend him for his outstanding baseball. To see him and Sammy Sosa embrace and salute each other in a friendly kind of competition that brings out the very best is a story about what America really needs and ought to be—how we don't have to be, because we are opponents, enemies. Those two are opponents in most every way and in every sense of the word. But, my goodness, they are not enemies. They elevate each other's performance, and they bring out the best in each other. What a tremendous thing.

Of course, I was so happy to see this happen in St. Louis, MO, a city whose baseball heritage is—well, frankly, it is just unparalleled; a city with baseball fans who understand the game, who know what it means to take a pitch, to hit behind the runner, to make the sacrifice. They know baseball. They know character. They saluted Mark McGwire last night, and properly so.

I was very thrilled to see the Missouri fans be consistent in wanting to share the achievement with Mark McGwire, but not necessarily to take it from him, and the willingness of Missouri fans over and over again to give the baseballs back—to make them part of Mark's heritage and history, to make them part of the national treasure. It is kind of an inspiration at a time when some would lead us to believe that America is nothing but a place of greed.

Too often, sports heroes themselves have participated in the idea that the memorabilia is so valuable that it is only to be sold. I think of these fans who would sort of teach some of our sports heroes lessons that the memorabilia is so valuable that it is not to be sold but it is to be shared. I salute those in St. Louis who decided that this part of American history was too valuable to be sold but it was so valuable that it ought to be shared.

Let me make a few remarks about Mark.

In the pictures—and I just hope the rest of America sees these pictures, if they haven't seen them—in the pictures we see a picture of what we need to be, how we need to think, and how we need to act. Perspective and balance are perhaps the most important characteristics of life. Knowing where you stand at the magic of the moment is certainly a valuable thing. Understanding where you stand in the perspective of history is a valuable thing. Having a respect for the future is a valuable thing. In just one tight little moment there on national television, as Mark McGwire finished rounding the bases, he showed us that he was a person who not only understood the magic of the moment—driving the ball over the left field wall and celebrating the incredible exhilaration and joy of that personal achievement, the crowning achievement of years of training, practice, and insistent persistence toward a goal—he understood the magic of the moment, but he also told us that he understood his place in history, because he went to the stands and he embraced the family of Roger Maris. Roger, of course, died tragically young as a result of cancer. But his family was there to understand not only his place in history but to understand that history marches on. Mark McGwire not only understood the moment but he understood his place in history. He embraced history.

America needs again to have a lesson in embracing history, in respecting our past and understanding that it is only from the greatness of our past that we draw inspiration for surpassing events in the future.

What a tremendous thing that picture was of Mark McGwire with those huge arms around the Roger Maris family.

Then, perhaps as inspiring as anything else, there was the fact that when he rounded the bases and was trading high fives, really before he got into the serious commendations of the rest of his teammates, Mark picked up Matt, the future. He understood that, yes, the past is important, and the magic of the moment is to be cherished, but there is also always the future that is ahead of us. He picks up young Matt, and he elevates young Matt to a position above his father. What a tremendous picture that is. If we as Americans would have an understanding of our youngsters that we need to place them ahead of ourselves, place their interests above our interests, invest in the future, if we would, indeed, hold up our youngsters and elevate them to a place of understanding and the opportunities for greatness, what a tremendous lesson that would be.

So I really have a degree of excitement that is difficult to contain about the tremendous lesson that we can all take out of the joy and exuberance of celebrating the achievements of one whose acts really just stun us and marvel us.

There is just one last point.

There were lots of people—I have been among them—who have said, ''Well, Babe Ruth's record and Roger Maris' record''—Babe Ruth, if you wanted to count one game at one game level, and Roger Maris at another—''would never be broken.'' I am kind of glad that Mark McGwire straightened me out on the breakability of those records, because I believe that maybe as much as anything else, Mark McGwire tells us that the best is yet to come, that every record in the book is one we should look to break, that America is not a place whose primary and monumental achievements are all behind us, but America is a place where the best is yet to come.

Last night, Mark McGwire set a new record of 62 home runs. He might set another record the next time he bats. I am confident that he will set another record before the end of this season over and over and over again.

I think part of the American spirit is such that we should all think about America as a place where the best is yet to come. When we learn to pay the price, maybe when we have the balance and perspective that Mark demonstrated, understanding the magic of the moment, respecting history, and having a full dedication to the fabulous future, maybe that is when we will begin to understand that the best is yet to come and we can be part of it.

To Mark McGwire, to the fans of St. Louis, to Sammy Sosa, who happened to be there when it happened and who, with such class, saluted Mark, I say thanks for an inspiring game, which turns out to be a lesson teacher far bigger than just a game. I am delighted to commend them and thank them for the greatness that they remind us should be a part of all that America is and stands for.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, the Senator from North Dakota, Mr. CONRAD, wants to be added as a cosponsor to this resolution and to note that Roger Maris, who was a great hero in St. Louis, was a North Dakotan. We are very proud of the Maris family. We extend our very best wishes to Sammy Sosa, and we hope he gets into the sixties.

If there are other Senators asking to add their names to the resolution, I would be happy to do that.

May I add the Presiding Officer, the Senator from Maine, Ms. COLLINS, the Senator from Utah, Senator BENNETT, and I believe the Senator from Connecticut, as cosponsors.

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

Mr. LIEBERMAN. Madam President, I came to the floor to speak about campaign finance reform, and I will do that

in a moment, but I thank my colleague from Missouri for adding me as a cosponsor of the resolution. As is obvious to my colleagues, I am neither from Missouri nor California, so my claim to being added is my status as a baseball fan. And even though my colleagues may think I am reaching, the fact is that when Roger Maris set the record I was in college together with the junior Senator from Missouri. So it gives me some standing.

I do want to identify myself with his comments just to stress the obvious personal achievement here that has inspired the country, and also the way in which Mark McGwire did it. It was an act of fate, but somehow so correct, that he tied the record at the 61st homer on the day of his father's 61st birthday, because baseball, in my experience in this country, is very much a matter of one generation passing on the experience to another.

My own memories of baseball, first memories, come from my dad taking me to games, and they are cherished memories. I can tell my colleagues—I hope I am not violating her privacy—when my youngest child was 4 days old, in March, I held her up to a TV set and said, ''Sweetheart, this is baseball, and you're going to love it.'' Fortunately, for me, she has, and we have shared that experience. As Senator ASHCROFT indicated, Mark McGwire beautifully continued that with his son there as a batboy.

The second is the obvious rapport between Mark McGwire and Sammy Sosa, as they compete for this but do it with extraordinary mutual respect. To make the point that is obvious but maybe still worth making, here we have one person whose family has been in this country a long time, from a family of relative success and comfort, another a new American born in poverty in another country, coming here, joined together in this remarkable American game to I think this year break records that were previously thought to be impossible.

And a final word about Roger Maris, who did set the record in the younger days of both my life and Senator ASHCROFT's life. I felt that Mark McGwire probably brought the whole country to give more tribute to Roger Maris than he ever had before, and we owed it to him. So I am proud to be added as a cosponsor.

Did the Senator from Missouri wish to add anything before I proceed to the topic of campaign finance reform?

Mr. BOND addressed the Chair.

Mr. LIEBERMAN. If so, I yield the floor.

Mr. BOND. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 273) with its preamble reads as follows:

S. RES. 273

Whereas, since becoming a St. Louis Cardinal in 1997, Mark McGwire has helped to bring the national pastime of baseball back to its original glory;

Whereas, Mark McGwire has shown leadership, family values, dedication and a love of baseball as a team sport;

Whereas, in April, Mark McGwire began the season with a home run in each of his first four games which tied Willie Mays' 1971 National League record;

Whereas, in May, Mark McGwire hit a 545-foot home run, the longest in Busch Stadium history;

Whereas, in June, Mark McGwire tied Reggie Jackson's record of thirty-seven home runs before the All Star break;

Whereas, in August, Mark McGwire became the only player in the history of baseball to hit fifty home runs in three consecutive seasons;

Whereas, on September 5, Mark McGwire became the third player ever to hit sixty home runs in a season; and

Whereas, on September 8, 1998, Mark McGwire broke Roger Maris' thirty-seven year old home run record of sixty-one by hitting number sixty-two off Steve Trachsel while playing the Chicago Cubs: Now, therefore, be it

Resolved, That the Senate recognizes and congratulates St. Louis Cardinal, Mark McGwire, for setting baseballs' revered home run record, with sixty-two, in his 144th game of the season.

Mr. BOND. I thank the Chair, and I thank all of my colleagues for their courtesy in allowing me to proceed.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, if I may continue the stretch to link the two subject matters, baseball and campaign finance reform, may I say that unlike the Brooklyn Dodgers of old, those of us who support McCain-Feingold are not willing to wait until next year, and since McGwire and Sosa are setting the standard for doing what we thought was impossible, we hope they are an eye-opener for those who think adopting campaign finance reform is impossible for this Chamber this year.

I make the comparison without wanting to set it too closely, but wouldn't it be great when this is over if we could refer to McCain-Feingold as the legislative equivalent of McGwire and Sosa?

I will cease and desist and proceed with my remarks.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3554

Mr. LIEBERMAN. I rise to speak on behalf of McCain-Feingold, the amendment offered, to thank my two colleagues for the extraordinary, principled, persistent, and practical leadership that they have given this critical effort, and to urge my colleagues to support the cloture motion that comes up tomorrow.

Madam President, we have a cherished principle in this country that every person gets one and only one vote, that a citizen's influence on our government's decisions rests on the power of his or her ideas, not the size of his or her pocketbook. The campaign finance system we have on the books protects this privilege. May I repeat, the campaign finance system we have on our law books protects this principle. It imposes strict limits on the amounts individuals can contribute to parties and to campaigns. The law prohibits unions and corporations from making most contributions or expenditures in connection with elections to Federal office, and it requires disclosure of money spent in advocating the election or defeat of candidates for Federal office.

That is what the campaign laws as they are on the books today require. But as we learned sadly during the 1996 campaigns and the various investigations that have followed, those laws appear to be written in invisible ink, which is to say that they have been honored, if one can use the term satirically, only in the breach. They have largely been evaded.

It has been several months since the Governmental Affairs Committee's investigation into the 1996 campaigns ended, but none of us who were part of that investigation will forget, nor I hope will others forget, what we learned there or our feeling of outrage and embarrassment upon learning it. We learned not only of hustlers like Johnny Chung, who saw the White House like a subway—put some money in and the gates will open, he said—or of opportunists like Roger Tamraz, who used big dollar donations to gain access that was originally denied to him by policymakers at the same time he declined even to register to vote because he saw the vote which generations of Americans have fought and died to protect as a meaningless exercise, a process which would gain him no real power, particularly not when compared to the power that $300,000 would give him.

We also learned in the Governmental Affairs hearings last year of something that was in its way even more disturbing because it was more pervasive and had a far greater effect on our elections and on our government. We learned that we no longer have a campaign finance system, that the loopholes have become so large and so many that they have taken over the entirety of the law, leaving us with little more than a free-for-all money chase in its place. We learned last year that it was somehow possible, for example, for wealthy donors to give hundreds of thousands of dollars to finance campaigns, even though the law was clearly intended to limit their contributions to a tiny fraction of those sums. That is what the

law on the books says. It was possible for corporations and unions to donate millions of dollars to the parties at the candidate's request despite the decades-old prohibition on those entities' involvement in Federal campaigns. That is clearly on the law books. It was possible for the two Presidential nominees to spend much of the fall shaking the donor trees, even though they had pledged under the law, in this case the Presidential campaign finance law, not to raise money for their campaigns after receiving $62 million each in taxpayer funds. It was possible for tax-exempt groups to run millions of dollars worth of television ads that clearly endorsed or attacked particular candidates, even though they were just as clearly barred by law from engaging in such partisan activity.

Madam President, the disappearance, if I may call it that, of our campaign finance laws, which is to say the evasion of the clear intent of those laws, has serious consequences that none of us should overlook. Because our current system effectively has no limits on it, our political class, if you will, lives in a world in which a never-ending pursuit for money is often the only road—the only perceived road to survival. With each election cycle the competition for money gets fiercer and fiercer, the amounts needed to be spent get bigger and bigger, and consequently the amount of time Presidential candidates, national party leaders, fundraisers—all of us need to raise for our parties gets greater and greater.

In the 1996 election cycle the national parties raised $262 million in so-called soft or unregulated money, 12 times what they raised in 1984. And what about the current cycle, the 1997–1998 cycle? National party committees in the first 18 months of the 1998 election cycle have raised almost $116 million in soft money, more than double the $50 million raised during a comparable period by national party committees in 1994, which was the last non-Presidential election cycle.

Let none of us deceive ourselves that this unrelenting and ever-escalating money chase has no impact on the integrity of our Government and the impression our constituents have of our Government and those of us who serve in it. That clearly is the sad story, told by the Governmental Affairs investigation last year, and by the host of other investigations, journalistic and otherwise, that have been done of that 1996 election. Our country is focused at this moment in our history on the misconduct which our President acknowledged in his statement on August 17. The consequences of that misconduct were great, but that was the failure of one person. The failure that we speak of today, on the other hand, if we do not act to correct it, belongs to us all. It is systemic, and none of us should doubt that it will get worse unless we do something to change it.

Senator MCCAIN was right, the Senator from Arizona, when he said a while ago that probably the biggest scandal in Washington today is the current state of our campaign finance laws. How can any of us justify a system in which our elected officials repeatedly appear at events exclusively available only to those who can give $50,000 or $100,000 or more, amounts that are obviously out of reach for the average American and above the annual incomes, in fact, of so many of our citizens—the annual incomes of so many of our citizens. How can any of us justify a system in which we, public servants, must divert so much of our time from the people's business to the business of fundraising? How can we justify a system that has so disenchanted our constituents that, according to an October 1997 Gallup survey, only 37 percent of Americans believe that the best candidate wins elections; 59 percent believe elections are generally for sale; in which 77 percent of Americans believe that their national leaders are most influenced by pressure from their contributors, while only 17 percent believe we are influenced by what is in the best interests of our country? That is a searing indictment of what we are devoting our lives to—public service, the national interest; and it comes, I believe, directly from the way in which we raise money for our campaigns, certainly at the Presidential and national level.

How can any of us justify not taking action, some action, to reform our campaign finance system this year, in this 105th session, after all of the time and energy and resources Members of both sides of the aisle have spent investigating, in effect denouncing, the conditions that prevail under the current system? The fact is, I respectfully suggest, that we cannot justify such a system and we cannot justify inaction.

In the additional views that I was privileged to submit to the Government Affairs Committee report on its investigation of the 1996 campaigns, I wrote that I came away from that year-long investigation with an overarching sense that our polity has fallen down a long, dark hole into a place that is far from the vision of values of those who founded our democracy. I find it hard to see how others can come away from that experience, or any other experience which allows them to examine what has become of our campaign finance laws, without reaching a similar conclusion. We no longer live in a system in which every citizen's vote counts equally, or anywhere near equally. Instead, we live in a system in which what seems to matter most is how much money we can raise.

It is time to act to restore a sense of integrity to our campaign finance system, to restore the public's trust in it and us. This is not a radical idea. All we are really asking is to restore our system to what it was meant to be, to what in fact the letter of Federal law is today: a system where individuals can participate in our political system, but they are limited in their ability to use their incomes to influence their Government; where only individuals, not corporations and unions, may use their money to directly influence our elections, and where we all know, through disclosure, who it is that is contributing and the public may judge to what extent those contributions are influencing our actions and our votes.

Madam President, I hope that our colleagues will do what most observers seem to think we will not, which is to vote for cloture tomorrow to take up this bill and to clear this cloud from over our political system.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, we have heard a good deal in this debate about people buying access to politicians. Indeed, there has been a tremendous amount of time and printer's ink and television signals spent on debating how you buy access to a politician. I want to turn this debate around, for the sake of looking at it from a different point of view. It may take me some time to do this because there has been so much expenditure in one direction, but I think the core of this issue requires us to look in another direction, and that is not access to the politician, but access to the voters.

Let me develop this for just a minute. We live in a democracy. Ultimate power in a democracy lies with the voters. Madam President, when you and I wished to become an elected official, in order to get here we have to have access to the voters, and this whole political process is about that challenge—how does the Presiding Officer gain access to the voters of Maine in order to get her message across?

How do I get access to the voters of Utah in order to convince them that I am a better person than others who are seeking this opportunity? That is the focus that has never come into this debate. It is always assumed that the politicians are the constant and the voters somehow are the variable. It is, in fact, the other way around. The voters will always be with us in a democracy. It is the politicians who come and go and who are variable, and the question of how a politician becomes an officeholder depends entirely on how effectively the politician can get his or her message across to the voters so the voters can then make a choice.

What I am about to say for the next half hour to 45 minutes, will be focused in a whole new direction than the direction that we have been having in this debate.

I begin, Madam President, by going back to a historical review of the whole issue of money in politics. For this, I am dependent on a number of sources. One is the Wilson Quarterly published in the summer of 1997, with the cover article being entitled ''Money In Politics, The Oldest Connection.'' This gives us a historic point of view that will start us off in this direction that I think we ought to explore.

In this particular article, it points out that in the beginning of our Republic, a politician had access to the voters because he knew them all. They all lived in his neighborhood. George Washington was personally known to the people who voted to put him in Virginia's House of Burgesses. Thomas Jefferson was personally known to the people who he would turn to for political support. He had no problem gaining access to the voters.

I find it interesting, out of this Wilson Quarterly article, that even then, however, the subject of money did come up. If I can quote from the article:

George Washington spent about 25 pounds apiece on two elections for the House of Burgesses, 39 pounds on another, and nearly 50 pounds on a fourth, which was many times the going price for a house or a plot of land.

Interestingly, many times the price of a house for a seat in the State legislature. Oh, what fun we could have with the rhetoric about that in this Chamber when we are saying that a seat in the House was up for sale.

Quoting from the article again:

Washington's electioneering expenses included the usual rum punch, cookies and ginger cakes, money for the poll watcher who recorded the votes, even one election-eve ball complete with fiddler.

An interesting footnote about that appears in the article later relating to one of Washington's fellow State members, James Madison. Quoting again from the article:

James Madison considered ''the corrupting influence of spiritous liquors and other treats . . . inconsistent with the purity of moral and republican principles.'' But Virginians, the future president discovered, did not want ''a more chaste mode of conducting elections.'' Putting him down as prideful and cheap, the voters rejected his candidacy for the Virginia House of Delegates in 1777. Leaders were supposed to be generous gentlemen.

Madison decided to enforce his own form of campaign finance reform, refused to treat the voters in Virginia, and they responded by refusing to send him to Virginia's House of Delegates.

As the country grew, obviously the circumstances changed. We got to the point where no longer could a candidate announce for office and assume he would be known to all the voters. Even if he bought some rum punch or ginger cakes, he still could not sway voters' opinion and, as the article says, quoting again:

Leadership was no longer just a matter of gentlemen persuading one another; now, politicians had to sway the crowd.

As the article goes on to point out:

In fact, the more democratic, the more inclusive the campaign, the more it cost.

In that one sentence, we have a summary of the challenge of a politician gaining access to the voters. I will repeat it:

. . . the more democratic, the more inclusive the campaign, the more it cost.

Stop and think of the challenge today in that context where the Senator from New York has to reach millions, tens of millions, the Senator from California even more millions than that, in campaigns this fall. And the more democratic and more inclusive those campaigns are, the more they will cost.

Cost to do what? To gain access to the voters; to get your message across to the voters. The cost is directly connected with how democratic, how inclusive, and in the case of the larger States, how big the electorate is going to be.

We come into the present century, and we find things are getting worse in terms of the high cost of reaching the voters. One of the things, paradoxically, that has driven the cost of campaigns through the roof has been the cause of campaign finance reform. The reforms themselves have added to the burden of cost on a candidate who is seeking to have access to the voters.

Again from the article:

Some reforms, such as the push for nomination of presidential and other candidates by primaries, made campaigning even more expensive. Ultimately, the reformers' decades-long efforts to improve the American political system did at least as much harm as good. They weakened the role of parties, lessened faith in popular politics, and hastened the decline of voter participation.

I find that very interesting. A historical analysis of America's politics written in an outstanding academic journal says that it has been the reformers' efforts that have ''weakened the role of parties, lessened faith in popular politics and hastened the decline of voter participation.'' We heard on this floor this morning the statement that voter participation is going down, and the reason is because we do not have campaign finance reform; indeed, that the more money we put into politics, the less people vote and the lower the level of participation and that there is a direct correlation between the money chase and the voters being turned off.

We were told that in the State of Arizona, they just had a primary that set an all-time low for voter participation in this era when we have an all-time high in spending.

Madam President, I offer the case of my own State and what happens with respect to voter participation and money. If I can go back in my own political career, the one career I know better than any other, I can tell the Members of the Senate that the highest voter participation in history in a primary in the State of Utah occurred in 1992 when I was running for the Senate.

We had an open seat for the Senate, and originally five candidates on the Republican side and two on the Democratic side. We had an open seat for Governor, and originally there were five candidates for Governor on the Republican side, and I believe three on the Democratic side, plus an independent thrown in who ran on a third party ticket.

By virtue of the Congressman in the Second District in Utah challenging for the Senate seat, we had an open seat in Salt Lake City, the media center of the State. So even though it was not a statewide office, it nonetheless called for purchase of statewide media.

We had the largest spending amount of money in the history of the State as we went through that primary.

In the Senate primary alone—there were only two candidates, I say, because under Utah's law a convention eliminates all but two—we had the highest expenditures in the State's history. My opponent spent $6.2 million in the primary in the State of Utah, setting an all-time record for money spent per vote. I struggled by with second place in spending with $2 million, which would have beaten the previous high if it had not been for the amount of money my opponent was spending. So that is over $8 million spent on a Senate primary in the State of Utah that has fewer than 1 million voters.

At the same time, we had a heated race for Governor with primaries in both parties. Fortunately, the gubernatorial candidates did not spend in the millions that the senatorial candidates did, but they spent a lot of money for a primary. And we had spending in the House race in the Second Congressional District.

If we believe what we were told on the Senate floor this morning, that should translate into the lowest voter turnout in history, people turned off by the money chase. But in fact it produced, as I said, the largest voter turnout in the history of the State.

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. BENNETT. I am happy to yield to my friend from Kentucky.

Mr. MCCONNELL. Following the astute observations of the Senator from the State of Utah, in fact that is where the correlation is, is it not? Year after year after year, we see that there is a direct correlation between spending and turnout, a fact that makes good sense. If there is a contested election, with two well-financed candidates, the turnout goes up. If very little money is spent, very little interest is generated and turnout goes down.

So I ask my friend from Utah if the Utah experience that he related to us is not almost always the case?

Mr. BENNETT. It is my understanding that it is, Madam President. And I would like to underscore that point by going to the primary in 1998. In 1998, there were no Senate candidates on the primary ballot from either party, I having eliminated my challenger within the party within the convention, and my Democratic opponent having had no challenger in his convention. We did not have a gubernatorial race. There was no challenge in the Second Congressional District, which is in the large media market.

But there was a primary in the Third Congressional District, where the incumbent Congressman was challenged by a gentleman who made it very clear that he not only would not accept PAC

money, he would not accept party contributions, he would not accept individual contributions. He said, ''I will take my message directly to the people without accepting any money''—as he put it, in biblical terms—''gold and silver, from anyone.'' And the result of that primary was the lowest turnout that anyone can recall.

His opponent did not spend any money. I talked to his opponent, the incumbent Congressman. I said, ''Aren't you going to spend anything?'' He said, ''I'm nervous it will look like overkill if I do.'' He did spend a little money on a get-out-the-vote campaign, but he did not buy any ads. There were no television broadsides and no radio ads. Most of the people in the district, by virtue of the lower spending, did not know an election was going on, and you had the lowest turnout in Utah history in that district.

So I submit, Madam President, that at least on the basis of the anecdote with which I am the most familiar, the more participation that you want, the more money you had better be prepared to spend. And if you are in fact decrying the low level of turnout and the low level of participation and you want to do something about that, then you defeat this amendment, because this amendment would take us down the road to further lowering the ability of candidates to access the voters and thereby let the voters know that an election is going on.

If I may go back to the historic pattern that I was outlining as to what has happened in this century, I would refer once again, Madam President, to the quote that I gave from the article in the Wilson Quarterly that ''the reformers' * * * efforts to improve the American political system did at least as much harm as good * * * and hastened the decline of voter participation.''

The article goes on to say:

> Twentieth-century politicking would prove to be far more expensive than 19th-century . . . politics . . . And as the century went on, politicians increasingly had to struggle to be heard above the din from competing forms of entertainment . . .

That is a very interesting way of putting it, Madam President. Politicians had to compete with the din of competing forms of entertainment. If you read the history books, there was a time when politics was the leading form of entertainment in this country. If you were going to have a rally, a bonfire, something to do, you went out and got involved in politics. As other forms of communication and entertainment came along, it became increasingly difficult.

I have a personal experience I can share on this which is perhaps not political but which makes the point. I served as a missionary for the church to which I belong in the early 1950s. And I served in the British Isles, where one of the great traditions of the British Isles is what is known as a street meeting. You stand on a street corner, you talk as loud as you can, and you hope somebody stops and listens to you.

On a good evening in the summertime, when the weather is fine, you could almost always draw a crowd. I would go down to the city square in Edinburgh, and the Salvation Army would be on that corner, and the Church of Scotland would be on that corner, and the Scottish nationalists would be over here, and I and my companions would be here.

The square would be filled with people, and you would compete with each other to see who could draw the biggest crowd and then who could hold the crowd as the other orators were speaking on their issues—the Scottish nationalists demanding that Scotland separate itself from the British tyranny, the Salvation Army putting forth—they were unfair in my book because they had a band. We did not have a band, we just had our own voices to carry it on. It was a great British tradition and still, presumably, goes on in some parts of Hyde Park in London, but I think only rarely now.

What happened to dry up the crowds that would show up and listen to the orators on politics and religion and everything else? Television. As soon they could stay home and watch television, they were not interested in coming down to the city square in Edinburgh to listen to a tall bald kid from America. However entertaining that may have been in an earlier time, all of a sudden there was competition. Politicians used to be at that square. Politicians have discovered, in the words of the article, that they have to ''struggle to be heard above the din from competing forms of entertainment.''

And how are they heard? They buy an ad. They go on television themselves. They go on radio themselves. How are they going to get access to the voters? They are going to have to compete in the same places where the voters are. It makes you feel wonderful to stand on a street corner and give an absolutely brilliant speech, if there is anybody listening.

But I can tell you from real experience, it makes you feel quite foolish to stand on a street corner and give an absolutely brilliant speech to a group of pigeons that keep flying in and out. If you are going to get access to the voters, you have to go where the voters are, and the voters are by their radio sets and in front of their television sets, and that is where you have to be, however much you might not like it.

Back to the article:

> By letting politicians appeal directly and ''personally'' to masses of voters, television made money, not manpower, the key to political success. Campaigns became ''professionalized,'' with ''consultants'' and elaborate ''ad-buys,'' and that added to the cost. So did the fact that as party loyalties diminished, candidates had to build their own individual organizations and ''images.''

I go back to the question of, Why did the party loyalties diminish? Because the reformers showed up and said, ''Parties are evil.'' It was the reform movement that diminished the power of parties, so that it did not make enough difference for an individual to win his party's nomination, he had to have his own organization, his own campaign consultants, and his own ad-buys.

Again, if I can give a personal anecdote to demonstrate this, my first experience with politics was in 1950 when my father ran for the U.S. Senate. Who managed his campaign that first year? It was the Republican State Party chairman who showed up when dad won the nomination and said, ''OK, we have a party organization in place and we are going to run your campaign.'' When my father ran for his last term in the U.S. Senate in 1968, I am not sure I remember who the Republican State chairman was, because by that time we had created our own organization—Volunteers for Bennett, Neighbors for Bennett, our own door-to-door system of handing out information. We had our own advertising budget and our own advertising program. We had to take it all over ourselves if we were going to get access to the voters in a meaningful way. And all of that costs money. It was the cost of the politicians gaining access to the voters that was going up and that was what was driving the fundraising challenge.

Then we got to what is considered the great watershed in American campaign finance problems, Watergate. The article addresses that, as well. If I might quote once again:

> Yet for all the pious hopes, the goal of the Watergate era reforms—to remove the influence of money from presidential elections—was hard and inescapable fact, ridiculous. Very few areas of American life are insulated from the power of money. Politics, which is, after all, about power, had limited potential to be turned into a platonic refuge from the influence of mammon. The new Puritanism of the post-Watergate era often backfired . . . Tinkering with the political system in many cases just made it worse.

I can offer anecdotes about that, as well. Let me give one. We heard in the hearings to which the Senator from Connecticut referred in the Thompson committee with respect to campaign finance reform, we heard there about a campaign that many can argue changed the course of American history. It was the McCarthy campaign in New Hampshire in 1968. Eugene McCarthy, a distinguished member of this body, decided against all political wisdom that he was going to challenge an incumbent President within his own party over an issue he considered to be a moral issue, the Vietnam war. Conventional wisdom said a sitting Senator does not do that to an incumbent President. The sitting Senator does not take on an incumbent President of his own party. But Eugene McCarthy did. He went to New Hampshire. He did not win, but he came close enough to scare Lyndon Johnson and his advisers so badly that within a relatively short period of time after the McCarthy challenge, Lyndon Johnson announced that

he would not run for reelection as President of the United States.

Now, we heard in the Thompson committee this bit about the McCarthy campaign. He went to five individuals, individuals of wealth, and said, ''I want to challenge Lyndon Johnson on the basis of principle; will you support me?'' And each one of those five said yes. Each one gave him $100,000. So he went to New Hampshire with a war chest of half a million dollars—which at the time was sufficient for him to gain access to the voters.

Again, the theme that I am trying to lay down here, the whole issue is not access to the politician; the issue is access to the voters. Eugene McCarthy could not have had access to the voters without that $500,000. We would, perhaps, not have had history changed the way it was as a result of the McCarthy campaign if those five men had not put up $100,000 apiece.

Now, someone connected with the McCarthy campaign testified before our committee and he gave this very interesting comment. He said those who signed the Declaration of Independence were so concerned about their Government that they were willing to pledge, in the words of that declaration, ''their lives, their fortunes and their sacred honor.'' Then he said, in today's world it would say, ''your lives, your fortunes and your sacred honor, just as long as it does not exceed $1,000 per cycle.''

Now, I think the McCarthy campaign and the result of that demonstrates how the reforms of the Watergate era have backfired, how they have made it impossible for many people who would otherwise have a message worth hearing, to gain access to the voters.

Let me give an example out of the last campaign. One of the more energetic of America's politicians is a former Member of the House, former member of the Cabinet named Jack Kemp. He brings to politics the same enthusiasm that he used to display on the football field. Sometimes he has the same suicidal motives that he seemed to have on the football field, but he plays the game with that kind of zest. Jack Kemp dearly wanted to run for President in 1996. He had run once before and he still had it in his blood and he was ready to go. I talked to Jack Kemp and said, ''Are you going to do it?'' And he said, ''No.'' I said, ''Why not?'' He said, ''I can't bring myself to go through the agony of raising the money.''

This is not cowardice on his part. If there is anything Jack Kemp is not, it is a coward. This is not lack of enthusiasm on Jack Kemp's part. It was a recognition of the fact that the so-called reforms out of Watergate meant that he could not do what Eugene McCarthy did. He could not go to five individuals and say, ''Give me $100,000 a piece to get me started.'' He had to do it $1,000 at a time. He said to me, ''BOB, I would have to hold 200 fundraisers between now and the end of the year to do it, and I simply cannot eat that much chicken.''

Mr. MCCONNELL. Will the Senator yield?

Mr. BENNETT. I am happy to yield to the Senator.

Mr. MCCONNELL. The Senator's point, I gather, is that the last reform of the mid-1970s has, in fact, secured the Presidential system to favor either the well-off, for example, Steve Forbes; or the well-known with a nationwide organization, for example, Bob Dole, to the detriment of every other dark horse who might have a regional base or some dramatic issue that they cared about, like Eugene McCarthy.

In fact, is the Senator's point that regional candidates or candidates with a cause are now out of luck as a result of the last reform?

(Mr. GORTON assumed the chair.)

Mr. BENNETT. The Senator is entirely correct. That is my point. If, indeed, we want to increase the amount of public confidence in the system and candidate participation in the system, we should remove the restrictions that now make it virtually impossible for anybody other than the well-known or the well-funded.

I used Jack Kemp as an example. The Senator from Kentucky has mentioned Steve Forbes. It is widely assumed—I have not discussed it with him directly, but I think it is probably accurate—that Steve Forbes would have backed Jack Kemp in the last election if Kemp had been able to run. It is widely assumed —and I think it is correct—that if Jack Kemp, pre-Watergate reforms, had gone to Steve Forbes and said, ''Steve, give me $1 million,'' Steve Forbes would have done it. But because he can't do it under the Watergate reforms, Steve Forbes ends up getting in the race himself because the only way he can make his money available to his causes is to spend it on himself.

The reforms we have make it impossible for him to spend it supporting anybody else, unless, of course, he does it in the terrible, dreaded form of soft money. And I will talk about that in a minute. But right now I want to focus again on the historic fact that, in the name of campaign finance reform, we have restricted rather than expanded the opportunities of politicians to get their message across. We have made it more difficult for a politician to gain access to the voters than it used to be before we had all of these reforms.

Back to the article for just a moment. A summary of this point, and one other aspect of it:

> In an age of growing moral relativism, reformers raised standards in the political realm to new and often unrealistic legal heights. Failure to fill out forms properly became illegal. This growing criminalization of politics, combined with the media scandal-mongering, did not purify politics, but only further undermined faith in politicians and government.

We are all familiar with that, Mr. President. Failure to fill out forms properly—oh boy, what a terrible sin that is, and how dearly we pay for it. I have remained silent on my own experience with the Federal Election Commission, but I suppose the time has come now for me to confess my sins. My campaign in 1992, staffed primarily by volunteers, failed to fill out some forms properly—indeed, they failed to fill some of them out on the proper timeframe. They filled them out properly, they just didn't submit them in the proper timeframe. And for that, after spending about $50,000 in legal fees to convince the Federal Election Commission that I was not some kind of an ax murderer, we finally achieved an out-of-court settlement that cost me another $55,000.

In the negotiations between my campaign and the Federal Election Commission, my attorney made it very clear. He said, ''You will settle at the amount they know is below what it would cost you to litigate this issue.'' It has nothing to do with what constitutes an illegitimate penalty; it has to do with how much they know they can get from you because you would rather spend money to have this thing over than you would spend it for legal fees. As I say, I spent about $50,000 in legal fees. The settlement figure was $55,000. It is clear that it would have gotten to more than $55,000 if I had to go to litigation, and so financially I made the decision to settle. That is another one of the fruits of reforms.

In the words of the article, ''Criminalization of politics, combined with media scandal-mongering, did not purify politics, but only further undermined faith in politicians and government.''

All right. I started this by saying the focus of this is on access to the voters. All of the debate we have had has been on how we must somehow deal with access to the politicians. Let's talk about access to the politicians for just a minute before we come back to the main theme. We are told again and again that the only reason people give any money, the only reason people make any contribution is because they want access. I will again refer to the article, but I will have other references out of a more current publication:

> Wealthy people who purchase status with payoffs to museums are admirable philanthropists. When they plunge into public service, they risk being called ''fat cats'' who want something more in return for their generosity than advancement of their notion of the public good and something more sinister than status by association. Donors are ''angels'' if they champion the right candidate or the right cause, but ''devils'' if they bankroll an opponent.

In this week's issue of Fortune Magazine, Mr. President, there is an article on money and politics that brings up to date that observation from the article I have been quoting. It talks about fundraisers for campaigns and makes this point in concert with the point that was just made:

> Conspiracy theorists will be disappointed to learn that the majority of money raisers don't seek quid pro quos. Most have made

their fortunes and dabble in politics because they are partisans and get a kick out of it.

That has been my experience. The people who give really big money—Rich DeVos of Amway, for example, for the Republicans, and a gentleman I believe named DeMont, who gave over $2 million to George McGovern and the Democrats, were not expecting an ambassadorship and not expecting to be appointed to the Cabinet. They made their fortunes; they are partisans and they get a kick out of it.

What they really crave is status and minor celebrity in the Nation's Capitol. The nastiest battles between fundraisers are often over who gets to sit next to the President or Presidential ''wannabes.'' It may seem absurd to the uninitiated, but among fundraisers, top pols are the rock stars of the beltway. In some ways, the real scandal of the White House coffees and overnights that got President Clinton in such pre-Monica trouble is that many sophisticated people were willing to raise or give so much to be little more than Washington groupies.

Buying access? It is not automatically the motive on the part of those who give. They give because they believe that this is good for the country. They believe in the cause. In this same article in Fortune, there is a specific example of one of these gentlemen—Arnold Hiatt. He is highlighted in the article. Mr. Hiatt believes in many things in which I do not believe. He is of the opposite political persuasion than I, and the article reports that:

In 1996, Arnold S. Hiatt, 71, was the second-largest individual contributor to the Democratic Party. His $500,000 gift was second only to the $600,000 given by Loral's Bernard Schwartz, who is now better known for his Chinese missile connections.

According to the article, Mr. Hiatt has decided not to give any more money to the Democrats. He gave $500,000 a month before the November 1996 election, specifically to help unseat 23 vulnerable House Republicans and return the House to Democratic control. Quoting the article:

It was the failure of his money to produce that result—not just a fit of conscience—that spawned Hiatt's change of heart. Asked why he decided to stop contributing to politicians so soon after giving so much, he admits that it was because his Democrats didn't win.

He gave the money for what he believes is a public-spirited reason, and he stopped giving to the parties because he didn't get the result that he wanted. Being a good businessman—he is the former CEO of Stride Rite, the company that makes Keds—he discovered he wasn't getting a return on his investment—not a return in corruption, not a return in access—I am sure he still has access to all the Democrats he wants—but a return on his ideological investment. He wanted the Democrats to control the House. He gave money to the Democratic National Committee. The Democrats didn't control the House so he decided to do something else.

What is he going to do? He is going to give his money directly to special interest groups. Now, according to the article, he doesn't believe that the groups to which he gives money are special interest groups; it is the groups he opposed that are the special interest groups.

The article says:

Hiatt then having gotten religion, has changed tactics. Rather than relying on the Democrats to press his agenda, he is now giving heavily to organizations like the Washington based public campaign which lobbied for publicly financed elections. Since the business interests that Hiatt so dislikes tend to have more money than the green groups he backs, Hiatt believes taxpayer funded elections would curtail the clout of the bad guys. Both the House and Senate would be controlled by the voters and less by special interests, Hiatt insists. But what he means is that Congress would be controlled by the people he agrees with.

Once again, Mr. President, the issue is access to the voters. Mr. Hiatt thought he could help get his agenda if he gave money to the Democrats. It didn't work. So he is seeking access to the voters through special interest groups. He has decided that the parties are not able to help him advance his agenda, and he is going to fund other groups to help advance his agenda. He has every right to do that. I applaud his willingness to get engaged and involved in American politics. But, if we pass the amendment that is before us, he will be curtailed, and the groups to which he contributes will be curtailed in their effort to gain access to the voters.

Mr. MCCONNELL. Mr. President, will the Senator yield for a question?

Mr. BENNETT. Yes. Certainly.

Mr. MCCONNELL. Mr. President, over the last decade, the Senator from Kentucky asked numerous witnesses at hearings on campaign finance to define what a special interest is. I say to my friend from Utah that I have not yet gotten a good answer. So I have concluded—and I ask the Senator from Utah if he thinks this is a good definition of a special interest—I say to my good friend from Utah that I have concluded that a special interest is a group that is against what I am trying to do. Does the Senator from Utah think that probably is as good a definition of special interest as he has heard?

Mr. BENNETT. Mr. President, I say to the Senator from Kentucky that is what I have heard referred to as a good working definition.

I might add to that a comment that came out of the Thompson committee hearings from my friend from Georgia, Senator CLELAND, when he talked about tainted money and the definition of tainted money in Georgia. He said, ''Taint enough; taint mine.''

Yes. Every man's special interest is the other man's noble cause.

Mr. MCCONNELL. Mr. President, in fact, I ask the Senator from Utah, was it not envisioned by the framers of our Constitution and the founders of this country that America would, in fact, be a seething caldron of interest groups, all of which would enjoy the first amendment right to petition the Congress; that is, to lobby, to involve themselves in political campaigns, and to try to influence, in the best sense of the word, the Government? And in today's America where the Government takes $1.7 trillion a year out of the economy, I ask my friend from Utah, is it not an enduring and important principle that the citizens should be able to have some influence on the political process and the government that may affect their lives?

Mr. BENNETT. Mr. President, the Senator from Kentucky is now getting into grounds that I love but that some others have sometimes scorned in this debate; that is, the basis of the free speech position of the Constitution of the United States.

If I may respond to the Senator from Kentucky by quoting from James Madison and the Federalist Papers that support exactly what he said, they didn't use the term ''special interest'' back in Madison's century. The term of art then was ''faction.''

This is what James Madison had to say:

By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion or of interest, adverse to the rights of other citizens.

That sounds like the definition of a special interest group to me.

Madison goes on to say:

There are . . . two methods of removing the causes of faction: The one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy that it was worse than the disease. Liberty is to faction what air is to fire.

Certainly we do not want to eliminate air that we cannot breathe in the name of stopping a fire that might occur, and we do not want to eliminate liberty.

So Madison makes that point.

Referring to the second, giving everyone the same opinions, passions, and interests, Madison says:

The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed.

Absolutely the Founding Fathers created the Constitution for the sole purpose of protecting the rights of every one to have his own special interest, belong to his own faction, and hold his own opinion. An attempt on the part of the Senate of the United States to destroy that right is clearly going to be held unconstitutional as it has been again and again, as my friend from Kentucky has pointed out so often on the floor.

Mr. MCCONNELL. Mr. President, I ask my friend further is it not the case that the underlying amendment which we have been debating seeks to make it impossible for groups of citizens to criticize the politician by name within

60 days of the election? Is that the understanding of the Senator from Utah?

Mr. BENNETT. Mr. President, it is my understanding that is the way the bill is written. I think James Madison would be turning over in his grave, although I think he would take comfort from the fact that the institution he helped create—the Supreme Court—would clearly strike it down.

Mr. MCCONNELL. I say to my friend, so if you have the situation that on September 3rd of a given year a group of citizens could go out without registering with the Federal Election Commission, without subjecting themselves to that arm of the Federal Government, and criticize a politician by name, but then on September 4th, I ask my friend from Utah, that would become illegal. Is that correct?

Mr. BENNETT. It is my understanding that the bill would make that illegal and improper.

Mr. FEINGOLD. Mr. President, will the Senator from Utah yield for a question?

Mr. BENNETT. Yes.

Mr. FEINGOLD. Does the Senator realize that under the Snowe-Jeffords amendment, which is included in the version of McCain-Feingold that is before the Senate, at this time there is no restriction on individuals such as Mr. Hiatt? Are you aware that was the rule by a majority vote of this body?

Mr. BENNETT. I was unaware that Mr. Hiatt would be allowed to spend his soft money for a faction. I think it is still true that he would not be able to spend his soft money for a party. Is that not the case, I ask my friend?

Mr. FEINGOLD. As I understand it, he would still be able to do it for the types of ads the Senator was indicating. The question that I would ask is, if you have a concern with regard to the bill at this point concerning individuals and groups that are not corporations or unions, the whole purpose of the Snowe-Jeffords amendment was to make it clear. And in the spirit of compromise that it would not affect what the individuals have been able to do in the past in that area, I just wanted to make sure the record is clear, because much of the comments of the Senator from Utah have to do with individuals who are not restricted in the way that the Senator has suggested.

Mr. BENNETT. Mr. President, I would suggest that individuals are seriously restricted under this bill because they cannot exercise their constitutional privilege of giving the money to a political party. Mr. Hiatt has made the choice not to give the money to the political party, if the article is to be believed solely on the basis that it didn't work, not because he was motivated by some other higher spirit. He decided to give the money directly to a faction because he thought it would be more effective.

If this bill passes, as I understand it, Mr. Hiatt would be prohibited from changing that decision. That is, if he were to decide that, ''Gee, I could make things better if I gave it directly to the political party, I want to go back to what I was doing before,'' he would be prohibited from doing that on the grounds that this is soft money, and he is forced by the law to give his money to a special interest group rather than to a political party or to a political candidate.

This puts us in the position of paradoxically strengthening the hands of special interest groups at the expense of political parties and political candidates. This puts us in the position of saying that eventually political discourse in this country will go the way that it is going in California. I lived in California for long enough to know that the California pattern of putting issues directly on the ballot with no spending limitation whatsoever eclipses elections for candidates. The amount of spending that went on in the last California election on the various referenda vastly outstripped and eclipsed the amount that any candidate was able to spend. And if we get to the point where political candidates are squeezed out of access to the voters by groups funded by people like Mr. Hiatt who have unlimited amounts to spend, we are going to be in great difficulty.

Mr. FEINGOLD. Mr. President, I have a question about that very point. Mr. President, I thank the Senator from Utah. Many of his remarks were devoted to the proposition that Mr. Hiatt couldn't give to various groups; independent groups.

Mr. BENNETT. I didn't say he couldn't give to various groups.

Mr. FEINGOLD. I believe I heard several comments to the effect that he would be prevented from doing that. I just want the record clear that the only concern the Senator from Utah has at this point in light of the effect of the Snowe-Jeffords amendment is the amendment's effect on what he can give to parties.

Mr. BENNETT. Exactly.

Mr. FEINGOLD. I want that clear for the record.

Mr. BENNETT. Sure.

Mr. FEINGOLD. Because I was not certain in light of your remarks.

Mr. BENNETT. That is not the only effect. If I can repeat once again, this bill, in light of the Snowe-Jeffords amendment, would hasten the day when people would abandon candidates and abandon parties and give their money directly to special interest groups, as Mr. Hiatt has voluntarily decided to do in this situation, and I think that would be tremendously deleterious to the cause of worthwhile political discourse in this country.

I pause at this example. Let us suppose that in the State of Utah the Sierra Club were to decide that their No. 1 goal was to drain Lake Powell. Indeed, they have announced many places that that is soon to be their No. 1 goal.

CONSUMER BANKRUPTCY PROTECTION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the hour of 4:30 p.m. having arrived, the Senate will now begin 30 minutes of debate on the motion to proceed to S. 1301, which the clerk will report.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to finish my thought.

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

Mr. FEINGOLD. Mr. President, reserving the right to object, I ask that I be given the opportunity to respond briefly to the Senator's remarks.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. I withdraw my request and suggest the absence of a quorum.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. BENNETT. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued the call of the roll.

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

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

The clerk will report.

The legislative clerk read as follows:

Motion to proceed to the consideration of Calendar No. 394, S. 1301, a bill to amend title XI, United States Code, to provide for consumer bankruptcy protection, and for other purposes.

The PRESIDING OFFICER. Time for debate between now and 5 p.m. will be equally divided between the Senator from Iowa and the Senator from Illinois, Mr. DURBIN.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume from my portion.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Mr. President, I want to say a few words today before we have our cloture vote on S. 1301, and that is the Consumer Bankruptcy Protection Act. That is going to occur, as stated by the Chair, at 5 o'clock. We are going to vote at that time on whether we can even consider this very important piece of legislation that is called the Consumer Bankruptcy Protection Act.

As I said yesterday, I think the necessity of having a cloture vote and the objection to taking this bill up was a desperation tactic. If the opponents of reform want to fight reform, let's have a fight about the merits of bankruptcy reform. I would like to get to the bill. I would like to have everybody vote for cloture on the motion to proceed, and then we are there debating this legislation. When we get to the bill, I want to

assure everyone that I am going to work hard to further accommodate concerns expressed by members of the minority. I have proceeded in this fair way since we started to consider bankruptcy reform, and we have been at this at the subcommittee and committee level probably almost a year to this point.

In subcommittee, when we marked up the bill, I personally saw to it that many of the changes which my distinguished ranking minority member, Senator DURBIN, wanted were inserted into the bill, and at the full committee markup I worked with Senator HATCH to ensure that a number of Democratic amendments were offered. I did not accept these provisions because I supported them or thought these provisions were the best policy choice. I accepted these amendments out of a desire to accommodate the concerns of the Democratic Members. So there is no reason for them to filibuster this bill at all. If the Democratic Members want to be respected, then it seems to me that the members of that party also have to act responsibly when those of us in the majority go out of our way to accommodate the concerns of the minority. There is no need to clutter up the bill with amendments that are totally irrelevant or unrelated to the issue of bankruptcy.

For instance, I have heard that the issue we just left, campaign finance reform, might be offered. I have heard that the minimum wage bill might be offered. I have heard that it is health care reform, that any or all of these could be added to this bill. That is why we have to vote for cloture now and, later on, on the bill. Otherwise, without imposing cloture, the bill becomes a vehicle for people who oppose reform to load this bill up with excess baggage.

As I have said repeatedly here on this floor, the American public overwhelmingly favors bankruptcy reform: 68 percent of the people in a national poll; in my State of Iowa, 78 percent of the people. So let's stop playing games and get to the business of the country. The cloture vote is one of the key votes on bankruptcy reform. A vote against cloture is a vote against a piece of legislation that deals head on with an issue of extreme national importance. The Consumer Bankruptcy Reform Act that we have before us, or will have before us if we vote cloture, is fair and balanced. It passed out of the Judiciary Committee on a 16-to-2 vote. How could a bill that got out of committee 16 to 2 be subject to a filibuster? So, let's get to the bill and, hopefully, pass it.

The Consumer Bankruptcy Reform Act is a bipartisan effort. It is a bipartisan effort which keeps the best of old law while curbing abuses. S. 1301 continues to help those who need the protection of the bankruptcy laws but implements measures to screen out those who use the bankruptcy system to avoid paying debts that they can afford to repay.

The fair nature of this bill is represented by the overwhelming bipartisan support that it received in committee. The near unanimous consensus of the committee action reflects a belief that something must be done to curb the skyrocketing rate of bankruptcies, which reached an all-time high last year, and that this bill is thus a necessary step in restoring common sense to our bankruptcy laws and the system of bankruptcy.

As the prime sponsor of this bill and chairman of the subcommittee with jurisdiction over bankruptcy, I went out of my way to make sure the minority was treated fairly. At my hearing we invited every witness the minority requested. And every time my distinguished friend, Senator DURBIN, sought to insert language into the bill, I personally saw to it that his desires were accommodated. The only time that I could not accommodate his desires was sometimes he asked for certain language to be deleted.

American business lost around $40 billion last year as a result of bankruptcies. This translates into a hidden tax of $400 per family. We need to cut this hidden tax and put more money into the pockets of American families. We do this by reducing or eliminating the costs that we have of goods and services in America to every family of four by a figure of $400.

Efforts to burden this bill with minimum wage and other completely unrelated amendments ought to be resisted. This bill is too important and time too short to allow political stunts and unrelated side issues to impede or delay its passage. As I said, 68 percent of the American people support bankruptcy reform. In its letter to the Judiciary Committee, the administration of President Clinton indicated its support for reform, and I thank the President and his people for helping this legislation along. I think there is a real consensus that now is the time to act. We have a fair, effective, bipartisan bill which deserves to be considered. As I said, we are willing to work with the minority to accommodate their concerns even further.

It comes down to this. Do the Members of this body support bankruptcy reform? Will they vote for cloture today? And will they also follow on voting for cloture of the bill itself? I ask my colleagues to vote ''yes'' at 5 o'clock.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say at the outset, I am going to support this motion for cloture to proceed on the bill because I agree with my colleague and friend, the Senator from Iowa, that this is an important issue that should be addressed by this Congress. He has been eminently fair in all of his dealings with me on this legislation. Being a member of the abject minority, I appreciate that, and that sort of fairness I hope will be rewarded in the passage of a bankruptcy reform bill which both Senator GRASSLEY and I will be proud of.

I am hoping during the course of this debate we can point out those areas of the bill that need to be addressed and address them in a responsible way. I think this is, at its heart, a good bill. I think there are some elements of it which can be changed and improved to make it better.

Let me address at the outset his frustration, and mine, too, over the fact that this bill may become a vehicle for other issues. First, why is this necessary? Why would any Senator want to come and put a measure such as an increase in the minimum wage on the bankruptcy bill? It does not seem to follow very closely. I guess there is some connection to it, but by and large you would think we could vote separately on the minimum wage bill. The honest answer is, we should. The honest answer is, we cannot. The Republican leadership refuses to afford an opportunity for many of the more serious measures that have been brought before this Congress to be considered. Some of my colleagues, in frustration, look for virtually any bill, any vehicle, to move important measures such as reform of HMOs, campaign finance reform, or an increase in the minimum wage. I hope, while Senator GRASSLEY and I address the merits of this legislation, that the Republican and Democratic leadership in a bipartisan fashion can come to an agreement as to the proper time and place for us to consider important measures such as an increase in the minimum wage.

Having said that, let me address the issue of bankruptcy reform. As I mentioned the other day, it is truly an area that deserves our attention. The dramatic increase in the filings in bankruptcy in America suggest that we should look at the bankruptcy system. We have tried to do that in the committee, both in the full committee and the subcommittee. We will address it again on the floor of the Senate. There are many people who have many explanations for the increase in the filings in bankruptcy. One of the most cogent explanations that I have found is demonstrated by this chart.

Why do more people file for bankruptcy in a time when the American economy is expanding and more jobs have been created, people are building homes and starting businesses, and inflation is down? Why in the world would more people be filing for bankruptcy? I think this chart answers that question. Bankruptcy cases track consumer debt. As Americans become more deeply indebted, particularly unsecured debt—not their home or their car, but unsecured debt like credit card debt—they become more vulnerable. One bad occurrence in a person's life—the loss of a job, a divorce, a serious illness in the household —and they find themselves pushed over the edge. A lot of people find that as their debt increases they are more vulnerable to bankruptcy.

Just look at this chart which tries to track the number of filings in bankruptcy per capita along with the debt-to-income ratio. It is no surprise to me that they are in lockstep. So the credit industry that comes to us and talks about bankruptcy reform must accept some share of responsibility for the increases in filing.

Who are the people filing for bankruptcy? There are clearly exceptions to the rule, but if you look at the average person filing for bankruptcy, you will see that consistently the income of the person filing for bankruptcy has been descending, going down over the years; the average income in 1997, $17,652. These are people who are making less than $10 an hour who are filing for bankruptcy. So they are not the fat cats, the ones who are going to the canny attorneys who can find some way to bring them to bankruptcy court. These are genuinely low-income Americans. The average debt of the person filing for bankruptcy is about $28,000. That is the average.

What this bill tries to address is not that average person but the person who is the exception filing for bankruptcy, the one who is, perhaps, trying to take advantage of the system.

The reason this debate is important—and I hope my colleague, the Senator from Iowa, will note in the information that we have shared with him—is our belief that we should address not just the bill as it is written and some changes in it but some other aspects of this question. I do believe, as does Senator SARBANES of Maryland and Senator DODD of Connecticut, who are joining me in offering an amendment, that we should call on the credit card companies to accept more responsibility, too. If the people who are incurring debt are asked to be more responsible, so, too, should these companies.

How many credit card solicitations have you received in the last month or two? You almost have to shovel them away from the mailbox. Whether you have asked for it or not, a lot of people want to offer you credit, perhaps more credit than you should have. Time and again, more people take these credit cards and get more deeply in debt and then struggle to find a way to pay for them.

I also think we have to address the billing system, the minimum monthly payment on your credit card. I think the credit card companies should tell you how long it will take to pay off your balance and how much interest you will pay if you pay the minimum monthly amount. Is that unreasonable? I think it is only fair. It really gives a person at least some sobering message, perhaps, that they cannot continue to pay the minimum monthly balance and expect to ever come out of debt.

Finally, you may not realize it but some of the credit cards that we own, when we go to charge on a purchase, establish a security interest. What does that mean? It means that if you find yourself in hard times, the credit card company can claim the item you purchased. You didn't know that? A lot of people do not. I don't think it is unreasonable that the credit card companies make that disclosure.

We also want to make sure the credit card solicitations are done in an honest way. We find a lot of people, and some nonhumans, I might add, who are receiving credit card solicitations who should not—people who are mentally incompetent, people who are too young to own a credit card in any State. I think this needs to be cleaned up.

We also need to protect retirement income in bankruptcy. If you file for bankruptcy, did you know your 401(k) plan is protected but your IRA is not? Why would that be? One of the amendments we are offering is to make sure that there is equal treatment of retirement income.

We also want to change the area of farm bankruptcy. That has not been touched in 15 years, and it should be.

In the area of reaffirmations, when it comes to the debts that the creditor should convince you that you shouldn't step away from, you should still accept responsibility for, let's make a level playing field. Let's make certain there is not too much pressure on the debtor.

We also talk about tax returns with this bill. As it is written, if you walk into bankruptcy court and file a petition and do not produce within 65 days your income tax returns for the previous 3 years and your pay stubs for the previous 6 months, you are thrown out of court. I asked the Internal Revenue Service, if I asked for my income tax returns, how long would it take me to receive them? They said 60 days, if you are lucky. But you ask somebody who writes to the IRS, and they tell you it takes a lot longer. We ask that there be some provision in the bill that is sensitive to this.

One of the other areas of the bill says you can't file for bankruptcy unless you have been to a consumer credit counselor. That sounds reasonable, but the consumer credit counseling industry came to us and said, ''We can't handle this. We can't handle over 1 million people coming through our doors each year. We can't be the threshold for bankruptcy court.'' That is what this bill does. I am afraid it goes too far.

Another thing that concerns me is, in bankruptcy there are certain categories of debt that are protected. One of them is the area of child support. If we are going to have a mother with children, who was perhaps involved in a divorce and now relies on child support, receive enough money to raise her children, we can't send her into a bankruptcy court that diminishes her ability to recover those child support payments. Unfortunately, this bill does.

I have just outlined a handful of the amendments that we think are important to make this a better bill. I believe that my colleague, the Senator from Iowa, is going to accept some of these or some form of these, as he has been very responsive and open in the past to talk about some changes, constructive changes in the bill.

When it is all said and done, I believe we can pass a good Bankruptcy Reform Act, one that is a credit to both parties that have been involved in this debate, and particularly a credit to the chairman of the subcommittee who has worked so long and hard on this measure.

Mr. President, I yield back the remainder of my time.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Four minutes, 52 seconds.

Mr. GRASSLEY. I probably will not use all that. I can yield back some time. I will comment briefly.

First of all, in order to get to the point where Senator DURBIN needs to be to get consideration of his amendments, we have to get through this cloture vote and a cloture vote on the bill so we can get down to talking about these very serious matters.

Many of the things that Senator DURBIN has stated that he is interested in changing I would not want to say right out that I agree with every one of those. Some of them, I think, maybe go a little bit too far, but I have not seen—maybe I shouldn't say I haven't seen any, but I have seen few issues that he brought up in the course of the last year as we constructed this bill, that it wasn't possible for us to work out a lot of differences, particularly for those things that are included in the bill.

As I said in my opening remarks, some things that he wanted removed, we didn't remove. I look forward to that opportunity, if we get it by getting through two cloture votes, to sitting down with Senator DURBIN and some of his colleagues on his side of the aisle who now have an interest in this legislation to see what we can work out and even minimize the number of votes or the length of debate we ought to have on this bill.

I will make one comment about one of the things Senator DURBIN made reference to about opposition from the National Foundation for Consumer Credit to some of the ideas of Senator SESSIONS. To Senator SESSIONS' credit, he did work out some compromises that needed to be done. We have a letter dated August 6 from the National Foundation for Consumer Credit that says that they support those provisions of the legislation as well, and there is a copy of that letter to Senator DURBIN.

I think we have a process here that has worked so well. If you would stop and think—and Senator DURBIN has worked in this spirit—for the years I have been on this subcommittee, either as chairman or as ranking member—and I served 16 years with the predecessor of Senator DURBIN, and that was

Senator Heflin from Alabama—there has not been a single piece of bankruptcy legislation to get through this body in that 16-year period of time that didn't have the cooperative effort of the Democrat chairman or ranking member and the Republican chairman or ranking member, depending on who was controlling the committee at that time in history. That reputation has been continued through Senator DURBIN at this point.

If we can just get everybody on Senator DURBIN's side of the aisle to be in that same spirit that has promoted good bankruptcy legislation through this body for that period of time, we can be successful, not only with this piece of legislation, but also to emphasize that this is a needed piece of legislation. Even Senator DURBIN, working with us, has helped us develop the first major change in legislation to be considered on the floor of this body since the passage of the 1978 bankruptcy law.

I hope that the spirit that former Senator Heflin of Alabama and I have worked in, and has been continued by Senator DURBIN and me thus far, can be fully accepted by people from his side of the aisle. I know he has to satisfy a lot of interests. I even have, I say to Senator DURBIN, some interests on my side that are not satisfied with the legislation we brought out of committee. So I have some problems with which I have to work.

The point is, if, since 1981, this effort can be successful, it can be successful this time. I just plead with everybody who might want to filibuster this for some extraneous issues that probably can be brought up in some other way on other bills that would satisfy the Senate majority leader, we can get there.

I urge, as Senator DURBIN has, a very positive vote on this. I hope it will be followed, assuming we are successful this time, with a positive vote later this week on cloture on the entire bill.

I yield the floor, and I yield back what few seconds I have remaining.

CLOTURE MOTION

The PRESIDING OFFICER. All time having been yielded back, the hour of 5 p.m. having arrived, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 394, S. 1301, the Consumer Bankruptcy Protection Act.

Trent Lott, Orrin G. Hatch, Charles Grassley, Arlen Specter, Strom Thurmond, Connie Mack, Ben Nighthorse Campbell, Thad Cochran, Tim Hutchinson, Wayne Allard, Christopher Bond, Rod Grams, Rick Santorum, Chuck Hagel, Larry E. Craig, and Jon Kyl.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1301, the bankruptcy bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 99, nays 1, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Bryan	Hagel	Reed
Bumpers	Harkin	Reid
Burns	Hatch	Robb
Byrd	Helms	Roberts
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Warner
Enzi	Levin	Wellstone
Faircloth	Lieberman	Wyden

NAYS—1

Brownback

The PRESIDING OFFICER. On this vote, the yeas are 99, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending question is the motion to proceed to S. 1301, the bankruptcy reform bill.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for 10 minutes.

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

TRIBUTE TO KIRK O'DONNELL

Mr. KERRY. Mr. President, I want to pause for a few moments to acknowledge that many of us, particularly those of us from Massachusetts, are feeling the loss this week of one of our Nation's most savvy political strategists and one of our most contributing and admirable citizens. Kirk O'Donnell was a man who lived his life in a way that proved not only can you work in politics without losing your soul but that politics from Fields Corner in Dorchester to city hall in the heart of Boston, all the way up to the lofty office of the Speaker of the House of Representatives, can in fact be a most honorable profession.

Mr. President, we all know that we live in very difficult political times, where endless cynicism seems to find too many citizens turning away from political dialog that they seem to find disappoints them. But Kirk O'Donnell, through every fiber of his body and in every step that he took in life, reminded us that political parties can stand for a set of ideals and that politics can still be an art form mastered in order to advance the common good—not individual good, but the common good. That is what Kirk always fought for.

Like so many of us in Massachusetts—and many are Republicans—Kirk O'Donnell was a Democrat by birth. But through his decades in public service he became a Democrat by conviction and a Democrat by sacrifice and by life work. The young man who fell in love with football at the Boston Latin School and at Brown University—so much so that at Boston Latin he was enshrined in their sports hall of fame—found his passions attracted him to an equally rough and tumble game on the field of Boston politics.

Kevin White's 1970 campaign for Governor in Massachusetts inspired Kirk to get involved in politics for what he thought was a ''brief stint.'' That ''brief stint'' became a remarkable career. When Kevin White made good on his promise as mayor of Boston to ''bring city hall to the neighborhoods,'' he turned to Kirk O'Donnell to run his Fields Corner little city hall. From his office in a trailer, Kirk brought city government to street corners, to newsstands, and to neighborhood picnics. He knew how important it was to show his fellow Bostonians that government worked for them, if only they knew how to work within the system. And within that system, Kirk was their devoted guide. Tip O'Neill could not have chosen a more dedicated or more skillful individual to be his counsel than Kirk O'Donnell, a man who said, in his own unassuming way, ''if you can understand Fields Corner, you can understand Congress.'' Kirk was right—and Tip O'Neill knew it. For 8 years, it was Kirk O'Donnell who gave the Speaker the extra set of eyes and ears he needed to hold a Democratic majority together in spite of all of the force of President Reagan and the Reagan era. Kirk talked with Members of Congress the same way he would with a friend of 20 years or a constituent in Fields Corner or West Roxbury—warm, honest, straightforward. Tip O'Neill knew that in Kirk O'Donnell he had found a true friend.

Thousands of people to this day will tell you they were friends with Tip O'Neill, the Speaker. Tip O'Neill was a politician who never forgot a name and

loved to talk with everyone he met. He had more than his share of friends and acquaintances. But Kirk O'Donnell was a special kind of friend and so it was that he was one of the few asked to help carry Tip O'Neill's casket when our beloved Speaker passed away. That gesture alone spoke volumes about the kind of relationship forged between the older, wiser, more experienced Tip O'Neill and the younger, idealistic, and committed Kirk O'Donnell.

Even after he lost his friend, Tip O'Neill, Kirk kept fighting for the Democratic Party and the causes in which he believed so strongly. He breathed life into the Center for National Policy, leading seminars and meetings with Democratic activists, supporters, and even with those who Kirk believed might someday run for office. His message always came from the heart—Democrats stand for something, something real, something which could not be measured alone in an election. And he cared passionately about that something. On the darkest days for our party—and he went through some—Kirk reminded us to never give up the fight. He knew the importance of staying involved, of staying committed. He understood the full measure of democracy—and tried to bring it to others starving for freedom through his work in the National Democratic Institute for Foreign Affairs. Wherever, Kirk went, his message was the same; find out what matters to you and never stop fighting for it.

Kirk O'Donnell never forgot what really mattered in life. More than anything that was his devotion to his family—to his wife of 26 years, Kathryn Holland O'Donnell and their children, Holly and Brendan. That devotion was absolute.

I am proud to say that Brendan was going to join us as an intern in our office. Now that may be somewhat delayed, but, obviously, we look forward to the day when he will be there with us continuing in his father's footsteps.

Whenever I ran into him either in Washington, DC, or in Massachusetts, Kirk's first question wasn't about politics; he always asked me how my daughter was enjoying her education in his alma mater, Brown University. And he was always quick to share with me his latest story about his own daughter—Holly's experience on that same campus, or the story of the last trip to Foxboro Stadium with his son Brendan to watch Patriots football. It goes without saying that as much as all of us will miss him, obviously we feel the special pain that Kathryn, Holly, and Brendan feel at this time with their lost which is so much greater.

Today, we remember Kirk O'Donnell with words that cannot do any justice to a life that was both tragically short and joyfully filled with meaning and with accomplishment. We will miss Kirk O'Donnell, a friend and an adviser to all of us in Massachusetts politics and in the Democratic Party. But we know that his spirit will continue to inspire us with the faith that he had in our common ideals as Americans and in his commitment to working to make life better for other people.

I thank the President.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. KERRY. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank our friend and colleague for his superb recollections and comments about this son of Massachusetts, Kirk O'Donnell. Kirk O'Donnell was really a committed public servant right from the earliest days. He started out as a schoolteacher. He came from a working-class family. He entered politics. He served with great distinction, as the Senator has pointed out, with a great friend of both of us, Congressman O'Neill, in a very significant time in the history of this country. And then after our friend and colleague, Speaker O'Neill, left, Kirk O'Donnell went to run the Center for National Policy. He kept his interest in public policy, believing that public policy can make a difference in people's lives.

He really was an extraordinary human being in his common sense, his good judgment and his real desire to advance the common interests of working families in our State.

So I wish to commend my colleague, Senator KERRY, for bringing this matter to the Senate. This man was a very rare human being, a rare individual, a very loving person, certainly for his wife and his family but also to his friends. He also cared very deeply about the condition of the people that he met over his journey of life. He had a strong commitment to make this world a better world and our State of Massachusetts a better State.

I thank my colleague for bringing these remarks to the Senate. I commend these remarks to our colleagues and to his family because we miss him not only as a friend, but as an extraordinary public servant. We should not let his name and his memory leave us. Those who knew him and loved him will certainly carry his memory in their hearts throughout their lives.

I thank the Senator.

Mr. KERRY. Mr. President, I thank my colleague. We both benefited enormously from the generous friendship of Kirk O'Donnell and from the remarkable quality of wisdom he had well beyond his years, great common sense, great roots in the streets, the city that he worked for, and of the State that he loved, and we will both miss him. I thank the Chair.

CONSUMER BANKRUPTCY PROTECTION ACT—MOTION TO PROCEED

The Senate continued with the consideration of the motion.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand the parliamentary situation, we are in the post-cloture period, which allocates up to one hour to each Member of the Senate. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

Mr. President, we have just a few moments ago decided as a Senate to consider the bankruptcy legislation that was reported out of the Judiciary Committee a few weeks ago. I mentioned at the time that this measure was being considered by the leadership, that I had hoped we would have the opportunity at the time that the leadership was considering calling up the bankruptcy legislation to consider other legislation that had been pending for some period of time.

The legislation that I was hoping would be considered is the Patients' Bill of Rights. It has been introduced by the Democratic leader, Senator DASCHLE, and supported by a number of us. Or, alternatively, I had hoped that the Senate would have been able to accept the proposal of the minority leader, Senator DASCHLE, that we would lay down before the Senate the Republican managed care proposal that passed the House of Representatives in July. This would have provided us with an opportunity to debate an issue that is enormously important to families in this country.

I mentioned before, the bankruptcy legislation deals with 1,200,000 people or occasions in this country per year. The Patients' Bill of Rights, however, affects 160 million Americans. The concerns that these families have are very real and very powerful.

Time and again, we hear of insurance company abuses that cripple or kill patients in states around the country. Yet, the response of the Republican leadership has been, well, you can either take it or leave it. That's it. Take the alternative that is advanced by the Republican leadership—which allows one vote on Senator DASCHLE's bill, one vote on the Republican bill, and perhaps three other amendments, but no more than those amendments in number that are designated by the majority leader—or leave it and do nothing. Mr. President, this proposal effectively gags the Senate from having full debate and discussion on this legislation. But, we have been told that was the position of the leadership and that was what we were going to be stuck with.

Mr. President, this is unsatisfactory because it excludes the opportunity to debate the major differences that exist between the Republicans and the Democrats on the issues of health care.

I have here before me a comparison of each of the patient protection bills—the proposal that has been advanced by the Republicans, and also the Patients' Bill of Rights proposal introduced by the Democrats. At the heart of this debate is a very simple concept: Are medical professionals, the doctors and nurses, going to make the health care decisions that affect patients? Or are

insurance company accountants going to make those judgments and make those decisions, which is the case in too many instances in our country today? We believe that in all of these circumstances medical decisions ought to be made by the health professionals who have been trained, qualified, and certified to be able to deal with the health care challenges that will affect our families in this country.

We believe there should be a prohibition on gag practices; access to emergency rooms when there is a need for services, which is not guaranteed in too many instances today; access to the Ob/Gyn providers; the ability to keep your doctor; and guaranteed access to the specialists, including out-of-network providers, when those needs are important.

We believe that there should be standing referrals to specialists or that specialists should be allowed to act as primary care providers when that is important for particular patients, such as cancer patients, or persons with disabilities or HIV; the ability to have access to doctor-prescribed drugs when the various formularies override a physician's decision; and access to clinical trials, which are absolutely essential for patients who have life-threatening conditions—such as breast cancer—that have failed to respond to conventional therapies. The failure to promote and cover routine costs for participation in these clinical trials is something that the Senate ought to make some judgment and decision about.

The interesting point about clinical trials is that it really is not more costly to the HMOs, because the drug and biotechnology companies or the government continue to assume the burden for the experimentation. The HMOs are simply asked to shoulder their fair share of the routine costs that the patient would incur anyway. So it really is not costly to the HMOs to guarantee this access to clinical trials. We ought to have the opportunity to debate that here on the floor of the U.S. Senate.

We ought to be able to ensure there is going to be protection for patient advocacy, and that we are going to have information on plan quality. People need to understand which plans present themselves to be quality plans, and which do not. And, perhaps most importantly, there should be a clear right to a timely and independent appeal process and the ability to hold health plans accountable for their actions. These are the areas of public policy that we ought to have an opportunity to debate and discuss.

We have not heard from the Republican leadership what particular aspect of this list, which basically includes the President's reservations about the Republican proposal, that they object to. All they say is: We are not going to debate it. We are not going to discuss it. You can get one amendment, two amendments, three amendments, but we are just not going to tie the Senate up to debate these particular measures, even though these are the items which have been embraced by not just Members of the U.S. Senate but by nearly 190 organizations across this country that represent—who? Represent the Congress? The Senate? No. They represent the doctors, represent the nurses, represent the researchers, represent the patients and consumers.

Nearly every single major and minor consumer group has effectively endorsed the proposal that we have advanced, and we have not heard of a single group that has endorsed or embraced the Republican proposal—not one. Not one. They do not have a single group—doctors or patients or nurses or health delivery professionals—that endorses their proposal. All of them endorse ours. Yet we are told by the Republican leadership that you are going to be denied the opportunity to even raise these issues in an orderly way, to have debate and discussion and an outcome decided on the floor of the U.S. Senate.

These are the areas that need to be discussed. These are the gaps in the Republican bill. Some of them probably could be worked on through an agreement—not a great number. But they certainly are the ones that have been mentioned and identified by the health professionals in this country that are essential if we are going to provide quality health care for the American people. And we are denied this. We are being stonewalled, those of us who believe the patients' interests should be advanced. The Republican leadership have closed us out. They say, ''No. No.''

They don't mind getting consideration for the bankruptcy bill. They don't say we will take the bankruptcy bill up, but there are only X number of amendments. No. They just went ahead and scheduled the bankruptcy bill, which, interestingly, is supported by major financial institutions and credit companies that have spent over $50 million in support of the legislation. Whom does that bill protect? It protects the banking and the financial interests over, I believe, the interests of the consumers. So we have seen that legislation that protects big business is on the fast track, and the legislation that protects patients and families is being denied the floor of the U.S. Senate for debate and discussion.

I do not think, in the remaining time that we are here, outside of the various appropriations bills, there is any piece of legislation that is more important than this legislation. But we have been in a constant position now, for week after week after week, month after month after month.

We were denied the opportunity to get even a markup in the relevant committee, in the Human Resources Committee. We were denied an opportunity to consider this as an amendment on other legislation. We have been denied the opportunity to have a full debate and discussion. We are told, ''You take it or leave it. You take the three-amendment strategy or you just do not get any debate or discussion.'' That is not satisfactory. Although the leadership has been able to prevent us from the opportunity of having that kind of debate and discussion up to this period of time, they will not be successful in denying us the chance to have the kind of debate that we need in order to protect the consumers of this country.

So I think we have, again, missed an extraordinarily important opportunity to do the public business, to do the people's business, to try to do something about the quality of health care for the American people. We here this evening would like to give the assurance to the American people, as the leader has, as our Democratic leader has, that we will have the opportunity one way or the other to have consideration of this legislation before we adjourn. We should be able to do it in the way in which we deal with important legislation, where we call the legislation up and move toward the consideration of these various amendments, trying to work through a timeframe to get the final resolution. The Democratic leader even indicated that we were prepared to deal with these issues at nighttime, at 6 o'clock tonight, 6 o'clock in the evening. There is no reason in the world that the Senate of the United States should not work tonight, from 6 o'clock to 10 o'clock, for the next 4 hours, debating these particular issues, and do so tomorrow night, too. We could have done it last night as well. There is no reason, no reason in the world. If we believe this legislation is important, why aren't we here debating this issue tonight? What is so important, in terms of Members' schedules, that we are not debating or discussing this?

I have been in the Senate for a period of time and we have had evening sessions. We have had two-track sessions many, many times. At this time in the session when there is important legislation to consider, Senator DASCHLE has proposed that to the majority leader, saying, 6 o'clock this evening, why aren't we out here considering and debating these issues tonight for 3 or 4 hours and having resolution of those? But we have been told no, we cannot do that either. We cannot take the time this evening or tomorrow evening, or Friday evening, or next week, or any of the evenings of next week to try to deal with the issues on the Patients' Bill of Rights—no. We are told we will not do it. You are not entitled to have that kind of debate and discussion. Evidently, the public interest with regard to health care will not be considered by the Republican leadership.

So we will be forced, as the leader pointed out, to take the extraordinary steps that can be taken from a parliamentary point of view to move ahead and consider this at another time. We will continue to press the leadership for that consideration, because we believe that this issue is of such overpowering importance to children, to women, to grandparents, to

members of the family, and it is essential that we deal with it. And we will, as our leader has pointed out.

Now, we are told, as we are moving towards the consideration of the bankruptcy legislation, we will have a cloture motion filed so we will not be able to have debate on various amendments that are relevant to the issue at hand. They may not fall within the particular framework of the technical provisions of the cloture motion. So we are facing the prospect of another cloture vote coming up on this Friday.

I am hopeful that we will be able to consider, on that particular piece of legislation, a modest increase in the minimum wage. But we are told that the leadership will not permit a debate or discussion on any increase in the minimum wage.

I have been asked why we should consider having an amendment on increasing the minimum wage on this legislation. I have been asked, what is its relevancy to bankruptcy? The fact of the matter is that the average wage of people filing for bankruptcy is just over $17,000 a year. One of the principal reasons that individuals file bankruptcy is because their income has declined—their purchasing power has been reduced. No one in this Nation has seen a greater decline in their purchasing power than minimum wage workers.

Mr. President, I have here a chart that reviews where the minimum wage has been in the past 40 years.

As we can see, the real value of the minimum wage went up to $6, and then to $6.50, until it reached $7.38 in the mid to late 1960s. Again, it bounced up and down through the 1970s at about $6 or slightly above. Then we saw a continued decline down to $4.34 in 1989. We saw an increase again in 1991 and then the increases in 1996 and 1997 which brought it up to $5.15.

The proposal I have made will increase the minimum wage in two stages—50 cents on January 1, 1999 and 50 cents on January 1, 2000. That will bring the nominal value of the minimum wage to $6.15, but the real value, because of inflation, will be only $5.76.

Even if this body accepted the increase in the minimum wage, we would still be well below the historical value of the minimum wage for some 20 years in the 1960s and 1970s. These individuals on the lower rung of the economic ladder, the men and women who work 40 hours a week, 52 weeks of the year, hard-working men and women trying to provide for their families—they will still be earning well below what the minimum wage was worth for more than 20 years.

This issue is a woman's issue, because 60 percent of all minimum-wage workers are women. It is a children's issue, because many, many of those women are single moms and, therefore, their income is going to dictate what they can provide for their children. It is a family issue.

I will always remember the witness who described what an increase in the minimum wage would mean to her. She said, ''It is very simple, Senator, we will only have to work two jobs now instead of three.'' Only two jobs instead of three. What that means is increasing the ability of those parents to spend time with their children, increasing the ability of those parents to take a little time and work with their children on homework. The additional money may allow them to take their child to a ball game. Maybe they can afford a birthday present. Maybe they can afford to take a child out to dinner, or even see a movie. Of course, a vacation is completely out of reach—it is not even being considered.

This is what I mean when I talk about family issues. We hear a great deal of discussion about family issues and about family values. The minimum wage is a family value. It is a working family value. It is saying to someone who works 40 hours a week, 52 weeks of the year that we are going to honor their work, and that in the United States of America working people are not going to live in poverty. These are family values.

We are going to hear, Mr. President, when we get a chance to debate this—and I can understand why the Republican leadership does not want to permit us to debate it—we are going to hear that we don't need to have an increase in the minimum wage. The market will take care of these workers. If we do increase the minimum wage, opponents will claim it will add to inflation and unemployment. This is against the background of the most extraordinary economic growth in the history of this country, with the greatest prosperity, the lowest inflation, the lowest unemployment in a generation. We will hear, ''We can't afford it; we're going to lose jobs.'' We will hear that from Members of Congress who have experienced an increase in their own salary of more than $3,000 only last year.

We will hear, ''We just can't afford to do that for working Americans.'' It is the working Americans, the working poor who have fallen further and further behind in their purchasing power—further behind than any group in our society.

I think some of us remember those wonderful charts Secretary Reich used to present at the Joint Economic Committee when he talked about the five different economic groups and what has happened in the postwar period from 1947 right up to 1979. And it showed that the wage rates of these groups increased at similar rates. Incomes of those at the lower rungs went up in percentages as high as if not higher than those at the highest levels. This is not true any more. It is the top 1 percent, the top 5 percent, the top 20 percent. Their incomes are going up through the roof. Those at the lower end have been going right down through the cellar. This is an issue that we have an opportunity to do something about.

Mr. President, I want to take a moment to answer some of the arguments that will be made with regard to an increase in the minimum wage, of what that means in terms of inflation. When we debate this issue, I will review some of the statements that our friends and colleagues made during those final hours of the 1996 debate about the effect on inflation and unemployment of the increase. These were the most extraordinary statements. I will not take the time of the Senate to go through them now, but they are just so out of touch with reality that it really is extraordinary.

Raising the minimum wage does not fuel inflation. This chart shows what the inflation rate was per month during the year or two before the increase in 1996. The rate of inflation was relatively flat between February of 1996 and October 1996. It was pretty flat—it held fairly steady at three-tenths of 1 percent per month.

The minimum wage increased to $4.75, and look what happened to inflation. The rate stayed steady. In October 1996, the inflation rate was maintained at three-tenths of 1 percent. Inflation declined in December 1996, and then went up and down slightly between January and September 1997.

Then the minimum wage increased in September 1997 to $5.15. Here we see the continued decline of inflation. In June of 1998 the inflation rate was one-tenth of 1 percent. This chart puts the lie to claims that the minimum wage increase added to the rate of inflation in the United States.

I believe that the overwhelming power of this argument comes from notions of basic fairness and justice. But if the opponents are going to claim that increasing the minimum wage will increase inflation, let us look at what happened over the period of the last two increases, going back to October 1996 and then the increase in September 1997.

Mr. President, I would like to consider at the other argument that is made in opposition. That is the claim that raising the minimum wage causes unemployment to rise.

Opponents always say, ''If you increase the minimum wage, you're going to see a rise in unemployment.'' I will come to teenage unemployment in a minute. Unemployment overall declined dramatically since the minimum wage increased in October 1996.

And then, after the minimum wage increased again in September 1997, unemployment continued to drop. Now we are at 4.5 percent unemployment, which is virtually the lowest unemployment level in a generation. Since 1996, the nation has experienced the lowest rate of inflation and the lowest rate of inflation in a generation.

So you cannot make the argument, Mr. President, that if we increase the minimum wage, it will add to the rate of inflation or add to the rate of unemployment.

Mr. President, what is always said is, ''Well, all right, you don't really understand it. It is teenagers, teenage unemployment. They are the ones who really get squeezed.'' Let us look at teen unemployment, ages 16 to 19, over this same period. Before the minimum wage increase, you had some 16 percent teenage unemployment in 1996. Since the 1996 and 1997 increases, it has dropped to 15 percent unemployment. The fact of the matter is, Mr. President, that about a quarter of those who earn the minimum wage are teenagers. Many of those teenagers are trying to go out and work their way through their first or second year of community college. They are teenagers. These kids, in many instances, are the ones who are trying to earn in order to continue their education. They need that increase as well.

So, Mr. President, this chart makes the point that the total unemployment for teenagers is down.

Mr. President, the greatest opposition to this has come from the retail industry. But retail employment has grown by leaps and bounds over this period. It is growing 31 percent faster. Before the minimum wage increased, from September 1995 to September 1996—394,000 new retail jobs were added. The minimum wage increased in October 1996, and then again in September 1997.

This is a 1-year period before the minimum wage went up. From September to September, 394,000 new retail jobs were added. Then in the 11 months after the increase took effect, 517,000 new jobs were added. This is very dramatic growth.

The point about it is, Mr. President, that there is not a valid economic argument to be made. I wish we had the opportunity to engage in that debate on the floor of the U.S. Senate with those who are opposed to the increase because they claim they are concerned about teenage unemployment, about inflation and about the effect on people who work in retail stores and will lose their jobs. The facts belie those claims.

Mr. President, we are talking about individuals who are still earning $2,900 below the poverty level for a family of three.

What will this $1 an hour increase mean to minimum wage workers? It would buy almost 7 months of groceries. $1 an hour may not mean much to many in this country. Certainly, it doesn't mean a lot to the people who saw the stock market go up 370 points yesterday, gain over $1 trillion in value in one day. Of course, all of us are glad to have seen the stock market go up these past few days.

$1 an hour might not make so much difference to those who are investing in the stock market, but it represents about 7 months of groceries to an average family of four. It buys about 8 months of rent for that family. It pays three-fourths of a year's tuition and fees at a community college. It is a matter of enormous importance and it is a matter of critical need for working families.

When you come right down to it, this issue is really about dignity. It is about dignity for individuals who can pay their bills. It is about dignity for people who don't have to go on welfare. It is the dignity of a family knowing they will not have their electricity or their water turned off because they can't pay the bill. Raising the minimum wage is really about dignity. It is about a sense of pride. It is the way parents look at children and the way children look at parents. This is an issue of fairness, an issue of whether we as a society honor work, for people who will work and want to work; those people who are the child-care helpers, the teachers' aides in our schools.

We talk a great deal about education. Teachers' aides are important. Many of them earn the minimum wage. We talk about the importance of Medicare and Medicaid and making sure that our parents are going to be able to live in dignity. Much of that dignity is provided for by health aides who earn the minimum wage. The men and women who clean office buildings at nighttime, by and large, are minimum-wage earners. These are people who have a sense of dignity and pride in themselves, as they should.

This is an issue of fundamental fairness. In the past, this body has responded. It has responded at other times when the minimum wage has sunk this low. It has responded with Republican and Democratic leadership, with Republican Presidents and Democratic Presidents, alike. But we are now being told by the Republican leadership that we are going to be denied the opportunity even to address this issue on the floor of the U.S. Senate. We are told, ''We will not give you the time.'' We will not have that debate tonight, here in the U.S. Senate, and vote at 10 o'clock tonight.

What is more important to the 12 million Americans who would benefit from an increase than a debate this evening and a vote at 10 o'clock tonight? I can understand that many of my Republican colleagues don't want to vote on this issue. But that isn't a good enough reason. We are sent here to make choices. This is a choice that ought to be made in the light of day, or even in the evening, but it ought to be made here on the floor of the U.S. Senate. Parliamentary tricks should not be used to deny us the opportunity to address it. This is not a complicated issue, involving constitutional questions. This is a simple issue of fairness and justice. The Members of this body know it. The Members of this body understand it. We don't need any more hearings on this issue.

People know what this issue is all about. It is simple and plain: Here in the U.S. Senate, are we going to take steps that will guarantee some fairness to American workers who need that increase and have been falling further and further behind? Are we going to say, as a society, that we are all going to move together, that we have a sense of common purpose and common direction? Will we make sure that our fellow citizens can participate in this extraordinary economic expansion? Or are we going to say, no, we will let you stay out there in the cold, we won't even debate any kind of increase? Sure, you are providing for your kids, but we will not even permit the U.S. Senate the opportunity to debate this and vote on this, up or down; up or down.

Mr. President, that is why this issue is so important. I believe it is one of fundamental fairness. It is a defining issue. It has been a defining issue at other times, and it is at this time. I am hopeful that we could have a time to debate this issue. We are not interested in prolonged debate and discussion. As I mentioned, we would settle for a reasonable period of time to debate this and have a vote. It is not a complex issue. We are going to continue to pursue it because we believe it is right and it is just and it is fair. Those are values which I think most of us were sent here to uphold in the U.S. Senate.

How much time remains?

The PRESIDING OFFICER. The Senator has used 41 minutes 50 seconds.

Mr. KENNEDY. I reserve the remainder of my time.

Mr. REED. Mr. President, I ask unanimous consent to be recognized to use such time as I may consume with respect to bankruptcy reform.

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

Mr. REED. Mr. President, today we have voted to move to consideration of the Bankruptcy Act. One of the sad but true causes of so many bankruptcies of families throughout this country is the fact that they are overwhelmed by medical bills. Now, this is obvious when it comes to those people without insurance, because for those people, getting sick in America not only means being ill, it also very often means going broke.

But one of the other aspects that is startling to so many is that many families with insurance, particularly health maintenance organization insurance, find themselves in similar situations where the insurance they paid for, they thought they bargained for, evaporates when they actually have a health care crisis.

That is why it is so very, very important to engage in a thorough debate and legislative action with respect to the Patients' Bill of Rights. I join all of my colleagues in issuing a challenge to the leadership of this body to bring up the Patients' Bill of Rights so we can debate it, we can consider it, and hopefully we can pass it.

Indeed, we should be here tonight debating this worthy measure, or the minimum wage, as my colleague from Massachusetts, Senator KENNEDY, has suggested, because that is truly the people's business. When I go back to Rhode Island, people are concerned about many things, but they are most

concerned about the status of the health care and about whether or not working families in my State and across this country can provide for themselves.

The Patients' Bill of Rights, the legislation that we should be debating tonight, is about applying fair rules of the game to health care. When it comes to health care, consumers should get the health care they pay for and they should get it when they need it. But sadly, this is not always the case. In many cases, it is the exception to the rule. It is time for this Congress to accept the President's challenge and pass legislation to enact guarantees for quality health care in this country and important consumer protections.

The Patients' Bill of Rights introduced by Democratic leader DASCHLE, protects patients' rights, while the opposing version introduced by Senator LOTT and Senator NICKLES leaves too many loopholes and does not provide adequate protections for consumers. By addressing only self-funded, non-ERISA plans, the Lott-Nickles bill excludes 113 million Americans from the protections that are necessary, and, indeed, if you follow the logic of their bill, if a portion of Americans need protection in their health care plan, if a portion of Americans need these protections from insurance companies that are too much oriented toward the bottom line and not quality health care, why should all Americans in private health care plans not have these protections?

That is what the Daschle bill does. It would provide coverage for all 161 million Americans who aren't privately insured. This bill submitted by Leader DASCHLE provides full protection to patients, including, for example, access to specialists, pediatric specialists for children, coverage for emergency services, an internal and an independent external appeals process, and allowing patients to hold health plans accountable in court.

All of these protections are important to the health and well-being of all Americans. And all of these protections deserve full debate and consideration on the floor of the U.S. Senate. Now, an offer of a single vote on the bill with an extremely limited opportunity for amendments is not the full, vigorous debate that this issue requires—in fact, that this issue demands. The health care of the American people is too important to try to squeeze in between other issues here on the floor of the Senate. I think we should move today to bring up this legislation, debate it vigorously, pass it and send it forward. Our colleagues in the other body have done so. Now the challenge is with this body to move forward deliberately and purposefully to pass protections that will ensure quality health care and access to all Americans.

There is a particular aspect of this debate that I am extremely interested in, which is ensuring that there are adequate protections in managed care plans for children. Too often, children are ignored in the preparation of these plans. Too often, pediatric illnesses are relegated to just another variation of adult illnesses. Too often, children are just seen through these lenses as smaller adults when, in fact, pediatric care is a very specialized part of the health care delivery system. And too often, parents discover that what they bargain for and what they thought they had in terms of protections evaporate when their child is ill.

Earlier this year I introduced my own legislation that would ensure that children are not left out of this great debate about managed care, that children would, in fact, be the focal point of very specific procedures within managed care plans, that there would be access to pediatric specialists. A family could choose a pediatrician as a primary care provider, and pediatric specialists would evaluate outcomes relative to children. In working with the pediatric hospitals and with the American Academy of Pediatrics, I have come to understand the very specialized care that is necessary to deliver such care to children. Without such care, illnesses that may have been treated successfully and cheaply in children become traumatic and complicated illnesses that are more expensive and more threatening to the health of this child and later to that adult.

My words are less compelling than the words of the people in my home State of Rhode Island who have dealt with this health care morass. A few weeks ago, I had the opportunity to share a podium with Dr. Karen LaMorge. She detailed the problems she had in getting adequate health care for her father and the fact that the insurance company would not provide a second opinion, and they would not make easy referrals to specialists. One of the great ironies of her story is that Dr. LaMorge is a podiatrist and, in fact, a member of the professional panels of this particular HMO. Now, she, a skilled professional, a provider herself, cannot easily and quickly get adequate care for her father.

What happens to the average citizen who confronts this morass of regulations and rules and consents and approvals and daily calls and tracking down people to give the right approval? It becomes a daunting experience. Many, many Americans simply get exhausted trying to get basic health care for their families and themselves. Some give up. Others press on, enduring huge costs in time, efforts and energy. That is not the way our health care system should operate.

With the Patients' Bill of Rights, we will go a long way toward ensuring that it doesn't operate that way, that there is an opportunity for high-quality care that is accessible and, indeed, also affordable, because, frankly, there is a lot of money being spent by these health care plans on administrators and bureaucrats. Maybe more could be directed to health care and to the American citizens.

There is a particular aspect of this which I find particularly compelling, and I mentioned it before; that is, the aspect of pediatric health care. A few weeks ago, I had the opportunity to visit the Hassenfeld Children's Cancer Center at New York University Hospital in New York City. There I saw the care they are giving to dying children. I heard from the frontline professionals, the social workers, nurses, doctors, about the daily frustrations they face and endure in trying to get adequate care for these children from HMOs. The idea that they would spend days trying to get hospice care for a child who is dying, the idea that they would have to get daily approval and reapprovals for a course of treatment that is clear and obvious and has been prescribed is just an example of the state of this system, which is, in many respects, a crisis for so many families in this country.

We can do better. We must do better. But we can only do that if we have the will. We must bring this legislation to the floor. We must bring this legislation to this floor promptly. There are few days left, but in those days it is our obligation to serve the interests of the American people. At the top of their list is a more rational, more appropriate health care system. We are within striking distance of that, if we just act.

As I mentioned before, the other body has acted. It is our responsibility, our turn to step up to the plate and to get a greater hit than even Mark McGwire, because this hit will ensure that every family in America has good access to health care and will help that process to continue along. We should stay here tonight and every night and not simply make speeches with respect to this underlying bankruptcy bill, but actively debating and actively voting on, in a robust, wide-open debate, HMO protections for the people of America. As Senator KENNEDY suggested, we should also take up the minimum wage because that, too, is a way to address the real problems that face America.

I hope that our resolution tonight would be to take up these measures, debate them fairly and honestly, and to vote and give the American people what they so desperately want and deserve—a health care system that works for them, and for those low-income working Americans a decent wage which will lift them out of poverty. I hope we do that. Certainly I think I and my colleagues will continue to urge that action on this Senate, and hopefully these words will take heart and take hold.

Mr. President, I reserve the remainder of my time and yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

The Senator from Delaware is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2453 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ROTH. Mr. President, I yield back the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

UNANIMOUS CONSENT REQUEST—H.R. 4250

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its legislative business today, it then proceed to the consideration of Calendar No. 505, H.R. 4250, the House-passed HMO reform bill, that only relevant amendments be in order, and that the bill become the pending business every day thereafter upon completion of legislative business.

Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Mr. President, the hour is again upon us, as it was last night. I suggested last night that we move to a second shift, that at approximately 7 o'clock every night we take up legislation our Republican colleagues say we don't have time for during the day.

I am very disappointed, once again, that our Republican colleagues have objected to doing that. There is absolutely no reason why, with less than 6 weeks left in the session, we leave this Chamber at 10 minutes to 7. There is no reason for that. How many businesses would survive with an incredible amount of production in front of them if they were to say: We are going to take off work early, we are not going to work a second shift, we are not going to work as if we are in a state of emergency, we are going to treat the situation as business as usual?

Mr. President, that is what we are doing with the schedule right now. It is remarkable to me that with little time left in the session, our Republican colleagues are content to go home and in a sense tell the American people: Look, we don't have time to consider your problems. We don't have time to consider the importance of HMO reform or to pass a Patients' Bill of Rights. We don't care; we are going home.

Mr. President, that ought not be the message we send the American people. So that is why we have suggested working a second shift. That is why we have suggested coming to the Senate floor at this hour each evening to pick up where we left off the night before, to recognize that we will never be able to address this and other serious problems unless we are willing to stay here and do our work. We have worked hard to bring the Senate to the point of passing a meaningful Patients' Bill of Rights. More than 170 organizations wait for us to act tonight. Millions and millions of people who have high expectations about the possibility of realistically dealing with this problem wait for us to act tonight.

I am disappointed, disappointed, No. 1, that our Republican colleagues again would rather go home than do their work, disappointed that legislation which has now passed in the House languishes in the Senate without any hope of passing unless we stay here tonight or tomorrow night or the next night. And I am disappointed by what it means in terms of the real prospects for accomplishment, the real prospects for getting something done, the real chance that we can leave and close down the 105th Congress feeling good about having addressed one of the most serious problems facing the American people today.

There are too many insurance companies making decisions for doctors. There are too many women who are being turned out of hospitals too early. There are too many patients who are not being given the opportunity to choose their doctor. There are too many people whose doctors prescribe a medicine only to be overturned by an insurance company.

Mr. President, it goes on and on. The problem we have is that unless we act, unless we are willing to do our work, unless we take this second shift, we will never have the opportunity to bring this important issue to closure.

Obviously, there is one other way to do it, and that is to eat up the day throughout the day. We have already indicated that if we can't take a second shift approach, then we have no other recourse but to offer this legislation in the form of an amendment on any vehicle that comes along. Whatever bill may be pending, we will have no other option but to offer it as an amendment, and we will do that just as we have done it before. We will offer it on a bill that will require our colleagues to vote.

So it is not a question of avoiding the vote. We will either do it in a constructive way on a second shift or we will do it in a confrontational way during the day on the first shift. But we are going to do it. We have said that in the remaining days of this session we must have a vote on minimum wage, we must have a vote on a Patients' Bill of Rights, we must have a vote on campaign finance reform, we must have a vote on pay equity, and we must have a vote on a series of amendments that will improve the crisis in agriculture today. Those are votes we must have, and we must find a way with which to accommodate each other's priorities to allow that to happen.

Again, let me express my disappointment, my sorrow, my frustration at our Republican colleagues' unwillingness to cooperate with us.

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I would be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. As the Senator has pointed out, it is 7 o'clock this evening. We had last evening, we will have tomorrow evening. There is no reason we can't go from 7 to 10 or 10:30. The Senator remembers the times where we have had these double sessions. They are not a very unusual process and procedure. I will include in the RECORD tomorrow the instances when we have had these, generally at the end of sessions, but they have been a two-track process by which we deal with certain measures during the day and others during the course of the evening.

Does the Senator agree with me, for example, on the Patients' Bill of Rights that if we took Tuesday and Wednesday and Thursday evenings and did it from 7 to 10, 10:30 probably this week, three different evenings, there would be a good opportunity where we could probably finish that legislation, or perhaps take one or more evenings of next week to address the issues which the Senator has talked about. We could have a good debate on the question of minimum wage—whether it has been inflationary, whether there has been loss of employment, the impact on small employment, the various kinds of arguments that have been made—and we would be able to dispose of that in a fair and reasonable time, as well as the agriculture and farm issues, pay equity, and other issues?

Does the Senator believe, if we knew now that we were going to do this, the membership would become engaged in this legislation, particularly if we had notice that we were going to consider various legislation with due notice, in 2 or 3 nights we would consider X legislation, which is sort of a time-honored way that we have proceeded here? Is that the kind of arrangement that the Senator is looking for so that the membership would have notice of the legislation and we could have that kind of debate during the course of the evenings? Does the Senator think there is any other business that is more important for us to be involved in at this time than those issues which people have expressed an interest and concern about such as the Patients' Bill of Rights issue?

Mr. DASCHLE. I appreciate very much the question of the Senator from Massachusetts. The answer is, ''No.''

I know the Senator, who is a real student of history and has a wealth of experience, can go back to those occasions over many, many years when we have found nighttime debates to be the best debates because there are no interruptions. Why? Because Senators don't have to be in their offices with appointments and phone calls. They can be here on the Senate floor. If we are here, we get more interaction.

There have been some extraordinary debates on the floor of the U.S. Senate after 7 o'clock at night. And the reason for that is because, oftentimes, we do

not have so many other tugs and pulls on our schedules.

So, first of all, the Senator is right when he comments about the historical precedent for this approach. Second, he is correct that not only is it a common Senate practice, but actually the quality of the debate oftentimes is enhanced. Third, unless we do it this way, I fear that we really are not going to have the opportunity to address the issues, as the Senator from Massachusetts has pointed out, that have the highest priority when you ask the American people what we should be addressing.

So from the perspective of priority, from the perspective of quality, from the perspective of history, the Senator from Massachusetts is correct.

Mr. KENNEDY. I thank the Senator. Would he not agree with me that we have a general understanding that Thursday nights are the late night in the Senate? We do that with the idea that we hope we can finish various measures that may go on over to Friday out of consideration to some of those Senators who live in different parts, some distance away from the Nation's Capital, to try at least to accommodate some of their interests.

So the idea that we have a night session is not really unique or special. Members are here during the period of the week. They are on notice now. We have just come back from a good break in the period of August, but we have a limited time that is available. I must say, I fail to find an adequate response by the Republican leadership to the Senator's eminently fair and reasonable proposal. It would seem to me we ought to at least try it for a week, try it for a week or two and find out how we are proceeding. We could consider the Patients' Bill of Rights, for example, a measure of enormous importance to the millions of families in this country. We have been denied that opportunity to have the debate. We have always been told we cannot have that debate because we are not going to take up a lot of the Senate's time.

The way I understand the leader's proposal is we might be able to do that in the evening time until we reach a conclusion on that so we would not interfere with the appropriations legislation.

What is possibly the justification not to do it? Are we saying our own personal requirements are of greater importance than trying to deal with the business of America's families—whether they are in South Dakota or in Massachusetts—who are very, very much affected by what we fail to do here in reaching some resolution on the Patients' Bill of Rights?

I do not know whether the leader had an opportunity to see the list of the various parts of the Patients' Bill of Rights bill that I had on the floor a short time ago, but I know the Senator is very familiar with them. Doesn't he agree that probably 17 or 18 topic areas are about it with regard to the Patients' Bill of Rights, and probably even some of those areas could be accommodated by individual Members on both sides who are really interested in trying to reach a resolution? We could deal with these other measures—whether women are going to be in clinical trials; whether we are going to have appeals procedures; whether we are going to have gag rules—and the various other protections the Senator mentioned earlier.

Doesn't the Senator feel we could work that through in a reasonable period of time if we involved the Senate in debate during these weekday nights?

Mr. DASCHLE. The Senator has asked a couple of very good questions. The first question he asked is why we are quitting work at an hour that could easily accommodate debate on important issues? I think the answer is, we all appreciate a family-friendly environment. We all enjoy being able to go home to our families. By and large, in the last couple of years, we have been able to do that. We have had a family-friendly legislative session that has accommodated personal needs. I think that is understandable, and for the most part, I think I have supported it.

I think there comes a time, though, when you get to this period at the end of the Congress—not the end of a session, we are talking about the end of a Congress. We have just a few weeks left, and our work has to take priority.

As the Senator noted, usually Thursday nights have been nights where we work late. What we are suggesting is that we at least take Tuesday, Wednesday and Thursday nights, for the balance of the time that remains in this session, and use that time productively. Let's take 3 or 4 hours and see what we can accomplish—particularly on something as important as the Patients' Bill of Rights.

The second question is about the degree to which we want to be able to offer amendments. I heard the Senator so compellingly speak about other bills that have required hundreds of amendments, in some cases well over 100 amendments for bills of great import. We are not even asking for that, as the Senator has noted. I think his chart points that out.

There are categories for which there are legitimate differences of opinion. We want to be able to offer amendments in those areas, to be able to have a good debate and discuss them. But to say you are going to be forced into this three-amendment limit with no ability to talk about all the very serious concerns is just unacceptable and does not do justice to the issue. They say we don't have time for a full debate. We have 3 hours of time. They say we have to limit ourselves to three amendments, even though other bills have taken 150 amendments—we have the time. We have the interest. What is holding them up? No one can really answer that for us. Obviously that is the perplexing question. The bill has passed in the House. Why not debate it here in the Senate as well?

Mr. KENNEDY. I thank the leader for, again, his leadership in this important area. Next time there is objection to the proposal—the Republican leadership says we can't afford the time for this; we can't afford the time to debate it— it is going to ring very hollow after we have seen the very reasonable request of the leader to debate those issues this evening. The Senator from South Dakota has introduced the legislation. He is here tonight to debate it, and I welcome the chance to join with him in debating that. We are here ready to go on this legislation. We could do it this evening or any night this week. It is not satisfactory enough for the American people, just to say, as the Republican leadership has, ''No, we are not going to do this, and we are going to refuse to permit this debate and discussion.'' That is not really in the great traditions of this body. This body was supposed to deal with the public interest, the unfinished agenda.

There is nothing more important than protecting American families from decisions being made by insurance companies rather than health professionals. There is nothing more important, in terms of the health care of these families, before the Senate this year. I think it is grossly unfair.

So I commend, again, the leader for bringing this up. I know the leader will bring up the amendment. Then we will hear from the other side, ''Oh, my goodness, we can't do that; we can't do this. It's impossible to do it.'' We could have done it this evening; probably last night and the other nights this week. I certainly join in supporting his efforts to insist that we are going to debate these, and we are going to reach resolution on these matters before we conclude.

I thank the Senator.

Mr. DASCHLE. I thank the Senator from Massachusetts for his thoughtful comments and for his willingness to engage in this colloquy.

I think the legislative history ought to demonstrate that there are those of us who truly want this issue resolved. We really are prepared to put in the time and effort to come to closure on what is the most important health question facing this Congress, and that is, how do we deal with the array of problems we are facing in managed care today.

No one has put more time and effort and leadership into this question than the distinguished Senator from Massachusetts. I am grateful for the partnership and extraordinary effort he has demonstrated and put forth in bringing us to this point.

Mr. President, unless there are further comments, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 3554 TO S. 2237

Mr. LOTT. Mr. President, we have had a good deal of discussion about how to proceed tomorrow with regard to campaign finance reform, and I think we have something worked out here that is acceptable to all sides. I hoped there would be more time for Senator MCCAIN and others to discuss the issue tomorrow, but there are some conflicts that we are trying to recognize and accommodate.

So I ask unanimous consent that at 10 a.m. on Thursday, the Senate resume the pending McCain amendment, and the time between 10 a.m. and 12 noon be equally divided in the usual form for debate only. I further ask unanimous consent that at 12 noon Senator FEINGOLD be recognized to offer a motion to table the pending amendment.

I further ask unanimous consent that if the amendment is not tabled, the time prior to 1:45 p.m. on Thursday be equally divided in the usual form for debate only, and notwithstanding rule XXII, the cloture vote occur at 1:45 p.m. on Thursday.

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

CONSUMER BANKRUPTCY REFORM ACT OF 1998—MOTION TO PROCEED

Mr. LOTT. Mr. President, I also just discussed with Senator DASCHLE the possibilities of working out a procedure that we could take up the bankruptcy reform, allow for amendments to be offered, and get some sort of understanding about what those amendments would be and the time that might be involved. There are a number of Senators who are interested in this legislation on both sides of the aisle—Senator GRASSLEY obviously, Senator HATCH, Senator DURBIN; Senator KENNEDY has an amendment he wants to offer.

I had not seen any movement earlier than this afternoon toward working something out, but I believe now that there will be a good-faith effort to see if we can work out some sort of agreement that we will come together on tomorrow. But so that we can get the matter laid down in the proper way, and so that there can be protections for all concerned until we get an agreement worked out, I want to go ahead and do this procedure. But if we get an agreement worked out, obviously I would move to vitiate it. I really would like to get bankruptcy reform done, but I think we need some sort of reasonable agreement in order to accomplish that and in order to not go forward with the cloture vote.

So I understand that there is no further need for debate on the pending motion, and I ask the Chair to put the question.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The PRESIDING OFFICER. The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 1301) to amend title 11, United States Code, to provide for consumer protection, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Consumer Bankruptcy Reform Act of 1998''.

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

TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting ''or consents to'' after ''requests''.

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 707. Dismissal of a case or conversion to a case under chapter 13'';

and

(2) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)''; and

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking ''but not'' and inserting ''or'';

(II) by inserting '', or, with the debtor's consent, convert such a case to a case under chapter 13 of this title,'' after ''consumer debts''; and

(III) by striking ''substantial abuse'' and inserting ''abuse''; and

(ii) by striking the last sentence and inserting the following:

''(2) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall consider whether—

''(A) under section 1325(b)(1), on the basis of the current income of the debtor, the debtor could pay an amount greater than or equal to 20 percent of unsecured claims that are not considered to be priority claims (as determined under subchapter I of chapter 5); or

''(B) the debtor filed a petition for the relief in bad faith.

''(3)(A) If a panel trustee appointed under section 586(a)(1) of title 28 brings a motion for dismissal or conversion under this subsection and the court grants that motion and finds that the action of the counsel for the debtor in filing under this chapter was not substantially justified, the court shall order the counsel for the debtor to reimburse the trustee for all reasonable costs in prosecuting the motion, including reasonable attorneys' fees.

''(B) If the court finds that the attorney for the debtor violated Rule 9011, at a minimum, the court shall order—

''(i) the assessment of an appropriate civil penalty against the counsel for the debtor; and

''(ii) the payment of the civil penalty to the panel trustee or the United States trustee.

''(C) In the case of a petition referred to in subparagraph (B), the signature of an attorney shall constitute a certificate that the attorney has—

''(i) performed a reasonable investigation into the circumstances that gave rise to the petition; and

''(ii) determined that the petition—

''(I) is well grounded in fact; and

''(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1) of this subsection.

''(4)(A) Except as provided in subparagraph (B), the court may award a debtor all reasonable costs in contesting a motion brought by a party in interest (other than a panel trustee) under this subsection (including reasonable attorneys' fees) if—

''(i) the court does not grant the motion; and

''(ii) the court finds that—

''(I) the position of the party that brought the motion was not substantially justified; or

''(II) the party brought the motion solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

''(B) A party in interest that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A).

''(5) However, a party in interest may not bring a motion under this section if the debtor and the debtor's spouse combined, as of the date of the order for relief, have current monthly total income equal to or less than the national median household monthly income calculated on a monthly basis for a household of equal size. However, for a household of more than 4 individuals, the median income shall be that of a household of 4 individuals plus $583 for each additional member of that household.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

''707. Dismissal of a case or conversion to a case under chapter 13.''.

TITLE II—ENHANCED PROCEDURAL PROTECTIONS FOR CONSUMERS

SEC. 201. ALLOWANCE OF CLAIMS OR INTERESTS.

Section 502 of title 11, United States Code, is amended by adding at the end the following:

''(k)(1) The court may award the debtor reasonable attorneys' fees and costs if, after an objection is filed by a debtor, the court—

''(A)(i) disallows the claim; or

''(ii) reduces the claim by an amount greater than 20 percent of the amount of the initial claim filed by a party in interest; and

''(B) finds the position of the party filing the claim is not substantially justified.

''(2) If the court finds that the position of a claimant under this section is not substantially justified, the court may, in addition to awarding a debtor reasonable attorneys' fees and costs under paragraph (1), award such damages as may be required by the equities of the case.''.

SEC. 202. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking ''a false representation'' and inserting ''a material false representation upon which the defrauded person justifiably relied''; and

(2) by striking subsection (d) and inserting the following:

''(d)(1) Subject to paragraph (3), if a creditor requests a determination of dischargeability of a consumer debt under this section and that debt is discharged, the court shall award the debtor reasonable attorneys' fees and costs.

''(2) In addition to making an award to a debtor under paragraph (1), if the court finds that the position of a creditor in a proceeding covered under this section is not substantially justified, the court may award reasonable attorneys' fees and costs under paragraph (1) and such damages as may be required by the equities of the case.

''(3)(A) A creditor may not request a determination of dischargeability of a consumer debt under subsection (a)(2) if—

''(i) before the filing of the petition, the debtor made a good faith effort to negotiate a reasonable alternative repayment schedule (including making an offer of a reasonable alternative repayment schedule); and

''(ii) that creditor refused to negotiate an alternative payment schedule, and that refusal was not reasonable.

''(B) For purposes of this paragraph, the debtor shall have the burden of proof of establishing that—

''(i) an offer made by that debtor under subparagraph (A)(i) was reasonable; and

''(ii) the refusal to negotiate by the creditor involved to was not reasonable.''.

SEC. 203. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

''(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title (including a plan of reorganization confirmed under chapter 11 of this title) in the manner required by the plan (including crediting the amounts required under the plan) shall constitute a violation of an injunction under subsection (a)(2).

''(j) An individual who is injured by the failure of a creditor to comply with the requirements for a reaffirmation agreement under subsections (c) and (d), or by any willful violation of the injunction under subsection (a)(2), shall be entitled to recover—

''(1) the greater of—

''(A)(i) the amount of actual damages; multiplied by

''(ii) 3; or

''(B) $5,000; and

''(2) costs and attorneys' fees.''.

SEC. 204. AUTOMATIC STAY.

Section 362(h) of title 11, United States Code, is amended to read as follows:

''(h)(1) An individual who is injured by any willful violation of a stay provided in this section shall be entitled to recover—

''(A) actual damages; and

''(B) reasonable costs, including attorneys' fees.

''(2) In addition to recovering actual damages, costs, and attorneys' fees under paragraph (1), an individual described in paragraph (1) may recover punitive damages in appropriate circumstances.''.

SEC. 205. DISCHARGE.

Section 727 of title 11, United States Code, is amended—

(1) in subsection (c), by adding at the end the following:

''(3)(A) A creditor may not request a determination of dischargeability of a consumer debt under subsection (a) if—

''(i) before the filing of the petition, the debtor made a good faith effort to negotiate a reasonable alternative repayment schedule (including making an offer of a reasonable alternative repayment schedule); and

''(ii) that creditor refused to negotiate an alternative payment schedule, and that refusal was not reasonable.

''(B) For purposes of this paragraph, the debtor shall have the burden of proof of establishing that—

''(i) an offer made by that debtor under subparagraph (A)(i) was reasonable; and

''(ii) the refusal to negotiate by the creditor involved to was not reasonable.''; and

(2) by adding at the end the following:

''(f)(1) The court may award the debtor reasonable attorneys' fees and costs in any case in which a creditor files a motion to deny relief to a debtor under this section and that motion—

''(A) is denied; or

''(B) is withdrawn after the debtor has replied.

''(2) If the court finds that the position of a party filing a motion under this section is not substantially justified, the court may assess against the creditor such damages as may be required by the equities of the case.''.

SEC. 206. DISCOURAGING PREDATORY LENDING PRACTICES.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) the claim is based on a secured debt if the creditor has failed to comply with the requirements of subsection (a), (b), (c), (d), (e), (f), (g), (h), or (i) of section 129 of the Truth in Lending Act (15 U.S.C. 1639).''.

TITLE III—IMPROVED PROCEDURES FOR EFFICIENT ADMINISTRATION OF THE BANKRUPTCY SYSTEM

SEC. 301. NOTICE OF ALTERNATIVES.

(a) IN GENERAL.—Section 342 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, that individual shall be given or obtain (as required in section 521(a)(1), as part of the certification process under subchapter 1 of chapter 5) a written notice prescribed by the United States trustee for the district in which the petition is filed pursuant to section 586 of title 28. The notice shall contain the following:

''(1) A brief description of chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters.

''(2) A brief description of services that may be available to that individual from an independent nonprofit debt counseling service.

''(3)(A) The name, address, and telephone number of each nonprofit debt counseling service with an office located in the district in which the petition is filed, if any.

''(B) Any nonprofit debt counseling service described in subparagraph (A) that has registered with the clerk of the bankruptcy court on or before December 10 of the preceding year shall be included in the list referred to in that clause, unless the chief bankruptcy judge of the district involved, after giving notice to the debt counseling service and the United States trustee and opportunity for a hearing, orders, for good cause, that a particular debt counseling service shall not be so listed.''.

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''The debtor shall—'';

(2) by striking paragraph (1) and inserting the following:

''(1) file—

''(A) a list of creditors; and

''(B) unless the court orders otherwise—

''(i) a schedule of assets and liabilities;

''(ii) a schedule of current income and current expenditures;

''(iii) a statement of the debtor's financial affairs and, if applicable, a certificate—

''(I) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition pursuant to section 110(b)(1) indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 342(b); or

''(II) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

''(iv) copies of any Federal tax returns, including any schedules or attachments, filed by the debtor for the 3-year period preceding the order for relief;

''(v) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days prior to the filing of the petition;

''(vi) a statement of the amount of projected monthly net income, itemized to show how calculated; and

''(vii) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing;''; and

(3) by adding at the end the following:

''(b)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case and the court shall make those documents available to the creditor who requests those documents.

''(2) At any time, a creditor, in a case under chapter 13, may file with the court notice that the creditor requests the plan filed by the debtor in the case and the court shall make that plan available to the creditor who requests that plan.

''(c) An individual debtor in a case under chapter 7 or 13 shall file with the court—

''(1) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

''(2) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order for relief;

''(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and

''(4) in a case under chapter 13, a statement subject to the penalties of perjury by the debtor of the debtor's income and expenditures in the preceding tax year and monthly income, that shows how the amounts are calculated—

''(A) beginning on the date that is the later of 90 days after the close of the debtor's tax year or 1 year after the order for relief, unless a plan has been confirmed; and

''(B) thereafter, on or before the date that is 45 days before each anniversary of the confirmation of the plan until the case is closed.

''(d)(1) A statement referred to in subsection (c)(4) shall disclose—

''(A) the amount and sources of income of the debtor;

''(B) the identity of any persons responsible with the debtor for the support of any dependents of the debtor; and

''(C) the identity of any persons who contributed, and the amount contributed, to the household in which the debtor resides.

''(2) The tax returns, amendments, and statement of income and expenditures described in paragraph (1) shall be available to the United States trustee, any bankruptcy administrator, any trustee, and any party in interest for inspection and copying, subject to the requirements of subsection (e).

''(e)(1) Not later than 30 days after the date of enactment of the Consumer Bankruptcy Reform Act of 1998, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

''(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

''(3) Not later than 1 year after the date of enactment of the Consumer Bankruptcy Reform Act of 1998, the Director of the Administrative Office of the United States Courts shall prepare, and submit to Congress a report that—

''(A) assesses the effectiveness of the procedures under paragraph (1); and

''(B) if appropriate, includes proposed legislation—

''(i) to further protect the confidentiality of tax information; and

''(ii) to provide penalties for the improper use by any person of the tax information required to be provided under this section.''.

(c) TITLE 28.—Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) on or before January 1 of each calendar year, and also not later than 30 days after any change in the nonprofit debt counseling services registered with the bankruptcy court, prescribe and make available on request the notice described in section 342(b)(3) of title 11 for each district included in the region.''.

SEC. 302. FAIR TREATMENT OF SECURED CREDITORS UNDER CHAPTER 13.

(a) RESTORING THE FOUNDATION FOR SECURED CREDIT.—Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking the matter preceding subparagraph (A) and inserting the following:

''(5) with respect to an allowed claim provided for by the plan that is secured under applicable nonbankruptcy law by reason of a lien on property in which the estate has an interest or is subject to a setoff under section 553—''; and

(2) by adding at the end of the subsection the following flush sentence:

''For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph.''.

(b) PAYMENT OF HOLDERS OF CLAIMS SECURED BY LIENS.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

''(B)(i) the plan provides that the holder of such claim retain the lien securing such claim until the debt that is the subject of the claim is fully paid for, as provided under the plan; and''.

(c) DETERMINATION OF SECURED STATUS.—Section 506 of title 11, United States Code, is amended by adding at the end the following:

''(e) Subsection (a) shall not apply to an allowed claim to the extent attributable in whole or in part to the purchase price of personal property acquired by the debtor during the 90-day period preceding the date of filing of the petition.''.

SEC. 303. DISCOURAGEMENT OF BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' before ''Except as'';

(2) by striking ''(1) the stay'' and inserting ''(A) the stay'';

(3) by striking ''(2) the stay'' and inserting ''(B) the stay'';

(4) by striking ''(A) the time'' and inserting ''(i) the time'';

(5) by striking ''(B) the time'' and inserting ''(ii) the time''; and

(6) by adding at the end the following:

''(2) Except as provided in subsections (d) through (f), the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case if—

''(A) a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13; and

''(B) a single or joint case of that debtor (other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)) was pending during the preceding year but was dismissed.

''(3) If a party in interest so requests, the court may extend the stay in a particular case with respect to 1 or more creditors (subject to such conditions or limitations as the court may impose) after providing notice and a hearing completed before the expiration of the 30-day period described in paragraph (2) only if the party in interest demonstrates that the filing of the later case is in good faith with respect to the creditors to be stayed.

''(4) A case shall be presumed to have not been filed in good faith (except that such presumption may be rebutted by clear and convincing evidence to the contrary)—

''(A) with respect to the creditors involved, if—

''(i) more than 1 previous case under any of chapters 7, 11, or 13 in which the individual was a debtor was pending during the 1-year period described in paragraph (1);

''(ii) a previous case under any of chapters 7, 11, or 13 in which the individual was a debtor was dismissed within the period specified in paragraph (2) after—

''(I) the debtor, after having received from the court a request to do so, failed to file or amend the petition or other documents as required by this title; or

''(II) the debtor, without substantial excuse, failed to perform the terms of a plan that was confirmed by the court; or

''(iii)(I) during the period commencing with the dismissal of the next most previous case under chapter 7, 11, or 13 there has not been a substantial change in the financial or personal affairs of the debtor;

''(II) if the case is a chapter 7 case, there is no other reason to conclude that the later case will be concluded with a discharge; or

''(III) if the case is a chapter 11 or 13 case, there is not a confirmed plan that will be fully performed; and

''(B) with respect to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor, if, as of the date of dismissal of that case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay with respect to actions of that creditor.

''(5)(A) If a request is made for relief from the stay under subsection (a) with respect to real or personal property of any kind, and the request is granted in whole or in part, the court may, in addition to making any other order under this subsection, order that the relief so granted shall be in rem either—

''(i) for a definite period of not less than 1 year; or

''(ii) indefinitely.

''(B)(i) After an order is issued under subparagraph (A), the stay under subsection (a) shall not apply to any property subject to such an in rem order in any case of the debtor.

''(ii) If an in rem order issued under subparagraph (A) so provides, the stay shall, in addition to being inapplicable to the debtor involved, not apply with respect to an entity under this title if—

''(I) the entity had reason to know of the order at the time that the entity obtained an interest in the property affected; or

''(II) the entity was notified of the commencement of the proceeding for relief from the stay, and at the time of the notification, no case in which the entity was a debtor was pending.

''(6) For purposes of this section, a case is pending during the period beginning with the issuance of the order for relief and ending at such time as the case involved is closed.''.

SEC. 304. TIMELY FILING AND CONFIRMATION OF PLANS UNDER CHAPTER 13.

(a) FILING OF PLAN.—Section 1321 of title 11, United States Code, is amended to read as follows:

''§ 1321. Filing of plan

''The debtor shall file a plan not later than 90 days after the order for relief under this chapter, except that the court may extend such period if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable.''.

(b) CONFIRMATION OF HEARING.—Section 1324 of title 11, United States Code, is amended by adding at the end the following: ''That hearing shall be held not later than 45 days after the filing of the plan, unless the court, after providing notice and a hearing, orders otherwise.''.

SEC. 305. APPLICATION OF THE CODEBTOR STAY ONLY WHEN THE STAY PROTECTS THE DEBTOR.

Section 1301(b) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2)(A) Notwithstanding subsection (c) and except as provided in subparagraph (B), in any case in which the debtor did not receive the consideration for the claim held by a creditor, the stay provided by subsection (a) shall apply to that creditor for a period not to exceed 30 days beginning on the date of the order for relief, to the extent the creditor proceeds against—

''(i) the individual that received that consideration; or

''(ii) property not in the possession of the debtor that secures that claim.

''(B) Notwithstanding subparagraph (A), the stay provided by subsection (a) shall apply in any case in which the debtor is primarily obligated to pay the creditor in whole or in part with respect to a claim described in subparagraph (A) under a legally binding separation or property settlement agreement or divorce or dissolution decree with respect to—

''(i) an individual described in subparagraph (A)(i); or

''(ii) property described in subparagraph (A)(ii).

''(3) Notwithstanding subsection (c), the stay provided by subsection (a) shall terminate as of the date of confirmation of the plan, in any case in which the plan of the debtor provides that the debtor's interest in personal property subject to a lease with respect to which the debtor is the lessee will be surrendered or abandoned or no payments will be made under the plan on account of the debtor's obligations under the lease.''.

SEC. 306. IMPROVED BANKRUPTCY STATISTICS.

(a) AMENDMENT.—Chapter 6 of part I of title 28, United States Code, is amended by adding at the end the following:

''§ 159. Bankruptcy statistics

''(a) The clerk of each district shall compile statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Office').

''(b) The Director shall—

''(1) compile the statistics referred to in subsection (a);

''(2) make the statistics available to the public; and

''(3) not later than October 31, 1998, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

''(c) The compilation required under subsection (b) shall—

''(1) be itemized, by chapter, with respect to title 11;

''(2) be presented in the aggregate and for each district; and

''(3) include information concerning—

''(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by those debtors;

''(B) the current total monthly income, projected monthly net income, and average income and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 111, 521, and 1322 of title 11;

''(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

''(D) the average period of time between the filing of the petition and the closing of the case;

''(E) for the reporting period—

''(i) the number of cases in which a reaffirmation was filed; and

''(ii)(I) the total number of reaffirmations filed;

''(II) of those cases in which a reaffirmation was filed, the number in which the debtor was not represented by an attorney; and

''(III) of those cases, the number of cases in which the reaffirmation was approved by the court;

''(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

''(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

''(II) the number of final orders determining the value of property securing a claim issued;

''(ii) the number of cases dismissed for failure to make payments under the plan; and

''(iii) the number of cases in which the debtor filed another case within the 6 years previous to the filing; and

''(G) the extent of creditor misconduct and any amount of punitive damages awarded by the court for creditor misconduct.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of title 28, United States Code, is amended by adding at the end the following:

''159. Bankruptcy statistics.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 307. AUDIT PROCEDURES.

(a) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), as amended by section 301 of this Act, by striking paragraph (6) and inserting the following:

''(6) make such reports as the Attorney General directs, including the results of audits performed under subsection (f); and''; and

(2) by adding at the end the following:

''(f)(1)(A) The Attorney General shall establish procedures for the auditing of the accuracy and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title.

''(B) The audits described in subparagraph (A) shall be made in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants. Those procedures shall—

''(i) establish a method of selecting appropriate qualified persons to contract with the United States trustee to perform those audits;

''(ii) establish a method of randomly selecting cases to be audited according to generally accepted auditing standards, except that not less than 1 out of every 500 cases in each Federal judicial district shall be selected for audit;

''(iii) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed; and

''(iv) establish procedures for—

''(I) reporting the results of those audits and any material misstatement of income, expenditures, or assets of a debtor to the Attorney General, the United States Attorney and the court, as appropriate;

''(II) providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported; and

''(III) fully funding those audits, including procedures requiring each debtor with sufficient available income or assets to contribute to the payment for those audits, as an administrative expense or otherwise.

''(2) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee according to the procedures established under paragraph (1).

''(3) According to procedures established under paragraph (1), upon request of a duly appointed auditor, the debtor shall cause the accounts, papers, documents, financial records, files and all other papers, things, or property belonging to the debtor as the auditor requests and that are reasonably necessary to facilitate the audit to be made available for inspection and copying.

''(4)(A) The report of each audit conducted under this subsection shall be filed with the court, the Attorney General, and the United States Attorney, as required under procedures established by the Attorney General under paragraph (1).

''(B) If a material misstatement of income or expenditures or of assets is reported under subparagraph (A), a statement specifying that misstatement shall be filed with the court and the United States trustee shall—

''(i) give notice thereof to the creditors in the case; and

''(ii) in an appropriate case, in the opinion of the United States trustee, that requires investigation with respect to possible criminal violations, the United States Attorney for the district.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 308. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting after the first sentence the following: ''Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than one creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.''.

SEC. 309. FAIR NOTICE FOR CREDITORS IN CHAPTER 7 AND 13 CASES.

Section 342 of title 11, United States Code, is amended—

(1) in subsection (c), by striking '', but the failure of such notice to contain such information shall not invalidate the legal effect of such notice''; and

(2) by adding at the end the following:

''(d)(1) If the credit agreement between the debtor and the creditor or the last communication before the filing of the petition in a voluntary case from the creditor to a debtor who is an individual states an account number of the debtor that is the current account number of the debtor with respect to any debt held by the creditor against the debtor, the debtor shall include that account number in any notice to the creditor required to be given under this title.

''(2) If the creditor has specified to the debtor, in the last communication before the filing of the petition, an address at which the creditor wishes to receive correspondence regarding the debtor's account, any notice to the creditor required to be given by the debtor under this title shall be given at such address.

''(3) For purposes of this section, the term 'notice' shall include—

''(A) any correspondence from the debtor to the creditor after the commencement of the case;

''(B) any statement of the debtor's intention under section 521(a)(2);

''(C) notice of the commencement of any proceeding in the case to which the creditor is a party; and

''(D) any notice of a hearing under section 1324.

''(e)(1) At any time, a creditor, in a case of an individual under chapter 7 or 13, may file with the court and serve on the debtor a notice of the address to be used to notify the creditor in that case.

''(2) If the court or the debtor is required to give the creditor notice, not later than 5 days after receipt of the notice under paragraph (1), that notice shall be given at that address.

''(f) An entity may file with the court a notice stating its address for notice in cases under chapter 7 or 13. After the date that is 30 days following the filing of that notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subsection (e) with respect to a particular case.

''(g)(1) Notice given to a creditor other than as provided in this section shall not be effective notice until that notice has been brought to the attention of the creditor.

''(2) If the creditor has designated a person or department to be responsible for receiving notices concerning bankruptcy cases and has established reasonable procedures so that bankruptcy notices received by the creditor will be delivered to that department or person, notice shall not be brought to the attention of the creditor until that notice is received by that person or department.''.

SEC. 310. STOPPING ABUSIVE CONVERSIONS FROM CHAPTER 13.

Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B)—

(A) by striking ''in the converted case, with allowed secured claims'' and inserting ''only in a case converted to chapter 11 or 12 but not in a case converted to chapter 7, with allowed secured claims in cases under chapters 11 and 12''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) with respect to cases converted from chapter 13, the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of that claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the chapter 13 proceeding.''.

SEC. 311. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)''; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

''(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

''(B) that 60-day period is extended—

''(i) by agreement of all parties in interest; or

''(ii) by the court for such specific period of time as the court finds is required for good cause.''.

SEC. 312. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 707 of title 11, United States Code, as amended by section 102 of this Act, is amended by adding at the end the following:

''(c)(1) Notwithstanding subsection (a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under section 521(a)(1) within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 46th day after the filing of the petition.

''(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. The court shall, if so requested, enter an order of dismissal not later than 5 days after that request.

''(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 20 days to file the information required under section 521(a)(1) if the court finds justification for extending the period for the filing.''.

SEC. 313. ADEQUATE TIME FOR PREPARATION FOR A HEARING ON CONFIRMATION OF THE PLAN.

Section 1324 of title 11, United States Code, as amended by section 304 of this Act, is amended—

(1) by striking ''After'' and inserting the following:

''(a) Except as provided in subsection (b) and after''; and

(2) by adding at the end the following:

''(b) If not later than 5 days after receiving notice of a hearing on confirmation of the plan, a creditor objects to the confirmation of the plan, the hearing on confirmation of the plan may be held no earlier than 20 days after the first meeting of creditors under section 341(a).''.

SEC. 314. DISCHARGE UNDER CHAPTER 13.

Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) provided for under section 1322(b)(5);

''(2) of the kind specified in paragraph (2), (4), (5), (8), or (9) of section 523(a);

''(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

''(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.''.

SEC. 315. NONDISCHARGEABLE DEBTS.

Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

''(14A) incurred to pay a debt that is nondischargeable by reason of section 727, 1141, 1228 (a) or (b), or 1328(b), or any other provision of this subsection, except for any debt incurred to pay such a nondischargeable debt in any case in which—

''(A)(i) the debtor who paid the nondischargeable debt is a single parent who has 1 or more dependent children at the time of the order for relief; or

''(ii) there is an allowed claim for alimony to, maintenance for, or support of a spouse, former spouse, or child of the debtor payable under a judicial or administrative order to that spouse or child (but not to any other person) that was unpaid by the debtor as of the date of the petition; and

''(B) the creditor is unable to demonstrate that the debtor intentionally incurred the debt to pay the nondischargeable debt;''.

SEC. 316. CREDIT EXTENSIONS ON THE EVE OF BANKRUPTCY PRESUMED NONDISCHARGEABLE.

Section 523(a)(2) of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subparagraph (A), by striking the semicolon at the end and inserting the following: ''(and, for purposes of this subparagraph, consumer debts owed in an aggregate amount greater than or equal to $400 incurred for goods or services not reasonably necessary for the maintenance or support of the debtor or a dependent child of the debtor to a single creditor that are incurred during the 90-day period preceding the date of the order for relief shall be presumed to be nondischargeable under this subparagraph); or'';

(2) in subparagraph (B), by striking ''or'' at the end; and

(3) by striking subparagraph (C).

SEC. 317. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

Section 101 of title 11, United States Code, is amended by inserting after paragraph (27) the following:

''(27A) 'household goods' has the meaning given that term in section 444.1(i) of title 16, of the Code of Federal Regulations (as in effect on the effective date of this paragraph), which is part of the regulations issued by the Federal Trade Commission that are commonly known as the 'Trade Regulation Rule on Credit Practices', except that the term shall also include any tangible personal property reasonably necessary for the maintenance or support of a dependent child;''.

SEC. 318. RELIEF FROM STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

(a) AUTOMATIC STAY.—Section 362 of title 11, United States Code, as amended by section 303, is amended—

(1) in subsection (c)(1), in the matter preceding subparagraph (A), by striking ''(e) and (f)'' and inserting ''(e), (f), and (h)'';

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following:

''(h) In an individual case under chapter 7, 11, or 13 the stay provided by subsection (a) is terminated with respect to property of the estate securing in whole or in part a claim that is in an amount greater than $3,000, or subject to an unexpired lease with a remaining term of at least 1 year (in any case in which the debtor owes at least $3,000 for a 1-year period), if within 30 days after the expiration of the applicable period under section 521(a)(2)—

''(1)(A) the debtor fails to timely file a statement of intention to surrender or retain the property; or

''(B) if the debtor indicates in the filing that the debtor will retain the property, the debtor fails to meet an applicable requirement to—

''(i) either—

''(I) redeem the property pursuant to section 722; or

''(II) reaffirm the debt the property secures pursuant to section 524(c); or

''(ii) assume the unexpired lease pursuant to section 365(d) if the trustee does not do so; or

''(2) the debtor fails to timely take the action specified in a statement of intention referred to in paragraph (1)(A) (as amended, if that statement is amended before expiration of the period for taking action), unless—

''(A) the statement of intention specifies reaffirmation; and

''(B) the creditor refuses to reaffirm the debt on the original contract terms for the debt.''.

(b) DEBTOR'S DUTIES.—Section 521(a)(2) of title 11, United States Code, as redesignated by section 301(b) of this Act, is amended—

(1) in the matter preceding subparagraph (A), by striking ''consumer'';

(2) in subparagraph (B)—

(A) by striking ''forty-five days after the filing of a notice of intent under this section'' and inserting ''30 days after the first meeting of creditors under section 341(a)''; and

(B) by striking ''forty-five-day period'' and inserting ''30-day period''; and

(3) in subparagraph (C), by inserting '', except as provided in section 362(h)'' before the semicolon.

SEC. 319. ADEQUATE PROTECTION OF LESSORS AND PURCHASE MONEY SECURED CREDITORS.

(a) IN GENERAL.—Chapter 13 of title 11, United States Code, is amended by adding after section 1307 the following:

''§1307A. Adequate protection in chapter 13 cases

''(a)(1)(A) On or before the date that is 30 days after the filing of a case under this chapter, the debtor shall make cash payments in an amount determined under paragraph (2)(A), to—

''(i) any lessor of personal property; and

''(ii) any creditor holding a claim secured by personal property to the extent that the claim is attributable to the purchase of that property by the debtor.

''(B) The debtor or the plan shall continue making the adequate protection payments until the earlier of the date on which—

''(i) the creditor begins to receive actual payments under the plan; or

''(ii) the debtor relinquishes possession of the property referred to in subparagraph (A) to—

''(I) the lessor or creditor; or

''(II) any third party acting under claim of right, as applicable.

''(2) The payments referred to in paragraph (1)(A) shall be determined by the court.

''(b)(1) Subject to the limitations under paragraph (2), the court may, after notice and hearing, change the amount and timing of the dates of payment of payments made under subsection (a).

''(2)(A) The payments referred to in paragraph (1) shall be payable not less frequently than monthly.

''(B) The amount of a payment referred to in paragraph (1) shall not be less than the reasonable depreciation of the personal property described in subsection (a)(1), determined on a month-to-month basis.

''(c) Notwithstanding section 1326(b), the payments referred to in subsection (a)(1)(A) shall be continued in addition to plan payments under a confirmed plan until actual payments to the creditor begin under that plan, if the confirmed plan provides—

''(1) for payments to a creditor or lessor described in subsection (a)(1); and

''(2) for the deferral of payments to such creditor or lessor under the plan until the payment of amounts described in section 1326(b).

''(d) Notwithstanding sections 362, 542, and 543, a lessor or creditor described in subsection (a) may retain possession of property described in that subsection that was obtained in accordance with applicable law before the date of filing of the petition until the first payment under subsection (a)(1)(A) is received by the lessor or creditor.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 11, United States Code, is amended by inserting after the item relating to section 1307 the following:

''1307A. Adequate protection in chapter 13 cases.''.

SEC. 320. LIMITATION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A), by inserting ''subject to subsection (n),'' before ''any property''; and

(2) by adding at the end the following new subsection:

''(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate $100,000 in value in—

''(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

''(C) a burial plot for the debtor or a dependent of the debtor.

''(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(2)(A) by a family farmer for the principal residence of that farmer.''.

SEC. 321. MISCELLANEOUS IMPROVEMENTS.

(a) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

''(h) Notwithstanding any other provision of this section, an individual may not be a debtor under this title unless that individual has, during the 90-day period preceding the date of filing of the petition of that individual, made a good-faith attempt to create a debt repayment plan outside the judicial system for bankruptcy law (commonly referred to as the 'bankruptcy system'), through a credit counseling program (offered through credit counseling services described in section 111(a)) that has been approved by—

''(1) the United States trustee; or

''(2) the bankruptcy administrator for the district in which the petition is filed.''.

(b) CHAPTER 7 DISCHARGE.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking ''or'' at the end;

(2) in paragraph (10), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(11) after the filing of the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111 that was administered or approved by—

''(A) the United States trustee; or

''(B) the bankruptcy administrator for the district in which the petition is filed.''.

(c) CHAPTER 13 DISCHARGE.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

''(f) The court shall not grant a discharge under this section to a debtor, unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111 that was administered or approved by—

''(1) the United States trustee; or

''(2) the bankruptcy administrator for the district in which the petition is filed.''.

(d) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by sections 301(b) and 318(b) of this Act, is amended by adding at the end the following:

''(e) In addition to the requirements under subsection (a), an individual debtor shall file with the court—

''(1) a certificate from the credit counseling service that provided the debtor services under section 109(h) or other substantial evidence of a good-faith attempt to create a debt repayment plan outside the bankruptcy system in the manner prescribed in section 109(h); and

''(2) a copy of the debt repayment plan developed under section 109(h) through the credit counseling service referred to in paragraph (1).''.

(e) EXCEPTIONS TO DISCHARGE.—Section 523(d) of title 11, United States Code, as amended by section 202 of this Act, is amended by striking paragraph (3)(A)(i) and inserting the following:

''(i) before the filing of the petition, the debtor made a good faith attempt pursuant to section 109(h) to negotiate a reasonable alternative repayment schedule (including making an offer of a reasonable alternative repayment schedule); and''.

(f) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''§111. Credit counseling services; financial management instructional courses

''(a) The clerk of each district shall maintain a list of credit counseling services that provide 1 or more programs described in section 109(h) and that have been approved by—

''(1) the United States trustee; or

''(2) the bankruptcy administrator for the district.

''(b) The United States trustee or each bankruptcy administrator referred to in subsection (a)(1) shall—

''(1) make available to debtors who are individuals an instructional course concerning personal financial management, under the direction of the bankruptcy court; and

''(2) maintain a list of instructional courses concerning personal financial management that are operated by a private entity and that have been approved by the United States trustee or that bankruptcy administrator.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''111. Credit counseling services; financial management instructional courses.''.

(g) DEFINITIONS.—Section 101 of title 11, United States Code, as amended by section 317 of this Act, is amended—

(1) by inserting after paragraph (13) the following:

''(13A) 'debtor's principal residence'—

''(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

''(B) includes an individual condominium or co-operative unit;''; and

(2) by inserting after paragraph (27A), as added by section 318 of this Act, the following:

''(27B) 'incidental property' means, with respect to a debtor's principal residence—

''(A) property commonly conveyed with a principal residence in the area where the real estate is located;

''(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

''(C) all replacements or additions;''.

SEC. 322. BANKRUPTCY JUDGESHIPS.

(a) SHORT TITLE.—This section may be cited as the ''Bankruptcy Judgeship Act of 1998''.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the southern district of Florida.

(D) Two additional bankruptcy judgeships for the district of Maryland.

(E) One additional bankruptcy judgeship for the eastern district of Michigan.

(F) One additional bankruptcy judgeship for the southern district of Mississippi.

(G) One additional bankruptcy judgeship for the district of New Jersey.

(H) One additional bankruptcy judgeship for the eastern district of New York.

(I) One additional bankruptcy judgeship for the northern district of New York.

(J) One additional bankruptcy judgeship for the southern district of New York.

(K) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(L) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(M) One additional bankruptcy judgeship for the western district of Tennessee.

(N) One additional bankruptcy judgeship for the eastern district of Virginia.

(2) VACANCIES.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) that—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1);

shall not be filled.

(c) EXTENSIONS.—

(1) IN GENERAL.—The temporary bankruptcy judgeship positions authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under section 3(a) (1), (3), (7), (8), and (9) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 8 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 10 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 8 years or more after August 29, 1994, with respect to the district of Puerto Rico;

(D) 8 years or more after June 27, 1994, with respect to the district of South Carolina; and

(E) 8 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 remain applicable to such temporary judgeship position.

(d) TECHNICAL AMENDMENT.—The first sentence of section 152(a)(1) of title 28, United States Code, is amended to read as follows: ''Each bankruptcy judge to be appointed for a judicial district as provided in paragraph (2) shall be appointed by the United States court of appeals for the circuit in which such district is located.''.

(e) TRAVEL EXPENSES OF BANKRUPTCY JUDGES.—Section 156 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) In this subsection, the term 'travel expenses'—

''(A) means the expenses incurred by a bankruptcy judge for travel that is not directly related to any case assigned to such bankruptcy judge; and

''(B) shall not include the travel expenses of a bankruptcy judge if—

''(i) the payment for the travel expenses is paid by such bankruptcy judge from the personal funds of such bankruptcy judge; and

''(ii) such bankruptcy judge does not receive funds (including reimbursement) from the United States or any other person or entity for the payment of such travel expenses.

''(2) Each bankruptcy judge shall annually submit the information required under paragraph (3) to the chief bankruptcy judge for the district in which the bankruptcy judge is assigned.

''(3)(A) Each chief bankruptcy judge shall submit an annual report to the Director of the Administrative Office of the United States Courts on the travel expenses of each bankruptcy judge assigned to the applicable district (including the travel expenses of the chief bankruptcy judge of such district).

''(B) The annual report under this paragraph shall include—

''(i) the travel expenses of each bankruptcy judge, with the name of the bankruptcy judge to whom the travel expenses apply;

''(ii) a description of the subject matter and purpose of the travel relating to each travel expense identified under clause (i), with the name of the bankruptcy judge to whom the travel applies; and

''(iii) the number of days of each travel described under clause (ii), with the name of the bankruptcy judge to whom the travel applies.

''(4)(A) The Director of the Administrative Office of the United States Courts shall—

''(i) consolidate the reports submitted under paragraph (3) into a single report; and

''(ii) annually submit such consolidated report to Congress.

''(B) The consolidated report submitted under this paragraph shall include the specific information required under paragraph (3)(B), including the name of each bankruptcy judge with respect to clauses (i), (ii), and (iii) of paragraph (3)(B).''.

SEC. 323. PREFERRED PAYMENT OF CHILD SUPPORT IN CHAPTER 7 PROCEEDINGS.

Section 507(a) of title 11, United States Code, is amended in the matter preceding paragraph (1), by inserting '', except that, notwithstanding any other provision of this title, any expense or claim entitled to priority under paragraph (7) shall have first priority over any other expense or claim that has priority under any other provision of this subsection'' before the colon.

SEC. 324. PREFERRED PAYMENT OF CHILD SUPPORT IN CHAPTER 13 PROCEEDINGS.

Section 1322(b)(1) of title 11, United States Code, is amended by striking the semicolon at the end and inserting the following: ''and provide for the payment of any claim entitled to priority under section 507(a)(7) before the payment of any other claim entitled to priority under section 507(a), notwithstanding the priorities established under section 507(a).''.

SEC. 325. PAYMENT OF CHILD SUPPORT REQUIRED TO OBTAIN A DISCHARGE IN CHAPTER 13 PROCEEDINGS.

Title 11, United States Code, is amended—

(1) in section 1325(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if the debtor is required by a judicial or administrative order to pay alimony to, maintenance for, or support of a spouse, former spouse, or child of the debtor, the debtor has paid all amounts payable under that order for alimony, maintenance, or support that are due after the date on which the petition is filed.''; and

(2) in section 1328(a), as amended by section 314 of this Act, in the matter preceding paragraph (1), by inserting '', and with respect to a debtor who is required by a judicial or administrative order to pay alimony to, maintenance for, or support of a spouse, former spouse, or child of the debtor, only after the debtor certifies as of the later of the date of that completion or the date of certification that all amounts payable under that order for alimony, maintenance, or support that are due before the date of that certification have been paid in accordance with the plan if applicable, or if the underlying debt is not treated by the plan, paid in full'' after ''completion by the debtor of all payments under the plan''.

SEC. 326. CHILD SUPPORT AND ALIMONY COLLECTION.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking ''or'' at the end;

(2) in paragraph (18), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(19) under subsection (a) with respect to the withholding of income pursuant to an order as specified in section 466(b) of the Social Security Act (42 U.S.C. 666(b)); or

''(20) under subsection (a) with respect to the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses pursuant to State law, as specified in section 466(a)(15) of the Social Security Act (42 U.S.C. 666(a)(15)) or with respect to the reporting of overdue support owed by an absent parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7)).''.

SEC. 327. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subsection (a), by striking paragraph (5) and inserting the following:

''(5) to a spouse, former spouse, or child of the debtor—

''(A) for actual alimony to, maintenance for, or support of that spouse or child;

''(B) that was incurred by the debtor in the course of a divorce or separation or in connection with a separation agreement, property settlement agreement, divorce decree, other order of a court of record, or determination made in accordance with State or territorial law by a governmental unit; or

''(C) that is described in subparagraph (A) or (B) and that is assigned pursuant to section 408(a)(3) of the Social Security Act (42 U.S.C. 608(a)(3)), or to the Federal Government, a State, or any political subdivision of a State,

but not to the extent that the debt (other than a debt described in subparagraph (C)) is assigned to another entity, voluntarily, by operation of law, or otherwise;''; and

(2) in subsection (c), by striking ''(6), or (15)'' and inserting ''or (6)''.

SEC. 328. ENFORCEMENT OF CHILD AND SPOUSAL SUPPORT.

Section 522(c)(1) of title 11, United States Code, is amended by inserting '', except that, notwithstanding any other Federal law or State law relating to exempted property, such exempt property shall be liable for debts of a kind specified in paragraph (1) or (5) of section 523(a)'' before the semicolon at the end of the paragraph.

SEC. 329. DEPENDENT CHILD DEFINED.

Section 101 of title 11, United States Code, is amended by inserting after paragraph (14) the following:

''(14A) 'dependent child' means, with respect to an individual, a child who has not attained the age of 18 and who is a dependent of that individual, within the meaning of section 152 of the Internal Revenue Code;''.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. DEFINITIONS.

Section 101 of title 11, United States Code, as amended by section 317, is amended—

(1) by striking ''In this title—'' and inserting ''In this title:'';

(2) in each paragraph, by inserting ''The term'' after the paragraph designation;

(3) in paragraph (35)(B), by striking ''paragraphs (21B) and (33)(A)'' and inserting ''paragraphs (23) and (35)'';

(4) in each of paragraphs (35A) and (38), by striking ''; and'' at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting ''who is not a family farmer'' after ''debtor'' the first place it appears; and

(B) by striking ''thereto having aggregate'' and all that follows through the end of the paragraph;

(6) by amending paragraph (54) to read as follows:

''(54) The term 'transfer' means—

''(A) the creation of a lien;

''(B) the retention of title as a security interest;

''(C) the foreclosure of a debtor's equity of redemption; or

''(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

''(i) property; or

''(ii) an interest in property;'';

(7) in each of paragraphs (1) through (35), in each of paragraphs (36) and (37), and in each of paragraphs (40) through (56A) (including paragraph (54), as amended by paragraph (6) of this section), by striking the semicolon at the end and inserting a period; and

(8) by redesignating paragraphs (4) through (56A) in entirely numerical sequence, so as to result in numerical paragraph designations of (4) through (72), respectively.

SEC. 402. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting ''522(f)(3), 707(b)(5),'' after ''522(d),'' each place it appears.

SEC. 403. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking ''922'' and all that follows through ''or'', and inserting ''922, 1201, or''.

SEC. 404. WHO MAY BE A DEBTOR.

Section 109(b)(2) of title 11, United States Code, is amended by striking ''subsection (c) or (d) of''.

SEC. 405. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(3) of title 11, United States Code, is amended by striking ''attorney's'' and inserting ''attorneys' ''.

SEC. 406. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting ''on a fixed or percentage fee basis,'' after ''hourly basis,''.

SEC. 407. SPECIAL TAX PROVISIONS.

Section 346(g)(1)(C) of title 11, United States Code, is amended by striking '', except'' and all that follows through ''1986''.

SEC. 408. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting ''of the estate'' after ''property'' the first place it appears.

SEC. 409. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, as amended by section 326 of this Act, is amended—

(1) in paragraph (19), by striking ''or'' at the end;

(2) in paragraph (20), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(21) under subsection (a) of this section of any transfer that is not avoidable under section 544 and that is not avoidable under section 549;

''(22) under subsection (a)(3) of this section, of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement; or

''(23) under subsection (a)(3) of this section, of the commencement of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement that has terminated.''.

SEC. 410. AMENDMENT TO TABLE OF SECTIONS.

The table of sections for chapter 5 of title 11, United States Code, is amended by striking the item relating to section 556 and inserting the following:

''556. Contractual right to liquidate a commodities contract or forward contract.''.

SEC. 411. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting ''subparagraph (A), (B), (C), (D), or (E) of'' before ''paragraph (3)''.

SEC. 412. PRIORITIES.

Section 507(a) of title 11, United States Code, as amended by section 323 of this Act, is amended—

(1) in paragraph (3)(B), by striking the semicolon at the end and inserting a period; and

(2) in paragraph (7), by inserting ''unsecured'' after ''allowed''.

SEC. 413. EXEMPTIONS.

Section 522 of title 11, United States Code, as amended by section 320 of this Act, is amended—

(1) in subsection (f)(1)(A)(ii)(II)—

(A) by striking ''includes a liability designated as'' and inserting ''is for a liability that is designated as, and is actually in the nature of,''; and

(B) by striking '', unless'' and all that follows through ''support''; and

(2) in subsection (g)(2), by striking ''subsection (f)(2)'' and inserting ''subsection (f)(1)(B)''.

SEC. 414. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)(3), by striking ''or (6)'' each place it appears and inserting ''(6), or (15)'';

(2) as amended by section 304(e) of Public Law 103–394 (108 Stat. 4133), in paragraph (15), by transferring such paragraph so as to insert it after paragraph (14) of subsection (a);

(3) in subsection (a)(9), by inserting '', watercraft, or aircraft'' after ''motor vehicle'';

(4) in subsection (a)(15), as so redesignated by paragraph (2) of this subsection, by inserting ''to a spouse, former spouse, or child of the debtor and'' after ''(15)'';

(5) in subsection (a)(17)—

(A) by striking ''by a court'' and inserting ''on a prisoner by any court'';

(B) by striking ''section 1915 (b) or (f)'' and inserting ''subsection (b) or (f)(2) of section 1915''; and

(C) by inserting ''(or a similar non-Federal law)'' after ''title 28'' each place it appears; and

(6) in subsection (e), by striking ''a insured'' and inserting ''an insured''.

SEC. 415. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking ''section 523'' and all that follows through ''or that'' and inserting ''section 523, 1228(a)(1), or 1328(a)(1) of this title, or that''.

SEC. 416. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting ''student'' before ''grant'' the second place it appears; and

(2) in paragraph (2), by striking ''the program operated under part B, D, or E of'' and inserting ''any program operated under''.

SEC. 417. PROPERTY OF THE ESTATE.

Section 541(b)(4) of title 11, United States Code, is amended—

(1) in subparagraph (B)(ii), by inserting ''365 or'' before ''542''; and

(2) by adding ''or'' at the end.

SEC. 418. LIMITATIONS ON AVOIDING POWERS.

Section 546 of title 11, United States Code, is amended by redesignating the second subsection (g) (as added by section 222(a) of the Bankruptcy Reform Act of 1994; 108 Stat. 4129) as subsection (h).

SEC. 419. PREFERENCES.

Section 547 of title 11, United States Code, is amended—

(1) in subsection (b), by striking ''subsection (c)'' and inserting ''subsections (c) and (h)''; and

(2) by adding at the end the following:

''(h) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider.''.

SEC. 420. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting ''an interest in'' after ''transfer of'';

(2) by striking ''such property'' and inserting ''such real property''; and

(3) by striking ''the interest'' and inserting ''such interest''.

SEC. 421. TECHNICAL AMENDMENT.

Section 552(b)(1) of title 11, United States Code, is amended by striking ''product'' each place it appears and inserting ''products''.

SEC. 422. SETOFF.

Section 553(b)(1) of title 11, United States Code, is amended by striking ''362(b)(14)'' and inserting ''362(b)(17)''.

SEC. 423. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking ''1009,''.

SEC. 424. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, is amended by inserting ''1123(d),'' after ''1123(b),''.

SEC. 425. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election. Upon the filing of a report under the preceding sentence—

''(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

''(ii) the service of any trustee appointed under subsection (d) shall terminate.

''(B) In the case of any dispute arising out of an election under subparagraph (A), the court shall resolve the dispute.''.

SEC. 426. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. 427. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. 428. DISCHARGE UNDER CHAPTER 12.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking ''1222(b)(10)'' each place it appears and inserting ''1222(b)(9)''.

SEC. 429. EXTENSIONS.

Section 302(d)(3) of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking ''or October 1, 2002, whichever occurs first''; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking ''or October 1, 2002, whichever occurs first''; and

(ii) in the matter following subclause (II), by striking ''October 1, 2003, or''; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking ''before October 1, 2003, or''; and

(ii) by striking '', whichever occurs first''.

SEC. 430. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking ''made under this subsection'' and inserting ''made under subsection (c)''; and

(2) by striking ''This subsection'' and inserting ''Subsection (c) and this subsection''.

SEC. 431. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting ''(1) the term'' before '''bankruptcy''; and

(B) by striking the period at the end and inserting ''; and''; and

(2) in the second undesignated paragraph—

(A) by inserting ''(2) the term'' before '''document''; and

(B) by striking ''this title'' and inserting ''title 11''.

SEC. 432. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of enactment of this Act.

AMENDMENT NO. 3559

(Purpose: In the nature of a substitute)

Mr. LOTT. On behalf of Senator GRASSLEY, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. GRASSLEY, for himself and Mr. HATCH, proposes an amendment numbered 3559.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute amendment to Calendar No. 394, S. 1301, the Consumer Bankruptcy Protection Act:

Trent Lott, Orrin G. Hatch, Charles Grassley, Arlen Specter, Strom Thurmond, Connie Mack, Ben Nighthorse Campbell, Thad Cochran, Tim Hutchinson, Wayne Allard, Christopher Bond, Rick Santorum, Chuck Hagel, Larry E. Craig, and Jon Kyl.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote would occur, then, on Friday 1 hour after the Senate convenes unless changed by unanimous consent or unless we get something worked out.

I yield to Senator DASCHLE for his comments on this or his suggestions as to how we might proceed.

Mr. DASCHLE. Mr. President, I appreciate the leader's comments earlier. I do believe that there is an opportunity here for us to come to some procedural conclusion on how we might address this bill. I think that Senators GRASSLEY and DURBIN have been working in good faith. I have had the opportunity to discuss this matter with Senator KENNEDY. I personally don't believe the cloture motion is the most constructive approach, but I also recognize that the majority leader has noted that that could be vitiated were we to come to some agreement.

I think it is a fair statement that if we are forced into a cloture motion, nothing will happen. If we can reach an agreement, there may be an opportunity for us to have a good debate and to have some votes on key amendments, both directly relevant to the bill and perhaps not as directly relevant, but certainly relevant to the American agenda.

I am hopeful that we can accommodate the needs of Senators who have expressed an interest in amending this bill. I am confident that we can, and I hope this cloture motion will not be necessary.

Mr. LOTT. Mr. President, just in conclusion, once again, I urge all of the Senators that are interested in this legislation that they begin work right away, tomorrow, so that we will not let the whole day pass without trying to work something out. Senator DASCHLE and I will talk as the day progresses. That would be the wise thing to do, I think, if we can work something out that is reasonable, to allow us to continue to complete campaign finance reform, and so we can go on and hopefully complete the Interior appropriations bill.

This is a positive move and I appreciate the opportunity to work on it to see if we can get something agreed to.

Mr. President, at this point, I ask that the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. On behalf of the managers of the bankruptcy bill, I hope Members will file their amendments in a timely manner. I know there are amendments that Senators are very interested in that would even be relevant postcloture, and then there are others that obviously Members are interested in, too. I hope they will file them. The managers are attempting to clear as many amendments as possible and would like to reach a consent agreement limiting amendments, if that is at all possible, and perhaps that could be taken care of in our agreement that we are working on.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask there be a period for morning business, with Members permitted to speak for up to 10 minutes each.

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

NO RUSH TO JUDGMENT

Mr. BYRD. Mr. President, we appear to be only days away from receiving the Independent Counsel's report on President Clinton. The pressure on Congress is escalating. Talk of impeachment is in the air along with suggestions of resolutions of reprimand and censure. Some have even suggested that we ought to get on with impeachment and ''get this thing behind us.''

There had to come a time, sooner or later, when the boil would be lanced. The problem is, that with the lancing, a hemorrhaging may be only one of those continuing symptoms of a greater lancing—perhaps even an amputation—that still lurks in the shadows up ahead.

There is no question but that the President, himself, has sown the wind, and he is reaping the whirlwind. His televised speech of August 17 heaped hot coals upon himself, coals causing wounds which continue to inflame and burn ever more deeply. Coming, as the speech did, so soon after the President's appearance before the Grand Jury, his words were ill-timed, ill-formed, and ill-advised. Perhaps if he had only delayed his televised speech for 24 hours, he may have, upon reflection, avoided some self-inflicted wounds that have since festered and continue to fester.

The Moving Finger writes; and, having writ,
Moves on: nor all thy Piety nor Wit
Shall lure it back to cancel half a Line,
Nor all thy Tears wash out a Word of it.

When the scribes and Pharisees brought before Jesus a woman taken in adultery, saying that, under Moses, the law commanded that she be stoned, they sought to tempt Jesus that they might accuse him. He said unto them: ''He that is without sin among you, let him first cast a stone at her.'' And that ancient admonition, that he who is without sin should cast the first stone, applies to every human being in this country today. Someone else has said: ''No man's life will bear looking into.'' These admonishments should give all of us pause and should encourage reflection and self-examination. In this instance, the President, himself, has, by his own actions and words, thrown the first stone at himself and thus made himself vulnerable to the stoning by others.

What a sorrowful spectacle! To maintain that Presidents have private lives

is, of course, not to be denied, but the Oval Office of the White House is not a private office; it is where much of the business of the Nation is conducted daily; it is the people's office; and the only real privacy that any President can realistically claim is in the third-floor living quarters of the White House with his family. What the President had hoped to claim was ''nobody else's business'' has now become everybody else's business.

His speech was a lawyer-worded effort—as in the reference to ''legally accurate'' testimony—and the people have long since grown tired of having to pick and sift among artfully crafted words that have too often obscured the truth rather than revealed it.

The White House's apparent strategy of delay and attack over so many long months has only succeeded in stringing out a judgment day that is increasingly threatening, and has only made bad matters worse. Former President Nixon, in an earlier tragedy for the Nation and for all of us who were here and lived through it, tried the same thing—delay, delay, delay, and counter-attack, attack, attack—and it failed in the end.

We seem to be living recent history all over again. As the Book of Ecclesiastes plainly tells us, ''There is no new thing under the sun.'' Time seems to be turning backward in its flight, and many of the mistakes that President Nixon made are being made all over again.

We also must stop and remember that this is a sad time for the President and his family, a sad time for his friends and supporters throughout the country, a sad time for the devoted members of his staff who have labored and sacrificed and given so much for a man in whom they implicitly believed. It is a sad time for members of his cabinet and heads of agencies who publicly defended him and who depended on his word.

But it is an even sadder time for the country. As a schoolboy, I looked upon George Washington and Thomas Jefferson and James Madison and Abraham Lincoln as my idols to be emulated; I looked upon Babe Ruth and Jack Dempsey and Charles Lindbergh and Benjamin Franklin and Thomas Edison and Nathan Hale and Daniel Morgan and Nathaniel Green and Stonewall Jackson as my heroes. I was taught, as most of us were, to revere God. I was taught to believe the Bible, and that a judgment day would surely come when we would all be punished for our sins or be saved by our faith and good works.

The old couple who raised me taught me by their example and their words not to lie but to tell the truth, not to cheat but to be honest; but what will parents tell their children today? Can they tell them to plow a straight furrow and that honesty is still the best policy? To whom can our young people look for inspiration?

I recently asked a question on this floor, ''Where have all the heroes gone?'' I ask that question again today. Where have all the heroes gone? Fortunately, we do have a Mark McGwire and a Sammy Sosa, both of whom have captured the Nation's admiration with their home runs. But where are the Nation's leaders to whom the children can look and be inspired to work hard and live clean lives?

The political and social environment in which parents must today raise their children is, unfortunately, an environment in which anything goes; politicians try to be all things to all people; family values and religious values which made us a great Nation are looked upon as old-fashioned, unsophisticated, and the product of ignorance and rusticness. Profanity and vulgarity, sex and violence are pervasive in television programming, in the movies, and in much of today's books that pretend to pass for literature. The Nation is inexorably sinking toward the lowest common denominator in its standards and values. Haven't we had enough?

I think our country sinks beneath the yoke;
It weeps, it bleeds, and each new day
A gash is added to her wounds.

Yes, talk of impeachment and censure and resignation is in the air. It is on almost everybody's mind with whom I have talked.

As we find ourselves being brought nearer and nearer, as it would seem, to a yawning abyss, I urge that we all step back and give ourselves and the country a little pause in which to reflect and meditate before we cast ourselves headlong over the precipice.

To say we ought to get on with impeachment and ''get the thing behind us'' is a bold thing to say; but boldness, to the point of cavalierness, can come back to haunt us.

I suggest that we Senators should let the House do its work and wait to see what action that body takes. The Senate cannot vote on Articles of Impeachment—we all know that—until the House formulates such articles and presents them by its managers to the Senate—if it ever does so. I also suggest that putting ''this thing behind us'' is not going to be an easy thing to do. If Congress reaches that stage of voting on Articles of Impeachment it is going to be a traumatic experience for all of us, both here in this city and throughout the country. The House is in no position to formulate Articles of Impeachment prior to its receipt and consideration of—and I emphasize consideration—the Starr report. The Judiciary Committee—I am talking about the Judiciary Committee in the House—will undoubtedly want to hold hearings before it formulates any Articles of Impeachment if such appear to be called for.

That is the House's charge; that is the House's responsibility, not ours. If and when such Articles are presented here to the Senate—they are not amendable here, and the Senate, in such cases, is limited to an up-or-down vote on each Article—that will be a matter of the utmost gravity. All Senators will be sworn. I tell you. That will be a matter of the utmost gravity. Caution should be the order of the day.

If, sometime in the future, the American people should come to believe that this President, or any other President, has been driven out of office for what they may perceive to be political reasons, their wrath will fall upon those who jumped to judgment prematurely. That is not something that we can so easily ''put behind us.'' Both the media and those of us who may ultimately be called upon to sit in judgment should exercise restraint in pressing toward a particular conclusion before all of the facts are known. There is a constitutional process in place. We should all let it work.

It is my suggestion that everyone should exercise some self-restraint against calling for impeachment or censure or for the President's resignation.

Who knows? I may do that before it is all over. But not now. We should exercise some self-restraint against calling for impeachment, or censure, or for resignation—until the other body has had an opportunity to study and sift through the Starr report.

There are many avenues down which we could travel as we grapple with this matter. Among them is the path of official censure which some have suggested. Others may think that censure is ''meaningless.'' Let me state for the record that that is not my view. I have written in my work on the Senate that censure has no constitutional basis.

It doesn't mean that censure is unconstitutional. Just as ''holds'' that are placed on bills and resolutions have no basis in the Senate rules, they nevertheless have grown up as a custom here, and such ''holds'' are practiced.

I have observed that censure is not mentioned in the Constitution. But, certainly censure is not ''meaningless.'' It is a serious and emphatic expression of condemnation and disapproval. Censure by the Congress is a major blot on the record and reputation of a public official. While at this point, I prefer to reserve judgment on that course, it should not be simply brushed off as ''meaningless.''

And we must not fail to consider the lessons of history. For my part, I have seen history repeat itself. I served on the Senate Judiciary Committee and was the Democratic Whip during the weeks and months of the Nixon tragedy. Some of the aspects of that tragedy can be seen in the problems that are today confronting us. Some aspects are different. Much is the same.

By April 1973, there had been talk of impeachment of President Nixon, with some people saying that he should resign. On May 23 of that year, I said, ''As of now, there is no reason for President Nixon to resign, and talk of impeachment is at best, premature, and, at worst, reckless.'' Citing the lack of hard evidence ''to date,'' I also

said, ''It is a time for restraint and sobriety in our words, our actions, and our judgments.''

I later said that impeachment would require ''hard evidence'' of Nixon's complicity in Watergate and would also require strong ''public opinion to support'' impeachment and conviction. And I say to my colleagues here today, it will require strong ''public opinion to support'' impeachment and conviction of any President in the future.

''We all shrink from taking a step that is the most drastic step authorized in the Constitution,'' I said. I added that ''the bare possibility of resignation of Mr. Nixon at some point is a more likely event than impeachment.'' Those are my quotes as I look back.

On January 28, 1974, I was a guest on ''Washington's Straight Talk,'' a 30-minute public television interview show. In reference to the impact that the Watergate Affair was having on the President, I stated: ''There is no question but that his influence has been greatly eroded. I doubt that he can ever regain the confidence of the American people.'' I also said that impeachment of the President ''is becoming a more realistic possibility, but there is still no groundswell for impeachment.'' I was talking about a Republican President in that instance. ''There is an uneasiness on impeachment because of the paralysis that would come with it,'' I said then.

I cosponsored a resolution directing the Committee on Rules and Administration—on which I served and still serve—to review all existing rules and precedents that applied to impeachment trials in order to recommend any revisions to the rules that might be necessary. The result of our work was an exhaustively researched publication, titled, ''Procedure and Guidelines for Impeachment Trials in the United States Senate.'' The Senate was, indeed, gearing up for an impeachment trial—if needed.

But, on Thursday, August 8, 1974—almost a quarter of a century ago—President Nixon resigned, his resignation to be effective at noon the next day. And promptly after noon on Friday, August 9, Gerald Ford was sworn in as the 38th President.

Mr. President, just as I urged caution and patience in 1973 and 1974, I urge that same course now. I suggest that we try to restrain ourselves and wait until the House of Representatives has had an opportunity to examine the contents of Mr. Starr's report. It will be forthcoming soon, I hear. Perhaps before the week is out. Let us, as Senators, remember that if the House ultimately votes to impeach this President—and we all should be careful not to attempt to influence the other body—when I say ''we all'' I have reference to ourselves, to the executive branch and to the media—in any way in a decision which should rest with the House, and it alone—we Senators, who must sit as jurors if the worst ever comes to worst, will carry a heavy burden in that event. We must not compromise any final decision by rushing to judgment in advance. I trust that we will all weigh carefully, in our own minds and hearts, the possible consequences to the nation of our words and actions and judgments if that duty ultimately should beckon us. If it does, there will be many difficult questions.

What is an impeachable offense? We read in last weekend's newspaper. And what is meant by ''high crimes and misdemeanors''? We heard the question asked on television. Gerald Ford, in remarks to the House of Representatives in April 1970, stated: ''The only honest answer is that an impeachable offense is whatever a majority of the House of Representatives considers [it] to be at a given moment in history; conviction results from whatever offense or offenses two-thirds''—not just 60—''of the other body considers to be sufficiently serious to require removal of the accused from office.''

Even though the debates and actions at the Philadelphia Convention regarding impeachment appear on the record to have been comparatively sparse, they seem to indicate clearly enough that the framers intended the phrase ''high Crimes and Misdemeanors'' to subsume corruption, maladministration, gross and wanton neglect of duty, misuse of official power, and other violations of the public trust by officeholders.''

The interpretation of the Constitution's clause on impeachable offenses entered into the ratification debates. James Iredell, speaking at the North Carolina Convention, declared that the ''power of impeachment'' given by the Constitution was ''to bring great offenders to punishment. . . . for crime which it is not easy to describe, but which every one must be convinced is a high crime and misdemeanor against the government.'' Iredell, who would later serve as a Supreme Court justice, said that the ''occasion'' for exercise of the impeachment power ''will arise from acts of great injury to the community, and the objects of it may be such as cannot be easily reached by an ordinary tribunal.''

Alexander Hamilton, hoping to influence the critical New York decision on ratification, explained in The Federalist No. 65:

> A well constituted court for the trial of impeachments, is an object not more to be desired than difficult to be obtained in a government wholly elective. The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or in other words from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety to be denominated political, as they relate chiefly to injuries done immediately to the society itself. . . . What it may be asked is the true spirit of the institution itself? Is it not designed as a method of national inquest into the conduct of public men?

A misconception that has surfaced during impeachment trials is the notion that criminal or civil standards of proof are somehow required in order to convict. Such standards run the gamut from the lowest threshold, proof by ''preponderance of the evidence,'' which must be met by plaintiffs in most civil cases; to the next highest standard, proof by ''clear and convincing evidence,'' employed in some classes of civil cases; to the most rigorous standard, ''proof beyond a reasonable doubt,'' imposed for criminal cases. Of course, Mr. President, a Senator may apply any standard of proof he or she desires, or may choose to apply no set standard whatever. But, given the history of impeachment in the United States and the fact that neither civil penalties nor criminal punishments are applicable in impeachment cases, any talk of standards of proof seems rather pointless and likely to be unproductive.

If they have taught us nothing else, the events of recent months at least should have taught us the essential importance of restraint. As Members of this body, we are all likely to be sorely tested in this matter. The nation will look to us for leadership. And in critical times, real leadership often requires one to turn one's back on the daily hue and cry and quietly sort through the noise of competing interests for the one overriding, essential interest. Such a course demands restraint and discipline. We, who may one day be called upon to bear the brunt of the responsibility of deciding the fate of a president, must reach for those qualities at this time.

And so, I respectfully urge everyone in this town to calm down for a little while and contemplate with seriousness the impact that our actions may have on the well-being of the nation, and the paralysis which we may be spawning if we continue to be mesmerized with each new rumor, and each new titillating whisper. The President's situation—and the Congress', the media's, and the public's all-consuming obsession with it—has contributed to a loss of focus on, and attention to, many aspects of our national life that have far-reaching consequences; and we shall see a continuation of that loss of focus when and if the time ever comes that we have to vote on an impeachment resolution. Nowhere is this more true than in the realm of foreign policy. In the few snippets of newspaper and news shows which attempt to turn our attention from our unfortunate domestic travails and focus instead on events overseas, we can see the troubling signs of a long and difficult winter ahead.

In the Balkans, the Serb-dominated Yugoslav Army has reportedly rounded up ethnic Albanian men and boys of fighting age in the province of Kosovo, labeling them all ''terrorists.'' This action bears the bloody stains of earlier Serbian ''ethnic cleansing'' in neighboring Bosnia that eventually led to a massive intervention by NATO. What action, if any, should the U.S. take? I fear that our lack of attention may

allow the situation to get even further out of hand.

In Iraq, troubling questions have been raised about an unwillingness to deal with continued Iraqi intransigence over weapons inspections. Russia's economy and indeed her very government appear on the verge of dissolution. North Korea has launched a long range missile right over our ally, Japan. In China and elsewhere, many tens of thousands of people face the coming winter hungry and homeless as a result of floods and fires and droughts. And, not least, acts of terrorism against U.S. embassies and interests continue to threaten. All of these unhappy circumstances will challenge the U.S. economy and U.S. leadership. It ill behooves us all to become so enmeshed in the current web of scandal that we ignore or obscure opportunities to deal with these serious challenges before they escalate into full-blown crises.

We cannot continue to swirl in this miasma of misery if we are to judiciously carry out our duties as the representatives of the people. Impeachment is among the most serious, if not the most serious, duty meted out to us in the Constitution that we are sworn to support and defend. Let us wait for the facts to come out before we rush to judgment as to the action we should take. Let us wait for the House to determine those facts from the report that will shortly be presented to it. And then, hopefully, we can all see what the facts are.

There are serious challenges to our nation ahead. Here in the Senate, we may be called upon to help restore such forgotten qualities as courage, integrity, dignity, fairness, and thoughtfulness to a situation marked, for the most part, by the absence of those characteristics. For my part, I shall pray that we who serve here will do our best to restore the sense of serious contemplation and quiet duty expected of us under the Constitution and by the good people of this nation during times of testing and crisis.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I wanted to respond, if I might, for just a minute, to Senator BYRD. First of all, I would like to thank him for the lesson of his speech today. Our founders did not write the Constitution and then sit down and wonder about what they would do about corruption in public men. In fact, when they wrote the Constitution the first power enumerated for the House of Representatives in the Constitution is the power to impeach. This was no afterthought. When the founders wrote, in article I, section 3, about the first power of the Senate, it was the power to try all impeachments. So Senator BYRD, I would like to thank you for reminding us that this is a high constitutional responsibility.

None of us will be judged based on what the President did or did not do, but we will be judged on what we do or what we do not do. One of the quotes from the Federalist Paper No. 65, from Alexander Hamilton, that you did not use, which I think defines the role you have taken in this debate, is the line where Hamilton sees a Senate which is ''unawed and uninfluenced.'' I think your lesson today to us is we should be unawed, but we should also be uninfluenced. And I can say that if I were to be tried in the Senate, if I were innocent, I would look to Senator BYRD as my greatest hope; if I were guilty, I would look to him as my greatest fear.

Finally, before yielding the floor, the Senator asked, Where are the heroes? I would like to say that for those who know him, ROBERT C. BYRD is a hero. When I think of great men and women who have sat in this body as Senators whose names you might want to put up next to Cicero and Cato, I include the name of ROBERT C. BYRD on that list. I am very proud to serve in the Senate with him.

I think his comments today really reflect on the posture that the Senate should take. I have no doubt that Senator BYRD will take that posture. I intend to do my best to take it as well. I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his words, which I take very seriously, and for his kindness, as always, to me.

I hope that I have spoken wisely. I hope that I will not be misunderstood. I simply think that before we reach a judgment on this President or any other President—and I said this when Mr. Nixon was in the docks, as it were—I hope that we Senators will not advocate impeachment or censure or resignation at least until the Starr report has reached the House and the House has had an opportunity to conduct hearings, if it so chooses, and has formulated articles, if it so chooses. There will be plenty of time then for Senators to reach that judgment. In the meantime, we have much to do. I thank the distinguished Senator.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I appreciate the remarks of the Senator from West Virginia, obviously, as fundamental a matter as we can have before us, but I share the Senator's view that prior to the release of the report, there are many matters that need our attention. First on that list is what we have been debating today and will be debating tomorrow, and that is the extremely urgent need to pass campaign finance reform.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 8, 1998, the federal debt stood at $5,548,700,311,164.48 (Five trillion, five hundred forty-eight billion, seven hundred million, three hundred eleven thousand, one hundred sixty-four dollars and forty-eight cents).

One year ago, September 8, 1997, the federal debt stood at $5,411,319,000,000 (Five trillion, four hundred eleven billion, three hundred nineteen million).

Five years ago, September 8, 1993, the federal debt stood at $4,391,317,000,000 (Four trillion, three hundred ninety-one billion, three hundred seventeen million).

Ten years ago, September 8, 1988, the federal debt stood at $2,605,450,000,000 (Two trillion, six hundred five billion, four hundred fifty million).

Fifteen years ago, September 8, 1983, the federal debt stood at $1,355,323,000,000 (One trillion, three hundred fifty-five billion, three hundred twenty-three million) which reflects a debt increase of more than $4 trillion—$4,193,377,311,164.48 (Four trillion, one hundred ninety-three billion, three hundred seventy-seven million, three hundred eleven thousand, one hundred sixty-four dollars and forty-eight cents) during the past 15 years.

COMPREHENSIVE TEST BAN TREATY

Mr. BIDEN. Mr. President, I want to commend to my colleagues the exceptionally thoughtful lead editorial in yesterday morning's Washington Post. It is entitled ''The Test Ban and Arms Control,'' and it makes some cogent points about the Comprehensive Test-Ban Treaty and a Senate where few objections are raised to the Treaty itself, but most Republicans still cast symbolic votes against it.

The Post notes correctly that leading Senate Republicans seem to assume that a national missile defense is the only answer to the problems of nuclear proliferation and the risk of nuclear war.

As the Post concludes, however, treaties like the Chemical Weapons Convention and the Comprehensive Test-Ban Treaty ''are capable of serving American requirements well.'' Whatever one's views on national missile defense, those treaties ''would strengthen the American position in the world.''

I would note two areas in which I disagree with the Post editorial. First of all, the Test-Ban Treaty was signed 2 years ago, rather than ''earlier this year.'' The Treaty was submitted to the Senate nearly a full year ago, and has languished because the Republican leadership is afraid to let it come up.

I do not accept the Post's pessimistic view, moreover, of the Test-Ban Treaty's chances on the floor. In last week's vote, moderate Republicans could support their Leader without doing any tangible harm.

When the Test-Ban Treaty finally comes up for a vote on ratification, however, I am confident that at least 67 members will support it, just as they supported the Chemical Weapons Convention last year.

With those two caveats, I strongly urge my colleagues to read Tuesday's Post editorial and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 8, 1998]

THE TEST BAN AND ARMS CONTROL

An early Senate vote on funds for implementation of the comprehensive nuclear test ban treaty indicates that the two-thirds majority needed to ratify the test ban may be lacking. There would be some votes from the Republican majority for a treaty, but at this moment the dominant blocking position of the party leadership looks strong. The evident resistance to ratification is attributed not simply to dissatisfaction with some of the treaty's terms—there isn't all that much dissatisfaction—but to a fundamental and wrongheaded quarrel with the premises of arms control itself.

Modern arms control was invented during the Cold War to restrict the nuclear armories of the then-two great powers and, if not to bring something deserving of the name of peace between them, then to lessen the risks and costs of their preparing for nuclear war. There were ups and downs, and their ultimate worth can be argued, but there is no denying that at a certain point Ronald Reagan demolished arms control as everyone had known it.

From being a policy aimed at producing nuclear parity or stalemate in a condition of reduced but continuing political hostility, arms control became under President Reagan a bold program to end Soviet-American nuclear competition and beyond that, to close out the Cold War itself by seeing to the transformation of the Soviet Union. Many other hands, especially Mikhail Gorbachev's, shared in this task. But Ronald Reagan was a leading contributor to the different state of affairs we enjoy with Russia to this day.

Since the Cold War's demise, the urgency has gone out of classical arms control. The United States, far from deterring Russia and preserving a balance of terror, is helping Russia dismantle its excessive and expensive nuclear capability, concentrating on the specter of ''loose nukes''—weapons under uncertain official control and vulnerable to private theft and misuse. Still, the weapons that most trouble the United States and Russia are those in the hands, or in the aspirations, of third countries. Nonproliferation or counter-proliferation is at the heart of post-Cold War arms control.

This is the context in which the comprehensive test ban treaty, which was decades in the making, finally was signed earlier this year. This arms-control perennial had changed from being a check on Russian and American arms programs into a restraint on the spread of weapons of mass destruction among assorted regimes around the world. This is the test ban's 21st century mission: to give the multitude of nations an additional lever with which to press Iran and Iraq, North Korea, India, Pakistan and Israel—and rogues elsewhere—to abandon or slow their nuclear urges.

Leading Senate Republicans perversely persist in blaming the test ban, and by extension the whole updated post-Cold War framework of arms control, for nuclear and chemical and other programs being pursued by various countries. These naive senators seem to believe that arms-control measures are magically self-enforcing. They fail to understand that the signatories of arms-control agreements must take upon themselves the burdens of observing their terms and of enforcing compliance to others' formal pledges of self-denial. If the signatories fall short, the responsibility falls on them, not on the agreements.

The senators also profess to rely on American power and American technology alone—especially on a new national missile defense—to ensure the security of the United States. Such a missile defense is in the works, but questions remain about its strategic purpose, efficacy and cost. The pace of pondering these questions has itself become a sharp political issue. Meanwhile, some senators carelessly would throw away the increments to American security that could be added by cooperation with other friendly countries in matters such as the chemical weapons treaty, the nuclear nonproliferation treaty and the test ban.

These are imperfect instruments, but they are capable of serving American requirements well. Even if a missile defense of minimal cost, deadly accuracy and reliability were ready today, which it is not, those instruments would strengthen the American position in the world.

THE PROPOSED UNANIMOUS CONSENT AGREEMENT FOR REPUBLICAN JUVENILE CRIME BILL, S. 10

Mr. LEAHY. Mr. President, last Thursday, after Senators had been informed that there would be no more votes that day and after I had already headed for home to Vermont, Republicans came to the floor to propose a narrow procedural device in connection with the Republican juvenile crime bill, S.10.

No one had advised me that the Senate Republican leadership planned to proceed to S.10 on Thursday. After a year of inaction on this bill—which was voted on by the Judiciary Committee in July 1997—the Republicans did not even seek a response to their proposal. Instead, they rushed to the floor in ambush fashion.

The failure of this Congress to take up and pass responsible juvenile crime legislation does not rest with the Democrats, and no procedural floor gimmick by the Republican majority can change that fact.

Over the past year, I have spoken on the floor of the Senate and at hearings on several occasions about my concerns with this legislation. At the same time, I have expressed my willingness to work with the Chairman in a bipartisan manner to improve this juvenile crime bill.

I am not alone in my criticisms and in wanting to see changes in this bill. It has been blasted by virtually every major newspaper in the United States. The Philadelphia Inquirer concluded that the bill ''is fatally flawed and should be rejected.'' The Los Angeles Times described the bill as ''peppered with ridiculous poses and penalties'' and as taking a ''rigid, counterproductive approach'' to juvenile crime prevention. The St. Petersburg Times called the bill ''an amalgam of bad and dangerous ideas.''

The bill has also been criticized by national leaders ranging from Chief Justice Rehnquist to Marian Wright Edelman, President of the Children's Defense Fund.

In May, the Chief Justice criticized S.10 because it would ''eviscerate this traditional deference to state prosecutions, thereby increasing substantially the potential workload of the federal judiciary.'' Earlier in the year, the Chief Justice raised concerns about ''federalizing'' certain juvenile crimes, noting that ''federal prosecutions should be limited to those offenses that cannot and should not be prosecuted in the state courts.''

The National District Attorneys Association (NDAA) and other law enforcement agencies have also written me with their concerns about this bill. In May, William Murphy, President of the NDAA, expressed NDAA's serious concerns about parts of S.10, including the fact that ''S.10 goes too far'' in changing the ''core mandates'' which have kept juveniles safer and away from adults while in jail for over 25 years. Mr. Murphy also criticized S.10's new juvenile record keeping requirements as ''burdensome and contrary to most state laws.'' He further noted that S.10 failed to provide ''any lee way to give juveniles a second chance by providing for the option to seal or expunge records.''

I have also heard from numerous State and local officials across the U.S., including the National Governors' Association, the Council of State Governments (Eastern Regional Conference), the U.S. Conference of Mayors, the National Association of Counties and the National Conference of State Legislatures. All of them have expressed concerns about the restrictions this bill would place on their ability to combat and prevent juvenile crime effectively. Last June, the President of the National Conference of State Legislatures cautioned that the new mandates placed on the States by S.10 could ''imbalance the constitutionally designed relationship between the federal government and the states.''

He further noted that ''[s]tates handle crime in a more flexible and more responsive manner than the federal government'' and urged the Senate not to impose a single ''federal 'fix' upon all fifty states and the territories.''

In short, S.10 as reported by the Judiciary Committee is a bill laden with problems—so much so that, at last count, the bill has lost a quarter of its Republican cosponsors since introduction.

The unanimous consent agreement proposed by the Republicans would limit debate of juvenile justice and other crime matters. Ironically, it would permit the Republicans to offer a substitute to their own bill, but not allow Democrats the same opportunity. The only additional amendments in order under their plan would be five on each side.

When the Judiciary Committee Chairman indicated on the floor that the minority has had the text of the proposed Hatch-Sessions substitute for ''well over a month,'' he was incorrect. In fact, we only got a copy of the substitute on the same day that the Republicans proposed their unanimous

consent agreement and had not had an opportunity to review it.

While I appreciate that we are short of time in this Congress and that, consequently, the Republican leadership would like to limit the number of amendments the Democrats may offer, I must point out that the Hatch-Sessions substitute alone contains substantial changes to over 160 separate paragraphs of this reported bill.

While I do not believe that Democrats will have close to 160 additional amendments to the bill, I believe that we will want to offer more than five.

We are continuing to pare down the amendments that Democrats plan to offer to S.10 to address the substantial criticisms leveled at this bill. We are continuing to negotiate in good faith on a unanimous consent agreement to ensure that Senate consideration of this legislation is fair, full and productive. The attempted ambush at the outset of this process, however, suggests that the Republican leadership is more interested in placing blame for its inaction than in actually moving to consideration of the bill.

BOSTON UNIVERSITY SCHOOL OF MEDICINE CELEBRATES 150 YEARS

Mr. KENNEDY. Mr. President, I rise today to pay tribute to Boston University School of Medicine on its 150 anniversary. The School of Medicine has a long and distinguished history, and I am proud to join in paying tribute to its remarkable leadership for the city of Boston and the nation.

Boston University School of Medicine was founded in 1848 as the New England Female Medical College, and was the first institution in the world to offer medical education to women. In 1864, the school graduated its first African-American female physician, Rebecca Lee. In 1873, Boston University merged with the New England Female Medical College to establish a co-educational School of Medicine.

In addition to being the first medical school to graduate women, Boston University School of Medicine was also the first school to establish Home Medical Services, an educational and patient care service that continues today. The School of Medicine has constantly introduced innovations in medical education and played a central role in developing the Boston University School of Public Health.

Down through the years, Boston University School of Medicine has provided outstanding service to our community. It is renowned for its clinical care and its professional training in a vast network of affiliated hospitals including Boston Medical Center, community health centers, and physicians' offices. In 1995, this commitment to service earned the school the Association of American Medical College's Outstanding Community Service Award.

Mr. President, I congratulate Boston University School of Medicine on its 150 years of excellence, and I know that its outstanding tradition, professional commitment, and community service will continue in the years ahead.

CORRECTIONS TO THE LIST OF OBJECTIONABLE PROVISIONS IN THE FISCAL YEAR 1999 INTERIOR APPROPRIATIONS BILL

Mr. MCCAIN. Mr. President, yesterday I submitted a list of objectionable provisions in the FY'99 Interior Appropriations bill for the RECORD. I wish to make two clarifications to that list which came to my attention.

First, I learned that the Navajo Indian Irrigation Project was not requested for a funding level of more than $97 million. Instead, the allocated amount for the NIIP project was equal to the requested level of $25.5 million, but this information was not clear in the committee bill. I removed this item from my list of objectionable provisions.

Second, two separate listings for the removal of the Elwha dam removal project were requested for funding, based on its authorization in P.L. 102–495. These items should not have been listed as objectionable according to my established ''pork criteria.'' These two items are removed from the list: (1) $29,500,000 for the purchase of the Elwha Project and Glines Canyon Project; and, (2) $2,000,000 for planning and design, removal of Elwha Dam in Olympic National Park, WA.

I wish to thank the individuals who brought these matters to my attention and for providing the necessary information to clarify this mistake.

Mr. President, I wish to state that the revised total amount of $222.4 million included in this bill still represents an inordinately high level of wasteful spending. I sincerely hope that we will do better by the American people with stricter fiscal spending that abides by the appropriate legislative process.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 6:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1379. An act to amend section 552, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclosure Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence, and for other purposes.

H.R. 629. An act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

H.R. 4059. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

H.R. 2183. An act to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes.

H.R. 3682. An act to amend title 18, United States Code, to prohibit taking minors across State lines to avoid law requiring the involvement of parents in abortion decisions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6671. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation entitled ''The Department of Agriculture Working Capital Fund Act''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6672. A communication from the Secretary of the Judicial Conference of the United States, transmitting a draft of proposed legislation regarding the restructuring of the District Court of the Virgin Islands as an Article III court; to the Committee on the Judiciary.

EC–6673. A communication from the Acting Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, a Review Panel report regarding a settlement in the case of Menominee Indian Tribe of Wisconsin v. The United States (Docket 93–649X); to the Committee on the Judiciary.

EC–6674. A communication from the Acting Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, a Review Panel report regarding the case of Inslaw, Inc. v. The United States (Docket 95–338X); to the Committee on the Judiciary.

EC–6675. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled ''The Threat Protection for Former Presidents Act''; to the Committee on the Judiciary.

EC–6676. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Modification of Significant New Use Rules for Certain Substances'' (FRL6019–2) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6677. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection

Agency, transmitting, pursuant to law, the report of a rule entitled ''Public Water System Program; Removal of Obsolete Rule'' (FRL6121–7) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6678. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a report on the Ala Kahakai Trail, Hawaii; to the Committee on Energy and Natural Resources.

EC–6679. A communication from the Policy and Regulations Specialist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule regarding correcting amendments to Alaska Subsistence Taking of Fish and Wildlife Regulations (RIN1018–AE12) received on August 28, 1998; to the Committee on Energy and Natural Resources.

EC–6680. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the Department's annual report on royalty management and delinquent account collection activities for fiscal year 1997; to the Committee on Energy and Natural Resources.

EC–6681. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to allow for regulations prescribing an alternative interest accounting methodology; to the Committee on Finance.

EC–6682. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 98–44) received on August 28, 1998; to the Committee on Finance.

EC–6683. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Requirements Incident to Adoption and Use of LIFO Inventory Method'' (Notice 98–46) received on August 28, 1998; to the Committee on Finance.

EC–6684. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding hard cider, semi-generic wine designations, and wholesale liquor dealer's signs (RIN1512–A71) received on August 28, 1998; to the Committee on Finance.

EC–6685. A communication from the Commissioner of Social Security, transmitting an updated version of the report entitled ''Social Security and Supplemental Security Income Statistics by Congressional District''; to the Committee on Finance.

EC–6686. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Recycling; Land Disposal Restrictions; Final Rule; Administrative Stay'' (FRL6153–2) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6687. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Section 111(d) Plan; State of Missouri'' (FRL6150–8) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6688. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding the delegation of authority for new source performance standards under the Clean Air Act State Implementation Plan for North Dakota (FRL6150–6) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6689. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Conditional Limited Approval of Major VOC Source RACT and Minor VOC Source Requirements'' (FRL6148–9) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6690. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Yolo-Solano Air Quality Management District'' (FRL6150–9) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6691. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky'' (FRL6152–9) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6692. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''1998 Reporting Notice and Technical Amendment; Partial Updating of TSCA Inventory Data Base; Production and Site Reports'' (FRL6028–3) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6693. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Enhanced Motor Vehicle Inspection and Maintenance Program'' (FRL6148–3) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6694. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to VOC Regulations for Dry Cleaning and Stage I Vapor Recovery'' (FRL6148–1) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6695. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania: Attainment Demonstration and Contingency Measures for the Liberty Borough PM–10 Nonattainment Area'' (FRL6149–1) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6696. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plan for New Mexico: General Conformity Rules'' (FRL6152–4) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6697. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District'' (FRL6142–5) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6698. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants; Aerospace Manufacturing and Rework Facilities'' (FRL6154–1) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6699. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Early-Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands'' (RIN1018–AE93) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6700. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations'' (RIN1018–AE93) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6701. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, an alteration prospectus for the U.S. Customhouse in New Orleans, LA (Number PLA–99004) received on August 28, 1998; to the Committee on Environment and Public Works.

EC–6702. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Revision to Recordkeeping and Reporting Requirements'' (RIN0648–AK36) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6703. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/''Other Flatfish'' Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands'' (I.D. 081498A) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6704. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Reexport Authorizations Issued Prior to June 15, 1996'' (RIN0694–AB74) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6705. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Personal Communications Industry

Association's Broadband Personal Communications Services Alliance's Petition for Forbearance For Broadband Personal Communications Services'' (Docket 98–100) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6706. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments; FM Broadcast Stations (Ashton, Idaho and West Yellowstone, Montana)'' (Docket 97–200) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6707. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments; FM Broadcast Stations (Albion, Honeoye Falls and South Bristol Township, New York)'' (Docket 97–200) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6708. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments; FM Broadcast Stations (Nassawadox, Virginia)'' (Docket 97–189) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6709. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations'' (Docket 97–138) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6710. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety and Security Zones; Presidential Visit, Martha's Vineyard, MA'' (Docket 01–98–115) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6711. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety and Security Zone; Presidential Visit, Martha's Vineyard, MA'' (Docket 01–98–114) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6712. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Gulf of Alaska, Southeast of Narrow Cape, Kodiak Island, Alaska (COTP Western Alaska 98–003)'' received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6713. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Suisun Bay, Sacramento River, San Joaquin River, San Francisco, CA (COTP San Francisco Bay; 98–021)'' received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6714. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Connections Unlimited Fireworks, New York Harbor, Upper Bay'' (Docket 01–98–123) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6715. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; San Juan Harbor, San Juan, PR'' (Docket 07–98–023) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6716. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Kennedy Fireworks, New York Harbor, Upper Bay'' (Docket 01–98–113) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6717. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Baptiste Collette Bayou from Lower Mississippi River Mile 11.3 to Lighted Buoy #21 in Breton Sound (COTP New Orleans, LA 98–019)'' received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6718. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B, 214B–1, and 214ST Helicopters'' (Docket 94–SW–29–AD) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6719. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation Model S–61A, D, E, L, N, NM, R, and V Helicopters; Correction'' (Docket 97–SW–18–AD) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6720. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Anthropomorphic Test Dummy'' (Docket NHTSA–98–4358) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6721. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations: Lake Champlain, VT'' (Docket 01–98–124) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6722. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations: Anacostia River, Washington D.C.'' (Docket 05–98–017) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6723. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation: Fireworks Displays Within the First Coast Guard District'' (Docket 01–98–127) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6724. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones, Security Zones, and Special Local Regulations'' (Docket 1998–4306) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6725. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Riverbend Festival, Tennessee River Miles 463.5 to 464.5, Chattanooga, TN'' (Docket 08–98–027) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6726. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Riverfest; Mississippi River Miles 51.0–53.0, Cape Girardeau, MO'' (Docket 08–98–026) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6727. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; ''Duckin' Down the River''; Arkansas River Mile 308.0–309.0, Ft. Smith, AR'' (Docket 08–98–016) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6728. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Key West, Florida'' (Docket 07–98–030) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6729. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Fort Lauderdale, FL'' (Docket 07–98–026) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6730. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations'' (RIN2115–AA97) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6731. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes Equipped with Rolls-Royce Model RB211G/H Engines'' (Docket 98–NM–194–AD) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6732. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of the Legal Description of the Memphis Class B Airspace Area; TN'' (RIN2120–AA66) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6733. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SA 3180, SA 318B, SA 318C, SE 3130, SE 313B, SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 Helicopters'' (Docket 98–SW–36–AD) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6734. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace (Jetstream) Model 4100 Series Airplanes'' (Docket 98–NM–86–AD) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6735. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Textron Lycoming and Teledyne Continental Motors Reciprocating Engines'' (Docket 98–ANE–27–AD) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6736. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prohibition Against Certain Flights Within The Territory and Airspace of Afghanistan'' (Docket 27744) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6737. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prohibition Against Certain Flights Within The Territory and Airspace of Sudan'' (Docket 29317) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6738. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Financial Responsibility Requirements for Licensed Launch Activities'' (Docket 28635) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6739. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Savannah, TN'' (Docket 98–ASO–7) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6740. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Hartford, KY'' (Docket 98–ASO–10) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6741. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Clinton, IA'' (Docket 98–ACE–26) received on August 28, 1998; to the Committee on Commerce, Science, and Transportation.

EC–6742. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Department's report on implementation of provisions of the Small Business Regulatory Enforcement Fairness Act; to the Committee on Energy and Natural Resources.

EC–6743. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a National Trails System report on the El Camino Real de los Tejas Trail; to the Committee on Energy and Natural Resources.

EC–6744. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, a draft of proposed legislation entitled ''Hoover Dam Miscellaneous Sales Act''; to the Committee on Energy and Natural Resources.

EC–6745. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Replacement Housing Factor in Modernization Funding—Final Rule'' (FR–4125–F–02) received on September 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6746. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing'' (FR–4280) received on September 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6747. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Uniform Financial Reporting Standards for HUD Housing Programs'' (FR–4321) received on September 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6748. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Public Housing Assessment System'' (FR–4313) received on September 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6749. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Termination of an Approved Mortgagee's Original Approval Agreement'' (FR4239) received on September 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6750. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency and Administrator of the Banks, transmitting, pursuant to law, the report of a rule entitled ''Risk Based Capital Standards: Unrealized Holding Gains on Certain Equity Securities'' (Docket 98–75) received on September 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6751. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency and Administrator of the Banks, transmitting, pursuant to law, the report of a rule entitled ''Extended Examination Cycle for U.S. Branches and Agencies of Foreign Banks'' (RIN3064–AC15) received on September 2, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6752. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Risk-Based Capital Standards: Unrealized Holding Gains on Certain Equity Securities'' (RIN1550–AB11) received on September 07, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–6753. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Year 2000 Compliance, Telecommunications Program'' (RIN0572–AB43) received on September 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6754. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Refrigeration and Labeling Requirements for Shell Eggs'' (RIN0583–AC04) received on September 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6755. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pork Promotion, Research, and Consumer Information Order—Decrease in Importer Assessments'' (No. LS–98–004) received on September 7, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6756. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Revision of Handling and Reporting Requirements for Fresh Nectarines and Peaches'' (No. FV98–916–1 FIR) received on September 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6757. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit grown in California; Decreased Assessment Rate'' (Docket FV98–920–3 IFR) received on September 7, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6758. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Animal Welfare; Marine Mammals, Swim-with-the-Dolphin Programs'' (Docket 93–076–10) received on September 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6759. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis; Increased Indemnity for Cattle and Bison'' (Docket 98–016–2) received on September 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6760. A communication from the Deputy Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Maintenance of Minimum Financial Requirements by Futures Commission Merchants and Introducing Brokers'' received on September 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6761. A communication from the Deputy Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Orders Eligible for Post-Execution Allocation'' received on September 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6762. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Health Benefits Program: Contributions and Witholdings'' (RIN3206–AI33) received on September 2, 1998; to the Committee on Governmental Affairs.

EC–6763. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports issued or released in July 1998; to the Committee on Governmental Affairs.

EC–6764. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled ''Financial Audit; Capitol Preservation Fund's Fiscal Years 1997 and 1996 Financial Statements''; to the Committee on Governmental Affairs.

EC–6765. A communication from the Mayor of the District of Columbia, transmitting, pursuant to law, notice of the Mayor's response to the legislative recommendations of the District of Columbia Financial Responsibility and Management Assistance Authority; to the Committee on Governmental Affairs.

EC–6766. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, notice of the Council's response to the legislative recommendations of the District of Columbia Financial Responsibility and Management Assistance Authority; to the Committee on Governmental Affairs.

EC–6767. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1998–99 Early Season'' (RIN1018–AE93) received on September 2, 1998; to the Committee on Indian Affairs.

EC–6768. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Administration's report on the cost of operating privately owned vehicles; to the Committee on Governmental Affairs.

EC–6769. A communication from the Chairman of the Commission for the Preservation of America's Heritage Abroad, transmitting, pursuant to law, the Commission's report under the Inspector General Act and the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–6770. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions and deletions to the Committee's Procurement List; to the Committee on Governmental Affairs.

EC–6771. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report ''Health, United States, 1998''; to the Committee on Labor and Human Resources.

EC–6772. A communication from the Assistant Secretary of Labor for Mine Safety and Health, transmitting, pursuant to law, the report of a rule entitled ''Improving and Eliminating Regulations: Flame Safety Lamps and Single-Shot Blasting Units'' (RIN1219–AA98) received on September 7, 1998; to the Committee on Labor and Human Resources.

EC–6773. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Device Reporting; Manufacturer Reporting, Importer Reporting, User Facility Reporting, Distributer Reporting'' (Docket 98N–0170) received on September 2, 1998; to the Committee on Labor and Human Resources.

EC–6774. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers (polymer stabilizer)'' (Docket 98F–0057) received on September 2, 1998; to the Committee on Labor and Human Resources.

EC–6775. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Radiology Devices; Classifications for Five Medical Image Management Devices; Correction'' (Docket 96N–0320) received on September 2, 1998; to the Committee on Labor and Human Resources.

EC–6776. A communication from the Acting Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Natural Rubber-Containing Medical Devices; User Labeling; Cold Seal Adhesives, Partial Stay'' (Docket 96N–0119) received on September 7, 1998; to the Committee on Labor and Human Resources.

EC–6777. A communication from the Acting Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Amended Economic Impact Analysis of Final Rule Requiring Use of Labeling on Natural Rubber Containing Devices'' (Docket 96N–0119) received on September 7, 1998; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1736. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel BETTY JANE (Rept. No. 105–314).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 1802. A bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, and 2001 (Rept. No. 105–315).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 2096. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FOILCAT (Rept. No. 105–316).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2124. A bill to authorize appropriations for fiscal year 1999 for the Maritime Administration and for other purposes (Rept. No. 105–317).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2139. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel YESTERDAYS DREAM (Rept. No. 105–318).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1770. A bill to elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes (Rept. No. 105–319).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 469. A bill to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic River System (Rept. No. 105–320).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1663. A bill to clarify the intent of the Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated as wilderness in that Public Law (Rept. No. 105–321).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

S. 1998. A bill to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes (Rept. No. 105–322).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2186. A bill to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming (Rept. No. 105–323).

S. 2272. A bill to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana (Rept. No. 105–324).

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. WARNER (for himself and Mr. ROBB):

S. 2450. A bill to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on Governmental Affairs.

By Mr. COVERDELL:

S. 2451. A bill to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 2452. A bill to amend the Child Abuse Prevention and Treatment Act to require States receiving funds under section 106 of such Act to have in effect a State law providing for a criminal penalty on an individual who fails to report witnessing another individual engaging in sexual abuse of a child; to the Committee on Labor and Human Resources.

By Mr. ROTH:

S. 2453. A bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources; to the Committee on Finance.

By Mr. MCCONNELL (for himself, Mr. MOYNIHAN, Mr. LIEBERMAN, and Mr. NICKLES):

S. 2454. A bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND (for himself, Mr. ASHCROFT, Mrs. BOXER, Mr. CONRAD, Ms. COLLINS, Mr. BENNETT, Mr. LIEBERMAN, Ms. SNOWE, Mr. KERREY, and Mr. DASCHLE):

S. Res. 273. A resolution recognizing the historic home run record set by Mark McGwire of the St. Louis Cardinals on September 8, 1998; considered and agreed to.

By Mr. FORD:

S. Res. 274. A resolution to express the sense of the Senate that the Louisville Festival of Faiths should be commended and should serve as model for similar festivals in other communities throughout the United States; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself and Mr. ROBB):

S. 2450. A bill to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on Governmental Affairs.

THE LORTON TECHNICAL CORRECTIONS ACT OF 1998

● Mr. WARNER. Mr. President, today I introduce the Lorton Technical Corrections Act of 1998, along with my colleague Senator ROBB.

As you know, I along with my colleague Congressman TOM DAVIS and the rest of the delegation from the Commonwealth of Virginia succeeded in 1997, in passing the National Capital Revitalization and Self-Government Improvement Act to close the Lorton Complex in its entirety, and relocate prisoners to other facilities outside of northern Virginia.

Under this act, transfer of the Lorton facility would go to the control of the U.S. Department of the Interior after 2001. Since that time, however, discussions with both the affected communities and the Department of Interior have concluded that this is not the best option for ultimate disposal of this property, and that the General Services Administration would be a better agency to assume title to the property for ultimate disposal.

Fairfax County would then be able to submit a reuse plan to the General Services Administration delineating preferred permissible or required uses of the land. It should also be noted that the Department of Interior will still have the authority to use a portion of this property for land exchange, to expand the properties of the U.S. Fish and Wildlife Service properties, as originally envisioned.

I look forward to working with my colleagues to resolve this most important issue.●

By Mr. COVERDELL:

S. 2451. A bill to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia; to the Committee on Energy and Natural Resources.

CHATTAHOOCHEE NATIONAL RECREATION AREA BOUNDARIES LEGISLATION

● Mr. COVERDELL. Mr. President, today I introduce legislation which would modify the boundaries of the Chattahoochee River National Recreation Area to protect and preserve the endangered Chattahoochee River and provide additional recreation opportunities for the citizens of Georgia and our nation. This legislation authorizes the creation of a greenway buffer between the river and private development to prevent further pollution from continued development, provide flood and erosion control, and maintain water quality for safe drinking water and for the fish and wildlife dependent on the river system. In addition, this legislation promotes private-public partnerships by authorizing $25 million in federal funds for land acquisition for the recreation area. This $25 million will be matched by private funds but only if Congress acts quickly. The State of Georgia, private foundations, corporate entities, private individuals, and others have already given or pledged tens of millions of dollars to protect and preserve the Chattahoochee River for future generations of Georgians to enjoy.

The legislation I introduce today is a Senate companion to legislation introduced by Speaker of the House NEWT GINGRICH. I applaud the leadership Speaker GINGRICH has shown on this important issue. It is crucial for Congress to act quickly on this legislation in order to protect the Chattahoochee River, a vital natural resource. I look forward to working with my colleagues in the Senate on this proposal and urge its speedy consideration.●

By Mrs. BOXER:

S. 2452. A bill to amend the Child Abuse Prevention and Treatment Act to require States receiving funds under section 106 of such act to have in effect a State law providing for a criminal penalty on an individual who fails to report witnessing another individual engaging in sexual abuse of a child; to the Committee on Labor and Human Resources.

SHERRICE IVERSON ACT

● Mr. BOXER. Mr. President, I am pleased to join Congressman NICK LAMPSON of Texas today in introducing the Sherrice Iverson Act. This ''good samaritan'' legislation is named in honor of the 7-year old girl molested and murdered in a Nevada casino in May of 1997, while a bystander did nothing.

Nevada authorities report this vicious attack was at least partially witnessed by David Cash, Jr. the best friend of the assailant. Mr. Cash was in a position to stop this brutal murder, yet he did nothing. He then failed to report the crime to the proper authorities. Nevada officials considered prosecuting Mr. Cash for his callous disregard of human life but found no legal basis for a criminal prosecution.

Nevada officials had no legal recourse because the state does not have a ''good Samaritan'' law requiring witnesses to report crimes to the proper authorities.

This is wrong and we need to address that aspect of our laws. That is exactly what the Service Iverson Act does. It requires that states pass laws requiring witnesses of child sexual abuse to report that crime to the police. If they do not pass such laws, states would become ineligible for federal Child Abuse Prevention and Treatment Act funds. The details of these laws, including the penalties imposed, are left to the states.

The bill only requires people to report the crimes they witness; it does not require them to intervene in potentially dangerous situations. Only two states, Vermont and Minnesota, currently have such ''good samaritan'' laws.

I want to thank Representative NICK LAMPSON for all his hard work on this issue, and I look forward to working with him to pass this important legislation; I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2452

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sherrice Iverson Act''.

SEC. 2. REQUIREMENT ON STATES RECEIVING GRANTS FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) IN GENERAL.—Section 106(b)(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(2)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) an assurance in the form of a certification by the chief executive officer of the State that the State has in effect and is enforcing a State law providing for a criminal penalty on an individual 18 years of age or older who fails to report to a State or local law enforcement official that the individual has witnessed another individual in the State engaging in sexual abuse of a child.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.●

By Mr. ROTH:

S. 2453. A bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources; to the Committee on Finance.

POULTRY ELECTRIC ENERGY POWER LEGISLATION

Mr. ROTH. Mr. President, today I introduce legislation that would amend section 45 of the Internal Revenue Code to provide a tax credit to biomass energy facilities that use chicken manure as fuel.

Joining me as original cosponsors are Senators BIDEN, MIKULSKI, SARBANES, JEFFORDS, HARKIN, HELMS, HUCHINSON, and BUMPERS.

Mr. President, I am bullish on poultry's future in America. It is hard not to be with world-wide poultry consumption growing at double-digit rates.

In the United States, poultry production has tripled since 1975. We now produce almost 8 billion chickens a year to feed the growing world-wide demand for poultry.

In particular, Delaware, Maryland, and Virginia produce some of the world's finest poultry. Just last year Delmarva poultry farmers produced over 600 million chickens. Our poultry farmers are among the most productive and efficient in the world.

As the amount of chickens we produce as a nation has grown, so too has the amount of manure.

Due to environmental pressures, spreading manure on land is no longer an option in some areas for our rapidly growing poultry industry.

In the United Kingdom, several companies have been able to do what medieval alchemists dreamed of—turning a base element into gold—in this case an agricultural waste product into electricity.

The UK has two utility plants that use poultry manure to generate electricity. These two poultry power plants will, when combined with a third scheduled to open this fall, burn 50 percent of the UK's total volume of chicken manure.

The electricity generated by these plants will supply enough power for 100,000 homes. These plants have the support of both the poultry industry and the international environmental community.

The way this system works is simple.

Power stations buy poultry manure from surrounding poultry farmers and transport it to the power station. At the station the manure is burned in a furnace at high temperatures, heating water in a boiler to produce steam which drives a turbine linked to a generator. The electricity is then transfered to the local electricity grid.

It is then used to supply electricity to commercial and residential customers.

There are no waste products created through this process. Instead, a valuable by-product emerges in the form of a nitrogen-free ash, which is marketed as an environmentally friendly fertilizer.

The legislation I am introducing today will provide a tax credit to energy facilities that use poultry manure as a fuel to generate electricity.

It will build on concepts in the tax code that provide incentives for environmentally friendly energy production.

I am introducing this legislation in an effort to encourage the development of another environmentally-friendly method of producing electricity, while at the same time tackling a thorny animal waste disposal problem.

This legislation will provide incentives to build an energy plant that will not only dispose of poultry manure and create clean electricity, but will also supply our nation's farmers with a clean fertilizer free of nitrates.

I urge my colleagues to join me in cosponsoring my bill, the Poultry Electric Energy Power Act, affectionately known as the PEEP Act. It is important for future generations that we continue to explore green technologies that will protect our environment.

ADDITIONAL COSPONSORS

S. 466

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 466, a bill to reduce gun trafficking by prohibiting bulk purchases of handguns.

S. 1295

At the request of Mr. REID, his name was added as a cosponsor of S. 1295, a bill to provide for dropout prevention.

S. 1873

At the request of Mr. COCHRAN, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1873, a bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

S. 1993

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1993, a bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under medicare program, and for other purposes.

S. 2017

At the request of Mr. D'AMATO, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2017, a bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program.

S. 2083

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2083, A bill to provide for Federal class action reform, and for other purposes.

S. 2180

At the request of Mr. LOTT, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2201

At the request of Mr. TORRICELLI, the names of the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2201, a bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network.

S. 2233

At the request of Mr. CONRAD, the names of the Senator from West Virginia (Mr. ROCKEFELLER) the Senator from Ohio (Mr. GLENN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2233, a bill to amend section 29 of the Internal Revenue Code of 1986 to extend the placed in service date for biomass and coal facilities.

S. 2296

At the request of Mr. MACK, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2296, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

S. 2308

At the request of Mr. GRAHAM, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program.

S. 2323

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2323, a bill to amend title XVIII of the Social Security Act to preserve access to home health services under the medicare program.

S. 2422

At the request of Mr. MACK, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2422, a bill to provide incentives for states to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary teachers.

S. 2432

At the request of Mr. JEFFORDS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2432, a bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

S. 2448

At the request of Mr. KERRY, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 2448, a bill to amend title V of the Small Business Investment Act of 1958, relating to public policy goals and real estate appraisals, to amend section 7(a) of the Small Business Act, relating to interest rates and real estate appraisals, and to amend section 7(m) of the Small Business Act with respect to the loan loss reserve requirements for intermediaries, and for other purposes.

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. DORGAN, the names of the Senator from North Carolina (Mr. FAIRCLOTH) and the Senator from Florida (Mr. MACK) were added as cosponsors of Senate Concurrent Resolution 108, a concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes.

AMENDMENT NO. 3554

At the request of Mr. FEINGOLD the names of the Senator from Michigan (Mr. LEVIN), the Senator from Ohio (Mr. GLENN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of amendment No. 3554 proposed to S. 2237, an

original bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

SENATE RESOLUTION 273—RECOGNIZING THE HISTORIC HOME RUN RECORD SET BY MARK MCGWIRE OF THE ST. LOUIS CARDINALS ON SEPTEMBER 8, 1998

Mr. BOND (for himself, Mrs. BOXER, Mr. CONRAD, Ms. COLLINS, Mr. BENNETT, Mr. LIEBERMAN, and Mrs. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 273

Whereas, since becoming a St. Louis Cardinal in 1997, Mark McGwire has helped to bring the national pastime of baseball back to its original glory;

Whereas, Mark McGwire has shown leadership, family values, dedication and a love of baseball as a team sport;

Whereas, in April, Mark McGwire began the season with a home run in each of his first four games which tied Willie Mays' 1971 National League record;

Whereas, in May, Mark McGwire hit a 545-foot home run, the longest in Busch Stadium history;

Whereas, in June, Mark McGwire tied Reggie Jackson's record of thirty-seven home runs before the All Star break;

Whereas, in August, Mark McGwire became the only player in the history of baseball to hit fifty home runs in three consecutive seasons;

Whereas, on September 5, Mark McGwire became the third player ever to hit sixty home runs in a season; and

Whereas, on September 8, 1998, Mark McGwire broke Roger Maris' thirty-seven year old home run record of sixty-one by hitting number sixty-two off Steve Trachsel while playing the Chicago Cubs: Now, therefore, be it Resolved, that the Senate—recognizes and congratulates St. Louis Cardinal, Mark McGwire, for setting baseball's revered home run record, with sixty-two, in his 144th game of the season.

SENATE RESOLUTION 274—EXPRESSING THE SENSE OF THE SENATE THAT THE LOUISVILLE FESTIVAL OF FAITHS SHOULD BE COMMENDED AND SHOULD SERVE AS A MODEL FOR SIMILAR FESTIVALS IN OTHER COMMUNITIES THROUGHOUT THE UNITED STATES

Mr. FORD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 274

Whereas a Festival of Faiths celebrating the diversity of religion has been held in Louisville, Kentucky, in the month of November of each of the last 3 years;

Whereas the Louisville Festival of Faiths has provided an opportunity for representatives of different faiths to communicate with each other and learn about each other's heritage, experiences, and beliefs;

Whereas more than 60 faiths have participated in the Louisville Festival of Faiths over the past 3 years;

Whereas the freedom to practice religion in diverse ways is a principle that the United States was founded on and one that the United States has embraced throughout its history;

Whereas religious diversity, in addition to its other benefits, expands the perspectives and experiences available to this Nation as a whole;

Whereas the communication of diverse perspectives and experiences between representatives of different religions can enrich the lives of such individuals and can assist such individuals in developing an appreciation of the commonality between different religions;

Whereas such communication can also diminish the potential for conflict between religious groups at a time when the dangers of religious conflict pose increasingly serious problems throughout the world; and

Whereas the Louisville Festival of Faiths experience can be replicated without great difficulty in other communities; Now, therefore, be it

Resolved, That it is the sense of the Senate that the Louisville Festival of Faiths—

(1) should be commended for its concept and its achievements to date; and

(2) should serve as a model for similar festivals in other communities throughout the United States.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

CLELAND AMENDMENT NO. 3558

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes; as follows:

On page 154, between lines 3, insert the following:

SEC. 3___. CUMBERLAND ISLAND NATIONAL SEASHORE, GEORGIA.

Of funds made available under title V of the Department of the Interior and Related Agencies Appropriations Act, 1998 (111 Stat. 1610), $6,400,000 shall be made available for the Cumberland Island National Seashore, Georgia.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

GRASSLEY (AND HATCH) AMENDMENT NO. 3559

Mr. LOTT (for Mr. GRASSLEY for himself and Mr. HATCH) proposed an amendment to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Consumer Bankruptcy Reform Act of 1998''.

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

TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting ''or consents to'' after ''requests''.

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 707. Dismissal of a case or conversion to a case under chapter 13'';

and

(2) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)''; and

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking ''but not'' and inserting ''or'';

(II) by inserting '', or, with the debtor's consent, convert such a case to a case under chapter 13 of this title,'' after ''consumer debts''; and

(III) by striking ''substantial abuse'' and inserting ''abuse''; and

(ii) by striking the last sentence and inserting the following:

''(2) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall consider whether—

''(A) under section 1325(b)(1), on the basis of the current income of the debtor, the debtor could pay an amount greater than or equal to 20 percent of unsecured claims that are not considered to be priority claims (as determined under subchapter I of chapter 5); or

''(B) the debtor filed a petition for the relief in bad faith.

''(3)(A) If a panel trustee appointed under section 586(a)(1) of title 28 brings a motion for dismissal or conversion under this subsection and the court grants that motion and finds that the action of the counsel for the debtor in filing under this chapter was not substantially justified, the court shall order the counsel for the debtor to reimburse the trustee for all reasonable costs in prosecuting the motion, including reasonable attorneys' fees.

''(B) If the court finds that the attorney for the debtor violated Rule 9011, at a minimum, the court shall order—

''(i) the assessment of an appropriate civil penalty against the counsel for the debtor; and

''(ii) the payment of the civil penalty to the panel trustee or the United States trustee.

''(C) In the case of a petition referred to in subparagraph (B), the signature of an attorney shall constitute a certificate that the attorney has—

''(i) performed a reasonable investigation into the circumstances that gave rise to the petition; and

''(ii) determined that the petition—

''(I) is well grounded in fact; and

''(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1) of this subsection.

''(4)(A) Except as provided in subparagraph (B), the court may award a debtor all reasonable costs in contesting a motion brought by a party in interest (other than a panel trustee) under this subsection (including reasonable attorneys' fees) if—

''(i) the court does not grant the motion; and

''(ii) the court finds that—

''(I) the position of the party that brought the motion was not substantially justified; or

''(II) the party brought the motion solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

''(B) A party in interest that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A).

''(5) However, a party in interest may not bring a motion under this section if the debtor and the debtor's spouse combined, as of the date of the order for relief, have current monthly total income equal to or less than the national median household monthly income calculated on a monthly basis for a household of equal size. However, for a household of more than 4 individuals, the median income shall be that of a household of 4 individuals plus $583 for each additional member of that household.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

''707. Dismissal of a case or conversion to a case under chapter 13.''.

TITLE II—ENHANCED PROCEDURAL PROTECTIONS FOR CONSUMERS

SEC. 201. ALLOWANCE OF CLAIMS OR INTERESTS.

Section 502 of title 11, United States Code, is amended by adding at the end the following:

''(k)(1) The court may award the debtor reasonable attorneys' fees and costs if, after an objection is filed by a debtor, the court—

''(A)(i) disallows the claim; or

''(ii) reduces the claim by an amount greater than 20 percent of the amount of the initial claim filed by a party in interest; and

''(B) finds the position of the party filing the claim is not substantially justified.

''(2) If the court finds that the position of a claimant under this section is not substantially justified, the court may, in addition to awarding a debtor reasonable attorneys' fees and costs under paragraph (1), award such damages as may be required by the equities of the case.''.

SEC. 202. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking ''a false representation'' and inserting ''a material false representation upon which the defrauded person justifiably relied''; and

(2) by striking subsection (d) and inserting the following:

''(d)(1) Subject to paragraph (3), if a creditor requests a determination of dischargeability of a consumer debt under this section and that debt is discharged, the court shall award the debtor reasonable attorneys' fees and costs.

''(2) In addition to making an award to a debtor under paragraph (1), if the court finds that the position of a creditor in a proceeding covered under this section is not substantially justified, the court may award reasonable attorneys' fees and costs under paragraph (1) and such damages as may be required by the equities of the case.

''(3)(A) A creditor may not request a determination of dischargeability of a consumer debt under subsection (a)(2) if—

''(i) before the filing of the petition, the debtor made a good faith effort to negotiate a reasonable alternative repayment schedule (including making an offer of a reasonable alternative repayment schedule); and

''(ii) that creditor refused to negotiate an alternative payment schedule, and that refusal was not reasonable.

''(B) For purposes of this paragraph, the debtor shall have the burden of proof of establishing that—

''(i) an offer made by that debtor under subparagraph (A)(i) was reasonable; and

''(ii) the refusal to negotiate by the creditor involved to was not reasonable.''.

SEC. 203. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

''(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title (including a plan of reorganization confirmed under chapter 11 of this title) in the manner required by the plan (including crediting the amounts required under the plan) shall constitute a violation of an injunction under subsection (a)(2).

''(j) An individual who is injured by the failure of a creditor to comply with the requirements for a reaffirmation agreement under subsections (c) and (d), or by any willful violation of the injunction under subsection (a)(2), shall be entitled to recover—

''(1) the greater of—

''(A)(i) the amount of actual damages; multiplied by

''(ii) 3; or

''(B) $5,000; and

''(2) costs and attorneys' fees.''.

SEC. 204. AUTOMATIC STAY.

Section 362(h) of title 11, United States Code, is amended to read as follows:

''(h)(1) An individual who is injured by any willful violation of a stay provided in this section shall be entitled to recover—

''(A) actual damages; and

''(B) reasonable costs, including attorneys' fees.

''(2) In addition to recovering actual damages, costs, and attorneys' fees under paragraph (1), an individual described in paragraph (1) may recover punitive damages in appropriate circumstances.''.

SEC. 205. DISCHARGE.

Section 727 of title 11, United States Code, is amended—

(1) in subsection (c), by adding at the end the following:

''(3)(A) A creditor may not request a determination of dischargeability of a consumer debt under subsection (a) if—

''(i) before the filing of the petition, the debtor made a good faith effort to negotiate a reasonable alternative repayment schedule (including making an offer of a reasonable alternative repayment schedule); and

''(ii) that creditor refused to negotiate an alternative payment schedule, and that refusal was not reasonable.

''(B) For purposes of this paragraph, the debtor shall have the burden of proof of establishing that—

''(i) an offer made by that debtor under subparagraph (A)(i) was reasonable; and

''(ii) the refusal to negotiate by the creditor involved to was not reasonable.''; and

(2) by adding at the end the following:

''(f)(1) The court may award the debtor reasonable attorneys' fees and costs in any case in which a creditor files a motion to deny relief to a debtor under this section and that motion—

''(A) is denied; or

''(B) is withdrawn after the debtor has replied.

''(2) If the court finds that the position of a party filing a motion under this section is not substantially justified, the court may assess against the creditor such damages as may be required by the equities of the case.''.

SEC. 206. DISCOURAGING PREDATORY LENDING PRACTICES.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) the claim is based on a secured debt if the creditor has failed to comply with the requirements of subsection (a), (b), (c), (d), (e), (f), (g), (h), or (i) of section 129 of the Truth in Lending Act (15 U.S.C. 1639).''.

TITLE III—IMPROVED PROCEDURES FOR EFFICIENT ADMINISTRATION OF THE BANKRUPTCY SYSTEM

SEC. 301. NOTICE OF ALTERNATIVES.

(a) IN GENERAL.—Section 342 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, that individual shall be given or obtain (as required in section 521(a)(1), as part of the certification process under subchapter 1 of chapter 5) a written notice prescribed by the United States trustee for the district in which the petition is filed pursuant to section 586 of title 28. The notice shall contain the following:

''(1) A brief description of chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters.

''(2) A brief description of services that may be available to that individual from a credit counseling service that is approved by the United States trustee or the bankruptcy administrator for that district.''.

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''The debtor shall—'';

(2) by striking paragraph (1) and inserting the following:

''(1) file—

''(A) a list of creditors; and

''(B) unless the court orders otherwise—

''(i) a schedule of assets and liabilities;

''(ii) a schedule of current income and current expenditures;

''(iii) a statement of the debtor's financial affairs and, if applicable, a certificate—

''(I) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition pursuant to section 110(b)(1) indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 342(b); or

''(II) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

''(iv) copies of any Federal tax returns, including any schedules or attachments, filed by the debtor for the 3-year period preceding the order for relief;

''(v) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days prior to the filing of the petition;

''(vi) a statement of the amount of projected monthly net income, itemized to show how calculated; and

''(vii) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing;''; and

(3) by adding at the end the following:

''(b)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case and the court shall make those documents available to the creditor who requests those documents.

''(2) At any time, a creditor, in a case under chapter 13, may file with the court notice that the creditor requests the plan filed by the debtor in the case and the court shall make that plan available to the creditor who requests that plan.

''(c) An individual debtor in a case under chapter 7 or 13 shall file with the court—

''(1) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

''(2) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order for relief;

''(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and

''(4) in a case under chapter 13, a statement subject to the penalties of perjury by the debtor of the debtor's income and expenditures in the preceding tax year and monthly income, that shows how the amounts are calculated—

''(A) beginning on the date that is the later of 90 days after the close of the debtor's tax year or 1 year after the order for relief, unless a plan has been confirmed; and

''(B) thereafter, on or before the date that is 45 days before each anniversary of the confirmation of the plan until the case is closed.

''(d)(1) A statement referred to in subsection (c)(4) shall disclose—

''(A) the amount and sources of income of the debtor;

''(B) the identity of any persons responsible with the debtor for the support of any dependents of the debtor; and

''(C) the identity of any persons who contributed, and the amount contributed, to the household in which the debtor resides.

''(2) The tax returns, amendments, and statement of income and expenditures described in paragraph (1) shall be available to the United States trustee, any bankruptcy administrator, any trustee, and any party in interest for inspection and copying, subject to the requirements of subsection (e).

''(e)(1) Not later than 30 days after the date of enactment of the Consumer Bankruptcy Reform Act of 1998, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

''(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

''(3) Not later than 1 year after the date of enactment of the Consumer Bankruptcy Reform Act of 1998, the Director of the Administrative Office of the United States Courts shall prepare, and submit to Congress a report that—

''(A) assesses the effectiveness of the procedures under paragraph (1); and

''(B) if appropriate, includes proposed legislation—

''(i) to further protect the confidentiality of tax information; and

''(ii) to provide penalties for the improper use by any person of the tax information required to be provided under this section.''.

(c) TITLE 28.—Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) on or before January 1 of each calendar year, and also not later than 30 days after any change in the nonprofit debt counseling services registered with the bankruptcy court, prescribe and make available on request the notice described in section 342(b)(3) of title 11 for each district included in the region.''.

SEC. 302. FAIR TREATMENT OF SECURED CREDITORS UNDER CHAPTER 13.

(a) RESTORING THE FOUNDATION FOR SECURED CREDIT.—Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking the matter preceding subparagraph (A) and inserting the following:

''(5) with respect to an allowed claim provided for by the plan that is secured under applicable nonbankruptcy law by reason of a lien on property in which the estate has an interest or is subject to a setoff under section 553—''; and

(2) by adding at the end of the subsection the following flush sentence:

''For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph.''.

(b) PAYMENT OF HOLDERS OF CLAIMS SECURED BY LIENS.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

''(B)(i) the plan provides that the holder of such claim retain the lien securing such claim until the debt that is the subject of the claim is fully paid for, as provided under the plan; and''.

(c) DETERMINATION OF SECURED STATUS.—Section 506 of title 11, United States Code, is amended by adding at the end the following:

''(e) Subsection (a) shall not apply to an allowed claim to the extent attributable in whole or in part to the purchase price of personal property acquired by the debtor during the 90-day period preceding the date of filing of the petition.''.

SEC. 303. DISCOURAGEMENT OF BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' before ''Except as'';

(2) by striking ''(1) the stay'' and inserting ''(A) the stay'';

(3) by striking ''(2) the stay'' and inserting ''(B) the stay'';

(4) by striking ''(A) the time'' and inserting ''(i) the time'';

(5) by striking ''(B) the time'' and inserting ''(ii) the time''; and

(6) by adding at the end the following:

''(2) Except as provided in subsections (d) through (f), the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case if—

''(A) a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13; and

''(B) a single or joint case of that debtor (other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)) was pending during the preceding year but was dismissed.

''(3) If a party in interest so requests, the court may extend the stay in a particular case with respect to 1 or more creditors (subject to such conditions or limitations as the court may impose) after providing notice and a hearing completed before the expiration of the 30-day period described in paragraph (2) only if the party in interest demonstrates that the filing of the later case is in good faith with respect to the creditors to be stayed.

''(4) A case shall be presumed to have not been filed in good faith (except that such presumption may be rebutted by clear and convincing evidence to the contrary)—

''(A) with respect to the creditors involved, if—

''(i) more than 1 previous case under any of chapters 7, 11, or 13 in which the individual was a debtor was pending during the 1-year period described in paragraph (1);

''(ii) a previous case under any of chapters 7, 11, or 13 in which the individual was a debtor was dismissed within the period specified in paragraph (2) after—

''(I) the debtor, after having received from the court a request to do so, failed to file or amend the petition or other documents as required by this title; or

''(II) the debtor, without substantial excuse, failed to perform the terms of a plan that was confirmed by the court; or

''(iii)(I) during the period commencing with the dismissal of the next most previous case under chapter 7, 11, or 13 there has not been a substantial change in the financial or personal affairs of the debtor;

''(II) if the case is a chapter 7 case, there is no other reason to conclude that the later case will be concluded with a discharge; or

''(III) if the case is a chapter 11 or 13 case, there is not a confirmed plan that will be fully performed; and

''(B) with respect to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor, if, as of the date of dismissal of that case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay with respect to actions of that creditor.

''(5)(A) If a request is made for relief from the stay under subsection (a) with respect to real or personal property of any kind, and the request is granted in whole or in part, the court may, in addition to making any other order under this subsection, order that the relief so granted shall be in rem either—

''(i) for a definite period of not less than 1 year; or

''(ii) indefinitely.

''(B)(i) After an order is issued under subparagraph (A), the stay under subsection (a) shall not apply to any property subject to such an in rem order in any case of the debtor.

''(ii) If an in rem order issued under subparagraph (A) so provides, the stay shall, in addition to being inapplicable to the debtor involved, not apply with respect to an entity under this title if—

''(I) the entity had reason to know of the order at the time that the entity obtained an interest in the property affected; or

''(II) the entity was notified of the commencement of the proceeding for relief from the stay, and at the time of the notification, no case in which the entity was a debtor was pending.

''(6) For purposes of this section, a case is pending during the period beginning with the issuance of the order for relief and ending at such time as the case involved is closed.''.

SEC. 304. TIMELY FILING AND CONFIRMATION OF PLANS UNDER CHAPTER 13.

(a) FILING OF PLAN.—Section 1321 of title 11, United States Code, is amended to read as follows:

''§ 1321. Filing of plan

''The debtor shall file a plan not later than 90 days after the order for relief under this chapter, except that the court may extend such period if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable.''.

(b) CONFIRMATION OF HEARING.—Section 1324 of title 11, United States Code, is amended by adding at the end the following: ''That hearing shall be held not later than 45 days after the filing of the plan, unless the court, after providing notice and a hearing, orders otherwise.''.

SEC. 305. APPLICATION OF THE CODEBTOR STAY ONLY WHEN THE STAY PROTECTS THE DEBTOR.

Section 1301(b) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2)(A) Notwithstanding subsection (c) and except as provided in subparagraph (B), in any case in which the debtor did not receive the consideration for the claim held by a creditor, the stay provided by subsection (a) shall apply to that creditor for a period not to exceed 30 days beginning on the date of the order for relief, to the extent the creditor proceeds against—

''(i) the individual that received that consideration; or

''(ii) property not in the possession of the debtor that secures that claim.

''(B) Notwithstanding subparagraph (A), the stay provided by subsection (a) shall apply in any case in which the debtor is primarily obligated to pay the creditor in whole or in part with respect to a claim described in subparagraph (A) under a legally binding separation or property settlement agreement or divorce or dissolution decree with respect to—

''(i) an individual described in subparagraph (A)(i); or

''(ii) property described in subparagraph (A)(ii).

''(3) Notwithstanding subsection (c), the stay provided by subsection (a) shall terminate as of the date of confirmation of the plan, in any case in which the plan of the debtor provides that the debtor's interest in personal property subject to a lease with respect to which the debtor is the lessee will be surrendered or abandoned or no payments will be made under the plan on account of the debtor's obligations under the lease.''.

SEC. 306. IMPROVED BANKRUPTCY STATISTICS.

(a) AMENDMENT.—Chapter 6 of part I of title 28, United States Code, is amended by adding at the end the following:

''§ 159. Bankruptcy statistics

''(a) The clerk of each district shall compile statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Office').

''(b) The Director shall—

''(1) compile the statistics referred to in subsection (a);

''(2) make the statistics available to the public; and

''(3) not later than October 31, 1998, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

''(c) The compilation required under subsection (b) shall—

''(1) be itemized, by chapter, with respect to title 11;

''(2) be presented in the aggregate and for each district; and

''(3) include information concerning—

''(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by those debtors;

''(B) the current total monthly income, projected monthly net income, and average income and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 111, 521, and 1322 of title 11;

''(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

''(D) the average period of time between the filing of the petition and the closing of the case;

''(E) for the reporting period—

''(i) the number of cases in which a reaffirmation was filed; and

''(ii)(I) the total number of reaffirmations filed;

''(II) of those cases in which a reaffirmation was filed, the number in which the debtor was not represented by an attorney; and

''(III) of those cases, the number of cases in which the reaffirmation was approved by the court;

''(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

''(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

''(II) the number of final orders determining the value of property securing a claim issued;

''(ii) the number of cases dismissed for failure to make payments under the plan; and

''(iii) the number of cases in which the debtor filed another case within the 6 years previous to the filing; and

''(G) the extent of creditor misconduct and any amount of punitive damages awarded by the court for creditor misconduct.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of title 28, United States Code, is amended by adding at the end the following:

''159. Bankruptcy statistics.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 307. AUDIT PROCEDURES.

(a) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), as amended by section 301 of this Act, by striking paragraph (6) and inserting the following:

''(6) make such reports as the Attorney General directs, including the results of audits performed under subsection (f); and''; and

(2) by adding at the end the following:

''(f)(1)(A) The Attorney General shall establish procedures for the auditing of the accuracy and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title.

''(B) The audits described in subparagraph (A) shall be made in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants. Those procedures shall—

''(i) establish a method of selecting appropriate qualified persons to contract with the United States trustee to perform those audits;

''(ii) establish a method of randomly selecting cases to be audited according to generally accepted auditing standards, except that not less than 1 out of every 500 cases in each Federal judicial district shall be selected for audit;

''(iii) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed; and

''(iv) establish procedures for—

''(I) reporting the results of those audits and any material misstatement of income, expenditures, or assets of a debtor to the Attorney General, the United States Attorney and the court, as appropriate;

''(II) providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported; and

''(III) fully funding those audits, including procedures requiring each debtor with sufficient available income or assets to contribute to the payment for those audits, as an administrative expense or otherwise.

''(2) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee according to the procedures established under paragraph (1).

''(3) According to procedures established under paragraph (1), upon request of a duly appointed auditor, the debtor shall cause the accounts, papers, documents, financial records, files and all other papers, things, or property belonging to the debtor as the auditor requests and that are reasonably necessary to facilitate the audit to be made available for inspection and copying.

''(4)(A) The report of each audit conducted under this subsection shall be filed with the court, the Attorney General, and the United States Attorney, as required under procedures established by the Attorney General under paragraph (1).

''(B) If a material misstatement of income or expenditures or of assets is reported under subparagraph (A), a statement specifying that misstatement shall be filed with the court and the United States trustee shall—

''(i) give notice thereof to the creditors in the case; and

''(ii) in an appropriate case, in the opinion of the United States trustee, that requires investigation with respect to possible criminal violations, the United States Attorney for the district.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 308. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting after the first sentence the following: ''Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than one creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.''.

SEC. 309. FAIR NOTICE FOR CREDITORS IN CHAPTER 7 AND 13 CASES.

Section 342 of title 11, United States Code, is amended—

(1) in subsection (c), by striking '', but the failure of such notice to contain such information shall not invalidate the legal effect of such notice''; and

(2) by adding at the end the following:

''(d)(1) If the credit agreement between the debtor and the creditor or the last communication before the filing of the petition in a voluntary case from the creditor to a debtor who is an individual states an account number of the debtor that is the current account number of the debtor with respect to any debt held by the creditor against the debtor, the debtor shall include that account number in any notice to the creditor required to be given under this title.

''(2) If the creditor has specified to the debtor, in the last communication before the filing of the petition, an address at which the creditor wishes to receive correspondence regarding the debtor's account, any notice to the creditor required to be given by the debtor under this title shall be given at such address.

''(3) For purposes of this section, the term 'notice' shall include—

''(A) any correspondence from the debtor to the creditor after the commencement of the case;

''(B) any statement of the debtor's intention under section 521(a)(2);

''(C) notice of the commencement of any proceeding in the case to which the creditor is a party; and

''(D) any notice of a hearing under section 1324.

''(e)(1) At any time, a creditor, in a case of an individual under chapter 7 or 13, may file with the court and serve on the debtor a notice of the address to be used to notify the creditor in that case.

''(2) If the court or the debtor is required to give the creditor notice, not later than 5 days after receipt of the notice under paragraph (1), that notice shall be given at that address.

''(f) An entity may file with the court a notice stating its address for notice in cases under chapter 7 or 13. After the date that is 30 days following the filing of that notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subsection (e) with respect to a particular case.

''(g)(1) Notice given to a creditor other than as provided in this section shall not be effective notice until that notice has been brought to the attention of the creditor.

''(2) If the creditor has designated a person or department to be responsible for receiving notices concerning bankruptcy cases and has established reasonable procedures so that bankruptcy notices received by the creditor will be delivered to that department or person, notice shall not be brought to the attention of the creditor until that notice is received by that person or department.''.

SEC. 310. STOPPING ABUSIVE CONVERSIONS FROM CHAPTER 13.

Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B)—

(A) by striking ''in the converted case, with allowed secured claims'' and inserting ''only in a case converted to chapter 11 or 12 but not in a case converted to chapter 7, with allowed secured claims in cases under chapters 11 and 12''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) with respect to cases converted from chapter 13, the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of that claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the chapter 13 proceeding.''.

SEC. 311. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)''; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

''(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

''(B) that 60-day period is extended—

''(i) by agreement of all parties in interest; or

''(ii) by the court for such specific period of time as the court finds is required for good cause.''.

SEC. 312. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 707 of title 11, United States Code, as amended by section 102 of this Act, is amended by adding at the end the following:

''(c)(1) Notwithstanding subsection (a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under section 521(a)(1) within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 46th day after the filing of the petition.

''(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. The court shall, if so requested, enter an order of dismissal not later than 5 days after that request.

''(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 20 days to file the information required under section 521(a)(1) if the court finds justification for extending the period for the filing.''.

SEC. 313. ADEQUATE TIME FOR PREPARATION FOR A HEARING ON CONFIRMATION OF THE PLAN.

Section 1324 of title 11, United States Code, as amended by section 304 of this Act, is amended—

(1) by striking ''After'' and inserting the following:

''(a) Except as provided in subsection (b) and after''; and

(2) by adding at the end the following:

''(b) If not later than 5 days after receiving notice of a hearing on confirmation of the plan, a creditor objects to the confirmation of the plan, the hearing on confirmation of the plan may be held no earlier than 20 days after the first meeting of creditors under section 341(a).''.

SEC. 314. DISCHARGE UNDER CHAPTER 13.

Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) provided for under section 1322(b)(5);

''(2) of the kind specified in paragraph (2), (4), (5), (8), or (9) of section 523(a);

''(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

''(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.''.

SEC. 315. NONDISCHARGEABLE DEBTS.

Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

''(14A) incurred to pay a debt that is nondischargeable by reason of section 727, 1141, 1228 (a) or (b), or 1328(b), or any other provision of this subsection, except for any debt incurred to pay such a nondischargeable debt in any case in which—

''(A)(i) the debtor who paid the nondischargeable debt is a single parent who has 1 or more dependent children at the time of the order for relief; or

''(ii) there is an allowed claim for alimony to, maintenance for, or support of a spouse, former spouse, or child of the debtor payable under a judicial or administrative order to that spouse or child (but not to any other person) that was unpaid by the debtor as of the date of the petition; and

''(B) the creditor is unable to demonstrate that the debtor intentionally incurred the debt to pay the nondischargeable debt;''.

SEC. 316. CREDIT EXTENSIONS ON THE EVE OF BANKRUPTCY PRESUMED NONDISCHARGEABLE.

Section 523(a)(2) of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subparagraph (A), by striking the semicolon at the end and inserting the following: ''(and, for purposes of this subparagraph, consumer debts owed in an aggregate amount greater than or equal to $400 incurred for goods or services not reasonably necessary for the maintenance or support of the debtor or a dependent child of the debtor to a single creditor that are incurred during the 90-day period preceding the date of the order for relief shall be presumed to be nondischargeable under this subparagraph); or'';

(2) in subparagraph (B), by striking ''or'' at the end; and

(3) by striking subparagraph (C).

SEC. 317. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

Section 101 of title 11, United States Code, is amended by inserting after paragraph (27) the following:

''(27A) 'household goods' has the meaning given that term in section 444.1(i) of title 16, of the Code of Federal Regulations (as in effect on the effective date of this paragraph), which is part of the regulations issued by the Federal Trade Commission that are commonly known as the 'Trade Regulation Rule on Credit Practices', except that the term shall also include any tangible personal property reasonably necessary for the maintenance or support of a dependent child;''.

SEC. 318. RELIEF FROM STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

(a) AUTOMATIC STAY.—Section 362 of title 11, United States Code, as amended by section 303, is amended—

(1) in subsection (c)(1), in the matter preceding subparagraph (A), by striking ''(e) and (f)'' and inserting ''(e), (f), and (h)'';

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following:

''(h) In an individual case under chapter 7, 11, or 13 the stay provided by subsection (a) is terminated with respect to property of the estate securing in whole or in part a claim that is in an amount greater than $3,000, or subject to an unexpired lease with a remaining term of at least 1 year (in any case in which the debtor owes at least $3,000 for a 1-year period), if within 30 days after the expiration of the applicable period under section 521(a)(2)—

''(1)(A) the debtor fails to timely file a statement of intention to surrender or retain the property; or

''(B) if the debtor indicates in the filing that the debtor will retain the property, the debtor fails to meet an applicable requirement to—

''(i) either—

''(I) redeem the property pursuant to section 722; or

''(II) reaffirm the debt the property secures pursuant to section 524(c); or

''(ii) assume the unexpired lease pursuant to section 365(d) if the trustee does not do so; or

''(2) the debtor fails to timely take the action specified in a statement of intention referred to in paragraph (1)(A) (as amended, if that statement is amended before expiration of the period for taking action), unless—

''(A) the statement of intention specifies reaffirmation; and

''(B) the creditor refuses to reaffirm the debt on the original contract terms for the debt.''.

(b) DEBTOR'S DUTIES.—Section 521(a)(2) of title 11, United States Code, as redesignated by section 301(b) of this Act, is amended—

(1) in the matter preceding subparagraph (A), by striking ''consumer'';

(2) in subparagraph (B)—

(A) by striking ''forty-five days after the filing of a notice of intent under this section'' and inserting ''30 days after the first meeting of creditors under section 341(a)''; and

(B) by striking ''forty-five-day period'' and inserting ''30-day period''; and

(3) in subparagraph (C), by inserting '', except as provided in section 362(h)'' before the semicolon.

SEC. 319. ADEQUATE PROTECTION OF LESSORS AND PURCHASE MONEY SECURED CREDITORS.

(a) IN GENERAL.—Chapter 13 of title 11, United States Code, is amended by adding after section 1307 the following:

''§ 1307A. Adequate protection in chapter 13 cases

''(a)(1)(A) On or before the date that is 30 days after the filing of a case under this chapter, the debtor shall make cash payments in an amount determined under paragraph (2)(A), to—

''(i) any lessor of personal property; and

''(ii) any creditor holding a claim secured by personal property to the extent that the claim is attributable to the purchase of that property by the debtor.

''(B) The debtor or the plan shall continue making the adequate protection payments until the earlier of the date on which—

''(i) the creditor begins to receive actual payments under the plan; or

''(ii) the debtor relinquishes possession of the property referred to in subparagraph (A) to—

''(I) the lessor or creditor; or

''(II) any third party acting under claim of right, as applicable.

''(2) The payments referred to in paragraph (1)(A) shall be determined by the court.

''(b)(1) Subject to the limitations under paragraph (2), the court may, after notice and hearing, change the amount and timing of the dates of payment of payments made under subsection (a).

''(2)(A) The payments referred to in paragraph (1) shall be payable not less frequently than monthly.

''(B) The amount of a payment referred to in paragraph (1) shall not be less than the reasonable depreciation of the personal property described in subsection (a)(1), determined on a month-to-month basis.

''(c) Notwithstanding section 1326(b), the payments referred to in subsection (a)(1)(A) shall be continued in addition to plan payments under a confirmed plan until actual payments to the creditor begin under that plan, if the confirmed plan provides—

''(1) for payments to a creditor or lessor described in subsection (a)(1); and

''(2) for the deferral of payments to such creditor or lessor under the plan until the payment of amounts described in section 1326(b).

''(d) Notwithstanding sections 362, 542, and 543, a lessor or creditor described in subsection (a) may retain possession of property described in that subsection that was obtained in accordance with applicable law before the date of filing of the petition until the first payment under subsection (a)(1)(A) is received by the lessor or creditor.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 11, United States Code, is amended by inserting after the item relating to section 1307 the following:

''1307A. Adequate protection in chapter 13 cases.''.

SEC. 320. LIMITATION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A), by inserting ''subject to subsection (n),'' before ''any property''; and

(2) by adding at the end the following new subsection:

''(n)(1) Except as provided in paragraph (2), as a result of electing under subsection

(b)(2)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate $100,000 in value in—

''(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

''(C) a burial plot for the debtor or a dependent of the debtor.

''(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(2)(A) by a family farmer for the principal residence of that farmer.''.

SEC. 321. MISCELLANEOUS IMPROVEMENTS.

(a) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

''(h)(1) Subject to paragraphs (2) and (3) and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless that individual has, during the 90-day period preceding the date of filing of the petition of that individual, received credit counseling, including, at a minimum, participation in an individual or group briefing that outlined the opportunities for available credit counseling and assisted that individual in performing an initial budget analysis, through a credit counseling program (offered through an approved credit counseling service described in section 111(a)) that has been approved by—

''(A) the United States trustee; or

''(B) the bankruptcy administrator for the district in which the petition is filed.''.

''(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the chief judge of the bankruptcy court of that district determines that the approved credit counseling services for that district are not able to provide adequate services to the additional individuals who would otherwise seek credit counseling from those programs by reason of the requirements of paragraph (1).

''(B) Each chief judge that makes a determination described in subparagraph (A) shall review that determination not later than 180 days after the date of that determination, and not less frequently than every 180 days thereafter.

''(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

''(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

''(ii) states that the debtor requested credit counseling services from an approved credit counseling service, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

''(iii) is satisfactory to the court.

''(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition.''.

(b) CHAPTER 7 DISCHARGE.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking ''or'' at the end;

(2) in paragraph (10), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(11) after the filing of the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111 that was administered or approved by—

''(A) the United States trustee; or

''(B) the bankruptcy administrator for the district in which the petition is filed.''.

(c) CHAPTER 13 DISCHARGE.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

''(f) The court shall not grant a discharge under this section to a debtor, unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111 that was administered or approved by—

''(1) the United States trustee; or

''(2) the bankruptcy administrator for the district in which the petition is filed.''.

(d) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by sections 301(b) and 318(b) of this Act, is amended by adding at the end the following:

''(e) In addition to the requirements under subsection (a), an individual debtor shall file with the court—

''(1) a certificate from the credit counseling service that provided the debtor services under section 109(h); and

''(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the credit counseling service referred to in paragraph (1).''.

(e) EXCEPTIONS TO DISCHARGE.—Section 523(d) of title 11, United States Code, as amended by section 202 of this Act, is amended by striking paragraph (3)(A)(i) and inserting the following:

''(i) within the applicable period of time prescribed under section 109(h), the debtor received credit counseling through a credit counseling program in accordance with section 109(h); and''.

(f) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''§ 111. Credit counseling services; financial management instructional courses

''(a) The clerk of each district shall maintain a list of credit counseling services that provide 1 or more programs described in section 109(h) and that have been approved by—

''(1) the United States trustee; or

''(2) the bankruptcy administrator for the district.

''(b) The United States trustee or each bankruptcy administrator referred to in subsection (a)(1) shall—

''(1) make available to debtors who are individuals an instructional course concerning personal financial management, under the direction of the bankruptcy court; and

''(2) maintain a list of instructional courses concerning personal financial management that are operated by a private entity and that have been approved by the United States trustee or that bankruptcy administrator.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''111. Credit counseling services; financial management instructional courses.''.

(g) DEFINITIONS.—Section 101 of title 11, United States Code, as amended by section 317 of this Act, is amended—

(1) by inserting after paragraph (13) the following:

''(13A) 'debtor's principal residence'—

''(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

''(B) includes an individual condominium or co-operative unit;''; and

(2) by inserting after paragraph (27A), as added by section 318 of this Act, the following:

''(27B) 'incidental property' means, with respect to a debtor's principal residence—

''(A) property commonly conveyed with a principal residence in the area where the real estate is located;

''(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

''(C) all replacements or additions;''.

SEC. 322. BANKRUPTCY JUDGESHIPS.

(a) SHORT TITLE.—This section may be cited as the ''Bankruptcy Judgeship Act of 1998''.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the southern district of Florida.

(D) Two additional bankruptcy judgeships for the district of Maryland.

(E) One additional bankruptcy judgeship for the eastern district of Michigan.

(F) One additional bankruptcy judgeship for the southern district of Mississippi.

(G) One additional bankruptcy judgeship for the district of New Jersey.

(H) One additional bankruptcy judgeship for the eastern district of New York.

(I) One additional bankruptcy judgeship for the northern district of New York.

(J) One additional bankruptcy judgeship for the southern district of New York.

(K) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(L) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(M) One additional bankruptcy judgeship for the western district of Tennessee.

(N) One additional bankruptcy judgeship for the eastern district of Virginia.

(2) VACANCIES.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) that—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1);

shall not be filled.

(c) EXTENSIONS.—

(1) IN GENERAL.—The temporary bankruptcy judgeship positions authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under section 3(a) (1), (3), (7), (8), and (9) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 8 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 10 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 8 years or more after August 29, 1994, with respect to the district of Puerto Rico;

(D) 8 years or more after June 27, 1994, with respect to the district of South Carolina; and

(E) 8 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 remain applicable to such temporary judgeship position.

(d) TECHNICAL AMENDMENT.—The first sentence of section 152(a)(1) of title 28, United States Code, is amended to read as follows: ''Each bankruptcy judge to be appointed for a judicial district as provided in paragraph (2) shall be appointed by the United States court of appeals for the circuit in which such district is located.''.

(e) TRAVEL EXPENSES OF BANKRUPTCY JUDGES.—Section 156 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) In this subsection, the term 'travel expenses'—

''(A) means the expenses incurred by a bankruptcy judge for travel that is not directly related to any case assigned to such bankruptcy judge; and

''(B) shall not include the travel expenses of a bankruptcy judge if—

''(i) the payment for the travel expenses is paid by such bankruptcy judge from the personal funds of such bankruptcy judge; and

''(ii) such bankruptcy judge does not receive funds (including reimbursement) from the United States or any other person or entity for the payment of such travel expenses.

''(2) Each bankruptcy judge shall annually submit the information required under paragraph (3) to the chief bankruptcy judge for the district in which the bankruptcy judge is assigned.

''(3)(A) Each chief bankruptcy judge shall submit an annual report to the Director of the Administrative Office of the United States Courts on the travel expenses of each bankruptcy judge assigned to the applicable district (including the travel expenses of the chief bankruptcy judge of such district).

''(B) The annual report under this paragraph shall include—

''(i) the travel expenses of each bankruptcy judge, with the name of the bankruptcy judge to whom the travel expenses apply;

''(ii) a description of the subject matter and purpose of the travel relating to each travel expense identified under clause (i), with the name of the bankruptcy judge to whom the travel applies; and

''(iii) the number of days of each travel described under clause (ii), with the name of the bankruptcy judge to whom the travel applies.

''(4)(A) The Director of the Administrative Office of the United States Courts shall—

''(i) consolidate the reports submitted under paragraph (3) into a single report; and

''(ii) annually submit such consolidated report to Congress.

''(B) The consolidated report submitted under this paragraph shall include the specific information required under paragraph (3)(B), including the name of each bankruptcy judge with respect to clauses (i), (ii), and (iii) of paragraph (3)(B).''.

SEC. 323. PREFERRED PAYMENT OF CHILD SUPPORT IN CHAPTER 7 PROCEEDINGS.

Section 507(a) of title 11, United States Code, is amended in the matter preceding paragraph (1), by inserting '', except that, notwithstanding any other provision of this title, any expense or claim entitled to priority under paragraph (7) shall have first priority over any other expense or claim that has priority under any other provision of this subsection'' before the colon.

SEC. 324. PREFERRED PAYMENT OF CHILD SUPPORT IN CHAPTER 13 PROCEEDINGS.

Section 1322(b)(1) of title 11, United States Code, is amended by striking the semicolon at the end and inserting the following: ''and provide for the payment of any claim entitled to priority under section 507(a)(7) before the payment of any other claim entitled to priority under section 507(a), notwithstanding the priorities established under section 507(a).''.

SEC. 325. PAYMENT OF CHILD SUPPORT REQUIRED TO OBTAIN A DISCHARGE IN CHAPTER 13 PROCEEDINGS.

Title 11, United States Code, is amended—

(1) in section 1325(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if the debtor is required by a judicial or administrative order to pay alimony to, maintenance for, or support of a spouse, former spouse, or child of the debtor, the debtor has paid all amounts payable under that order for alimony, maintenance, or support that are due after the date on which the petition is filed.''; and

(2) in section 1328(a), as amended by section 314 of this Act, in the matter preceding paragraph (1), by inserting '', and with respect to a debtor who is required by a judicial or administrative order to pay alimony to, maintenance for, or support of a spouse, former spouse, or child of the debtor, only after the debtor certifies as of the later of the date of that completion or the date of certification that all amounts payable under that order for alimony, maintenance, or support that are due before the date of that certification have been paid in accordance with the plan if applicable, or if the underlying debt is not treated by the plan, paid in full'' after ''completion by the debtor of all payments under the plan''.

SEC. 326. CHILD SUPPORT AND ALIMONY COLLECTION.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking ''or'' at the end;

(2) in paragraph (18), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(19) under subsection (a) with respect to the withholding of income pursuant to an order as specified in section 466(b) of the Social Security Act (42 U.S.C. 666(b)); or

''(20) under subsection (a) with respect to the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses pursuant to State law, as specified in section 466(a)(15) of the Social Security Act (42 U.S.C. 666(a)(15)) or with respect to the reporting of overdue support owed by an absent parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7)).''.

SEC. 327. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subsection (a), by striking paragraph (5) and inserting the following:

''(5) to a spouse, former spouse, or child of the debtor—

''(A) for actual alimony to, maintenance for, or support of that spouse or child;

''(B) that was incurred by the debtor in the course of a divorce or separation or in connection with a separation agreement, property settlement agreement, divorce decree, other order of a court of record, or determination made in accordance with State or territorial law by a governmental unit; or

''(C) that is described in subparagraph (A) or (B) and that is assigned pursuant to section 408(a)(3) of the Social Security Act (42 U.S.C. 608(a)(3)), or to the Federal Government, a State, or any political subdivision of a State,

but not to the extent that the debt (other than a debt described in subparagraph (C)) is assigned to another entity, voluntarily, by operation of law, or otherwise;''; and

(2) in subsection (c), by striking ''(6), or (15)'' and inserting ''or (6)''.

SEC. 328. ENFORCEMENT OF CHILD AND SPOUSAL SUPPORT.

Section 522(c)(1) of title 11, United States Code, is amended by inserting '', except that, notwithstanding any other Federal law or State law relating to exempted property, such exempt property shall be liable for debts of a kind specified in paragraph (1) or (5) of section 523(a)'' before the semicolon at the end of the paragraph.

SEC. 329. DEPENDENT CHILD DEFINED.

Section 101 of title 11, United States Code, is amended by inserting after paragraph (14) the following:

''(14A) 'dependent child' means, with respect to an individual, a child who has not attained the age of 18 and who is a dependent of that individual, within the meaning of section 152 of the Internal Revenue Code;''.

TITLE IV—FINANCIAL INSTRUMENTS

SEC. 401. BANKRUPTCY CODE AMENDMENTS.

(a) DEFINITIONS OF SWAP AGREEMENT, SECURITIES CONTRACT, FORWARD CONTRACT, COMMODITY CONTRACT, AND REPURCHASE AGREEMENT.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking ''means a contract'' and inserting ''means—

''(A) a contract'';

(ii) by striking '', or any combination thereof or option thereon;'' and inserting '', or any other similar agreement;''; and

(iii) by adding at the end the following new subparagraphs:

''(B) any combination of agreements or transactions referred to in subparagraphs (A) and (C);

''(C) any option to enter into any agreement or transaction referred to in subparagraph (A) or (B);

''(D) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B) or (C), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that the master agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B) or (C); or

''(E) a security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subparagraph (A), (B), (C) or (D);'';

(B) by amending paragraph (47) to read as follows:

''(47) the term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

''(A) means—

''(i) an agreement, including related terms, which provides for the transfer of 1 or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed as to principal and interest by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, loans or interests with a simultaneous agreement by such transferee

to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds; or any other similar agreement; and

''(ii) any combination of agreements or transactions referred to in clauses (i) and (iii);

''(iii) any option to enter into any agreement or transaction referred to in clause (i) or (ii);

''(iv) a master agreement that provides for an agreement or transaction referred to in clauses (i), (ii) or (iii), together with all supplements, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this subparagraph, except that the master agreement shall be considered to be a repurchase agreement under this subparagraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii) or (iii); or

''(v) a security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clauses (i), (ii), (iii) or (iv); and

''(B) does not include any repurchase obligation under a participation in a commercial mortgage loan,

and, for purposes of this paragraph, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development.''; and

(C) by amending paragraph (53B) to read as follows:

''(53B) the term 'swap agreement'—

''(A) means—

''(i) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement;

''(ii) any agreement similar to any other agreement or transaction referred to in this subparagraph that—

''(I) is presently, or in the future becomes, regularly entered into in the swap agreement market (including terms and conditions incorporated by reference therein); and

''(II) is a forward, swap, future, or option on 1 or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, or economic indices or measures of economic risk or value;

''(iii) any combination of agreements or transactions referred to in this subparagraph;

''(iv) any option to enter into any agreement or transaction referred to in this subparagraph;

''(v) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is described in any of such clause, except that the master agreement shall be considered to be a swap agreement only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or

''(C) is applicable for purposes of this title only and shall not be construed or applied to challenge or affect the characterization, definition, or treatment of any swap agreement or any instrument defined as a swap agreement herein, under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations prescribed by the Securities and Exchange Commission or the Commodity Futures Trading Commission.'';

(2) by amending section 741(7) to read as follows:

''(7) the term 'securities contract'—

''(A) means—

''(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or any interest in a mortgage loan, or a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

''(ii) any option entered into on a national securities exchange relating to foreign currencies;

''(iii) the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interest therein, or group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, loan, interest, group or index or option;

''(iv) any margin loan;

''(v) any other agreement or transaction that is similar to any agreement or transaction referred to in this subparagraph;

''(vi) any combination of the agreements or transactions referred to in this subparagraph;

''(vii) any option to enter into any agreement or transaction referred to in this subparagraph;

''(viii) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that the master agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); and

''(ix) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this subparagraph; and

''(B) does not include any purchase, sale, or repurchase obligation under a participation in or servicing agreement for a commercial mortgage loan.''; and

(3) in section 761(4)—

(A) by striking ''or'' at the end of subparagraph (D); and

(B) by adding at the end the following new subparagraphs:

''(F) any other agreement or transaction that is similar to any agreement or transaction referred to in this paragraph;

''(G) any combination of the agreements or transactions referred to in this paragraph;

''(H) any option to enter into any agreement or transaction referred to in this paragraph;

''(I) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G) or (H), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that the master agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G) or (H); or

''(J) a security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph;''.

(b) DEFINITIONS OF FINANCIAL INSTITUTION, FINANCIAL PARTICIPANT, AND FORWARD CONTRACT MERCHANT.—Section 101 of title 11, United States Code, is amended—

(1) by amending paragraph (22) to read as follows:

''(22) the term 'financial institution' means a Federal reserve bank, or a person that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such person and, when any such Federal reserve bank, receiver, or conservator or person acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741(7) of this title, such customer;'';

(2) by inserting after paragraph (22) the following new paragraph:

''(22A) the term 'financial participant' means any entity that, at the time it enters into a securities contract, commodity contract or forward contract, or at the time of the filing of the petition, has 1 or more agreements or transactions that is described in section 561(a)(2) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of at least $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of at least $100,000,000 (aggregated across counterparties) in 1 or more such agreements or transactions with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period;''; and

(3) by amending paragraph (26) to read as follows:

''(26) the term 'forward contract merchant' means a Federal reserve bank, or a person whose business consists in whole or in part of entering into forward contracts as or with merchants or in a commodity, as defined or in section 761(8) of this title, or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing or in the forward contract trade;''.

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

''(38A) the term 'master netting agreement' means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or closeout, under or in connection with 1 or more contracts that are described in any 1 or more of paragraphs (1) through (5) of section 561(a), or any security agreement

or arrangement or other credit enhancement related to 1 or more of the foregoing. If a master netting agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), the master netting agreement shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any 1 or more of the paragraphs (1) through (5) of section 561(a);

''(38B) the term 'master netting agreement participant' means an entity that, at any time before the filing of the petition, is a party to an outstanding master netting agreement with the debtor;''.

(d) SWAP AGREEMENTS, SECURITIES CONTRACTS, COMMODITY CONTRACTS, FORWARD CONTRACTS, REPURCHASE AGREEMENTS, AND MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC-STAY.—

(1) IN GENERAL.—Section 362(b) of title 11, United States Code, is amended—

(A) in paragraph (6), by inserting '', pledged to, and under the control of,'' after ''held by'';

(B) in paragraph (7), by inserting '', pledged to, and under the control of,'' after ''held by'';

(C) by amending paragraph (17) to read as follows:

''(17) under subsection (a), of the setoff by a swap participant of any mutual debt and claim under or in connection with 1 or more swap agreements that constitute the setoff of a claim against the debtor for any payment due from the debtor under or in connection with any swap agreement against any payment due to the debtor from the swap participant under or in connection with any swap agreement or against cash, securities, or other property of the debtor held by, pledged to, and under the control of, or due from such swap participant to guarantee, secure, or settle any swap agreement;'';

(D) in paragraph (18), by striking the period and inserting ''; or''; and

(E) by inserting after paragraph (18) the following new paragraph:

''(19) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with 1 or more master netting agreements to the extent such participant could offset the claim under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue.''.

(2) LIMITATION.—Section 362 of title 11, United States Code, is amended by adding at the end the following new subsection:

''(i) LIMITATION.—The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), (17), or (19) of subsection (b) shall not be stayed by any order of a court or administrative agency in any proceeding under this title.''.

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311)—

(A) by striking ''under a swap agreement'';

(B) by striking ''in connection with a swap agreement'' and inserting ''under or in connection with any swap agreement'';

(2) by redesignating subsection (g) (as added by section 222(a) of Public Law 103–394) as subsection (i); and

(3) by inserting before subsection (i) (as redesignated) the following new subsection:

''(h) Notwithstanding sections 544, 545, 547, 548(a)(2), and 548(b) of this title, to the extent that under subsection (e), (f), or (g), the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with each individual contract covered by any master netting agreement that is made before the commencement of the case, the trustee may not avoid a transfer made by or to such master netting agreement participant under or in connection with the master netting agreement in issue, except under section 548(a)(1) of this title.''.

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking ''and'';

(2) in subparagraph (D), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement takes for value to the extent of such transfer, but only to the extent that such participant would take for value under paragraph (B), (C), or (D) for each individual contract covered by the master netting agreement in issue.''.

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

(1) by amending the section heading to read ''**Contractual right to liquidate, terminate, or accelerate a securities contract**''; and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

(1) by amending the section heading to read ''**Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract**''; and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

(1) by amending the section heading to read ''**Contractual right to liquidate, terminate, or accelerate a repurchase agreement**''; and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by amending the section heading to read ''**Contractual right to liquidate, terminate, or accelerate a swap agreement**''; and

(2) in the first sentence, by striking ''termination of a swap agreement'' and inserting ''liquidation, termination, or acceleration of 1 or more swap agreements''; and

(3) by striking ''in connection with any swap agreement'' and inserting ''in connection with the termination, liquidation, or acceleration of 1 or more swap agreements''.

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—Title 11, United States Code, is amended by inserting after section 560 the following new section:

''§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts

''(a) IN GENERAL.—Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset, or net termination values, payment amounts or other transfer obligations arising under or in connection with the termination, liquidation, or acceleration of 1 or more—

''(1) securities contracts, as defined in section 741(7);

''(2) commodity contracts, as defined in section 761(4);

''(3) forward contracts;

''(4) repurchase agreements;

''(5) swap agreements; or

''(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

''(b) EXCEPTION.—

''(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

''(2)(A) A party may not exercise a contractual right described in subsection (a) to offset or to net obligations arising under, or in connection with, a commodity contract against obligations arising under, or in connection with, any instrument listed in subsection (a) if the obligations are not mutual.

''(B) If a debtor is a commodity broker subject to subchapter IV of chapter 7 of this title, a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract against any claim arising under, or in connection with, other instruments listed in subsection (a) if the party has no positive net equity in the commodity account at the debtor, as calculated under subchapter IV.

''(c) DEFINITION.—As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right whether or not evidenced in writing arising under common law, under law merchant, or by reason of normal business practice.''.

(l) MUNICIPAL BANKRUPTCIES.—Section 901 of title 11, United States Code, is amended—

(1) by inserting '', 555, 556'' after ''553''; and

(2) by inserting '', 559, 560, 561, 562'' after ''557''.

(m) ANCILLARY PROCEEDINGS.—Section 304 of title 11, United States Code, is amended by adding at the end the following new subsection:

''(d) Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case ancillary to a foreign proceeding under this section or any other section of this title so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms will not be stayed or otherwise limited by operation of any provision of this title or by order of a court in any proceeding under this title, and to limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11 of this title (such enforcement not to be limited based on the presence or absence of assets of the debtor in the United States).''.

(n) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following new section:

''§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward

contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights or affect the provisions of this subchapter IV regarding customer property or distributions.''.

(o) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following new section:

''§ 753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of rights or affect the provisions of this subchapter regarding customer property or distributions.''.

(p) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(3)(C), by inserting ''(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 555, 556, 559, 560, or 561 of this title)'' before the period; and

(2) in subsection (b)(1), by striking ''362(b)(14),'' and inserting ''362(b)(17), 555, 556, 559, 560, 561''.

(q) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking ''financial institutions,'' each place such term appears and inserting ''financial institution, financial participant'';

(2) in section 546(e), by inserting ''financial participant'' after ''financial institution,'';

(3) in section 548(d)(2)(B), by inserting ''financial participant'' after ''financial institution,'';

(4) in section 555—

(A) by inserting ''financial participant'' after ''financial institution,''; and

(B) by inserting before the period '', a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice''; and

(5) in section 556, by inserting '', financial participant'' after ''commodity broker''.

(r) TECHNICAL AND CONFORMING AMENDMENT.—Section 104 of title 11, United States Code, is amended by adding at the end the following new subsection:

''(c) EXCEPTION FOR CERTAIN DEFINED TERMS.—No adjustments shall be made under this section to the dollar amounts set forth in the definition of the term 'financial participant' in section 101(22A).''.

SEC. 9. RECORDKEEPING REQUIREMENTS.

Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended by adding at the end the following new subparagraph:

SEC. 402. DAMAGE MEASURE.

(a) Title 11, United States Code, is amended by inserting after section 561 (as added by section 7(k)) the following new section:

''§ 561. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements

''If the trustee rejects a swap agreement, securities contract as defined in section 741 of this title, forward contract, repurchase agreement, or master netting agreement pursuant to section 365(a) of this title, or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates any such contract or agreement, damages shall be measured as of the earlier of—

''(1) the date of such rejection; or

''(2) the date of such liquidation, termination, or acceleration.''.

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by designating the existing text as paragraph (1); and

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

''(2) A claim for damages calculated in accordance with section 562 of this title shall be allowed under subsection (a),(b), or (c) of this section or disallowed under subsection (d) or (e) of this section as if such claim had arisen before the date of the filing of the petition.''.

SEC. 403. ASSET-BACKED SECURITIZATIONS.

Section 541 of title 11, United States Code, is amended—

(1) in subsection (b), by striking ''or'' at the end of paragraph (4);

(2) by redesignating paragraph (5) of subsection (b) as paragraph (6);

(3) by inserting after paragraph (4) of subsection (b) the following new paragraph:

''(5) any eligible asset (or proceeds thereof), to the extent that such eligible asset was transferred by the debtor, before the date of commencement of the case, to an eligible entity in connection with an asset-backed securitization, except to the extent such asset (or proceeds or value thereof) may be recovered by the trustee under section 550 by virtue of avoidance under section 548(a); or''; and

(4) by adding at the end the following new subsection:

''(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) ASSET-BACKED SECURITIZATION.—The term 'asset-backed securitization' means a transaction in which eligible assets transferred to an eligible entity are used as the source of payment on securities, the most senior of which are rated investment grade by 1 or more nationally recognized securities rating organizations, issued by an issuer;

''(2) ELIGIBLE ASSET.—The term 'eligible asset' means—

''(A) financial assets (including interests therein and proceeds thereof), either fixed or revolving, including residential and commercial mortgage loans, consumer receivables, trade receivables, and lease receivables, that, by their terms, convert into cash within a finite time period, plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders;

''(B) cash; and

''(C) securities.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an issuer; or

''(B) a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer and taking actions ancillary thereto;

''(4) ISSUER.—The term 'issuer' means a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto.

''(5) TRANSFERRED.—The term 'transferred' means the debtor, pursuant to a written agreement, represented and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor pursuant to subsection (b)(5), irrespective, without limitation of—

''(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;

''(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or

''(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.''.

SEC. 404. APPLICABILITY.

The amendments made by this title shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of enactment of this Act.

TITLE V—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 501. AMENDMENT TO ADD A CHAPTER 6 TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 5 the following:

''CHAPTER 6—ANCILLARY AND OTHER CROSS-BORDER CASES

''§ 601. Purpose and scope of application

''(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

''(1) cooperation between—

''(A) United States courts, United States Trustees, trustees, examiners, debtors, and debtors in possession; and

''(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

''(2) greater legal certainty for trade and investment;

''(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

''(4) protection and maximization of the value of the debtor's assets; and

''(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

''(b) This chapter applies where—

''(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

''(2) assistance is sought in a foreign country in connection with a case under this title;

''(3) a foreign proceeding and a case under this title with respect to the same debtor are taking place concurrently; or

''(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

''(c) This chapter does not apply to—

''(1) a proceeding concerning an entity identified by exclusion in subsection 109(b); or

''(2) a natural person or a natural person and that person's spouse who have debts within the limits specified in under section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States.

''SUBCHAPTER I—GENERAL PROVISIONS

''§ 602. Definitions

''For the purposes of this chapter, the term—

''(1) 'debtor' means an entity that is the subject of a foreign proceeding;

''(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

''(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

''(4) 'foreign main proceeding' means a foreign proceeding taking place in the country where the debtor has the center of its main interests;

''(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, taking place in a country where the debtor has an establishment;

''(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapters 9 or 13 of this title; and

''(7) 'within the territorial jurisdiction of the United States' when used with reference to property of a debtor refers to tangible property located within the territory of the United States and intangible property deemed to be located within that territory, including any property that may properly be seized or garnished by an action in a Federal or State court in the United States.

''§ 603. International obligations of the United States

''To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with 1 or more other countries, the requirements of the treaty or agreement prevail.

''§ 604. Commencement of ancillary case

''A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 615.

''§ 605. Authorization to act in a foreign country

''A trustee or another entity designated by the court may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

''§ 606. Public policy exception

''Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

''§ 607. Additional assistance

''(a) Nothing in this chapter limits the power of the court, upon recognition of a foreign proceeding, to provide additional assistance to a foreign representative under this title or under other laws of the United States.

''(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

''(1) just treatment of all holders of claims against or interests in the debtor's property;

''(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

''(3) prevention of preferential or fraudulent dispositions of property of the debtor;

''(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

''(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

''§ 608. Interpretation

''In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

''SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

''§ 609. Right of direct access

''(a) A foreign representative is entitled to commence a case under section 604 by filing a petition for recognition under section 615, and upon recognition, to apply directly to other Federal and State courts for appropriate relief in those courts.

''(b) Upon recognition, and subject to section 610, a foreign representative has the capacity to sue and be sued.

''(c) Recognition under this chapter is prerequisite to the granting of comity or cooperation to a foreign proceeding in any State or Federal court in the United States. Any request for comity or cooperation in any court shall be accompanied by a sworn statement setting forth whether recognition under section 615 has been sought and the status of any such petition.

''(d) Upon denial of recognition under this chapter, the court may issue appropriate orders necessary to prevent an attempt to obtain comity or cooperation from courts in the United States without such recognition.

''§ 610. Limited jurisdiction

''The sole fact that a foreign representative files a petition under sections 604 and 615 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

''§ 611. Commencement of bankruptcy case under section 301 or 303

''(a) Upon filing a petition for recognition, a foreign representative may commence—

''(1) an involuntary case under section 303; or

''(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

''(b) The petition commencing a case under subsection (a) of this section must be accompanied by a statement describing the petition for recognition and its current status. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) of this section prior to such commencement.

''(c) A case under subsection (a) shall be dismissed unless recognition is granted.

''§ 612. Participation of a foreign representative in a case under this title

''Upon recognition of a foreign proceeding, the foreign representative in that proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

''§ 613. Access of foreign creditors to a case under this title

''(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

''(b)(1) Subsection (a) of this section does not change or codify law in effect on the date of enactment of this chapter as to the priority of claims under section 507 or 726, except that the claim of a foreign creditor under those sections shall not be given a lower priority than the class of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

''(2)(A) Subsection (a) of this section and paragraph (1) of this subsection do not change or codify law in effect on the date of enactment of this chapter as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

''(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

''§ 614. Notification to foreign creditors concerning a case under this title

''(a) Whenever in a case under this title, notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known

creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

''(b) The notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letters rogatory or other similar formality is required.

''(c) When a notification of commencement of a case is to be given to foreign creditors, the notification shall—

''(1) indicate the time period for filing proofs of claim and specify the place for their filing;

''(2) indicate whether secured creditors need to file their proofs of claim; and

''(3) contain any other information required to be included in such a notification to creditors pursuant to this title and the orders of the court.

''(d) Any rule of procedure or order of the court as to notice or the filing of a claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

''SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

''§ 615. Application for recognition of a foreign proceeding

''(a) A foreign representative applies to the court for recognition of the foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

''(b) A petition for recognition shall be accompanied by—

''(1) a certified copy of the decision commencing the foreign proceeding and appointing the foreign representative;

''(2) a certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative; or

''(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of the foreign proceeding and of the appointment of the foreign representative.

''(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

''(d) The documents referred to in paragraphs (1) and (2) of subsection (b) must be translated into English. The court may require a translation into English of additional documents.

''§ 616. Presumptions concerning recognition

''(a) If the decision or certificate referred to in section 615(b) indicates that the foreign proceeding is a foreign proceeding within the meaning of section 101(23) and that the person or body is a foreign representative within the meaning of section 101(24), the court is entitled to so presume.

''(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether the documents have been subjected to legal processing under applicable law.

''(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

''§ 617. Order recognizing a foreign proceeding

''(a) Subject to section 606, an order recognizing a foreign proceeding shall be entered if—

''(1) the foreign proceeding is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 602 and is a foreign proceeding within the meaning of section 101(23);

''(2) the person or body applying for recognition is a foreign representative within the meaning of section 101(24); and

''(3) the petition meets the requirements of section 615.

''(b) The foreign proceeding shall be recognized—

''(1) as a foreign main proceeding if it is taking place in the country where the debtor has the center of its main interests; or

''(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 602 in the foreign country where the proceeding is pending.

''(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding shall constitute recognition under this chapter.

''(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the granting of recognition. The foreign proceeding may be closed in the manner prescribed for a case under section 350.

''§ 618. Subsequent information

''From the time of filing the petition for recognition of the foreign proceeding, the foreign representative shall file with the court promptly a notice of change of status concerning—

''(1) any substantial change in the status of the foreign proceeding or the status of the foreign representative's appointment; and

''(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

''§ 619. Relief that may be granted upon petition for recognition of a foreign proceeding

''(a) From the time of filing a petition for recognition until the petition is decided upon, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

''(1) staying execution against the debtor's assets;

''(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person designated by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation or otherwise in jeopardy; and

''(3) any relief referred to in paragraph (3), (4), or (7) of section 621(a).

''(b) Unless extended under section 621(a)(6), the relief granted under this section terminates when the petition for recognition is decided upon.

''(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

''§ 620. Effects of recognition of a foreign main proceeding

''(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

''(1) section 362 applies with respect to the debtor and that property of the debtor that is within the territorial jurisdiction of the United States; and

''(2) transfer, encumbrance, or any other disposition of an interest of the debtor in property within the territorial jurisdiction of the United States is restrained as and to the extent that is provided for property of an estate under sections 363, 549, and 552.

Unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the powers of a trustee under section 549, subject to sections 363 and 552.

''(b) The scope, and the modification or termination, of the stay and restraints referred to in subsection (a) of this section are subject to the exceptions and limitations provided in subsections (b), (c), and (d) of section 362, subsections (b) and (c) of section 363, and sections 552, 555 through 557, 559, and 560.

''(c) Subsection (a) of this section does not affect the right to commence individual actions or proceedings in a foreign country to the extent necessary to preserve a claim against the debtor.

''(d) Subsection (a) of this section does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

''§ 621. Relief that may be granted upon recognition of a foreign proceeding

''(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

''(1) staying the commencement or continuation of individual actions or individual proceedings concerning the debtor's assets, rights, obligations or liabilities to the extent they have not been stayed under section 620(a);

''(2) staying execution against the debtor's assets to the extent it has not been stayed under section 620(a);

''(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent this right has not been suspended under section 620(a);

''(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

''(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, designated by the court;

''(6) extending relief granted under section 619(a); and

''(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

''(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, designated by the court, provided that the court is satisfied that the interests of creditors in the United States are sufficiently protected.

''(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in

the foreign nonmain proceeding or concerns information required in that proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''§ 622. Protection of creditors and other interested persons

''(a) In granting or denying relief under section 619 or 621, or in modifying or terminating relief under subsection (c) of this section, the court must find that the interests of the creditors and other interested persons or entities, including the debtor, are sufficiently protected.

''(b) The court may subject relief granted under section 619 or 621 to conditions it considers appropriate.

''(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 619 or 621, or at its own motion, modify or terminate such relief.

''§ 623. Actions to avoid acts detrimental to creditors

''(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a pending case under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, and 724(a).

''(b) When the foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) of this section relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

''§ 624. Intervention by a foreign representative

''Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

''SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

''§ 625. Cooperation and direct communication between the court and foreign courts or foreign representatives

''(a) In all matters included within section 601, the court shall cooperate to the maximum extent possible with foreign courts or foreign representatives, either directly or through the trustee.

''(b) The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives, subject to the rights of parties in interest to notice and participation.

''§ 626. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

''(a) In all matters included in section 601, the trustee or other person, including an examiner, designated by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with foreign courts or foreign representatives.

''(b) The trustee or other person, including an examiner, designated by the court is entitled, subject to the supervision of the court, to communicate directly with foreign courts or foreign representatives.

''(c) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322(a).

''§ 627. Forms of cooperation

''Cooperation referred to in sections 625 and 626 may be implemented by any appropriate means, including—

''(1) appointment of a person or body, including an examiner, to act at the direction of the court;

''(2) communication of information by any means considered appropriate by the court;

''(3) coordination of the administration and supervision of the debtor's assets and affairs;

''(4) approval or implementation of agreements concerning the coordination of proceedings; and

''(5) coordination of concurrent proceedings regarding the same debtor.

''SUBCHAPTER V—CONCURRENT PROCEEDINGS

''§ 628. Commencement of a case under this title after recognition of a foreign main proceeding

''After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of that case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 625, 626, and 627, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a) and 1334(e), to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

''§ 629. Coordination of a case under this title and a foreign proceeding

''Where a foreign proceeding and a case under another chapter of this title are taking place concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 625, 626, and 627, and the following shall apply:

''(1) When the case in the United States is taking place at the time the petition for recognition of the foreign proceeding is filed—

''(A) any relief granted under sections 619 or 621 must be consistent with the case in the United States; and

''(B) even if the foreign proceeding is recognized as a foreign main proceeding, section 620 does not apply.

''(2) When a case in the United States under this title commences after recognition, or after the filing of the petition for recognition, of the foreign proceeding—

''(A) any relief in effect under sections 619 or 621 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

''(B) if the foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 620(a) shall be modified or terminated if inconsistent with the case in the United States.

''(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

''(4) In achieving cooperation and coordination under sections 628 and 629, the court may grant any of the relief authorized under section 305.

''§ 630. Coordination of more than 1 foreign proceeding

''In matters referred to in section 601, with respect to more than one foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 625, 626, and 627, and the following shall apply:

''(1) Any relief granted under section 619 or 621 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

''(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 619 or 621 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

''(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

''§ 631. Presumption of insolvency based on recognition of a foreign main proceeding

''In the absence of evidence to the contrary, recognition of a foreign main proceeding is for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts.

''§ 632. Rule of payment in concurrent proceedings

''Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.''.

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 5 the following:

''6. Ancillary and Other Cross-Border Cases ..... 601''.

SEC. 502. AMENDMENTS TO OTHER CHAPTERS IN TITLE 11, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: ''and this chapter, sections 307, 555 through 557, 559, and 560 apply in a case under chapter 6''; and

(2) by adding at the end the following:

''(j) Chapter 6 applies only in a case under that chapter, except that section 605 applies to trustees and to any other entity designated by the court, including an examiner, under chapters 7, 11, and 12, to debtors in possession under chapters 11 and 12, and to debtors or trustees under chapters 9 and 13 who are authorized to act under section 605.''.

(b) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraphs (23) and (24) and inserting the following:

''(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign state, including an interim proceeding, pursuant to a law relating to insolvency in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

''(24) 'foreign representative' means a person or body, including 1 appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding;''.

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking ''and'' at the end;

(B) in subparagraph (O), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(P) recognition of foreign proceedings and other matters under chapter 6.''.

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c) of title 28, United States Code, is amended by striking ''Nothing in'' and inserting ''Except with respect to a case under chapter 6 of title 11, nothing in''.

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by inserting ''6,'' after ''chapter''.

TITLE VI—MISCELLANEOUS

SEC. 601. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

''(4)(A) Subject to subparagraph (B), in any case under any chapter of this title, an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected and the trustee shall immediately surrender that nonresidential real property to the lessor if the trustee does not assume or reject the unexpired lease by the earlier of—

''(i) the date that is 120 days after the date of the order for relief; or

''(ii) the date of the entry of an order confirming a plan.

''(B) The court may extend the period determined under subparagraph (A) only upon a motion of the lessor.''.

SEC. 602. EXPEDITED APPEALS OF BANKRUPTCY CASES TO COURTS OF APPEALS.

(a) IN GENERAL.—Section 158 of title 28, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e);

(2) by inserting after subsection (c) the following new subsection:

''(d)(1) Any final judgment, decision, order, or decree of a bankruptcy judge entered for a case in accordance with section 157 may be appealed by any party in such case to the appropriate court of appeals if—

''(A) an appeal from such judgment, decision, order, or decree is first filed with the appropriate district court of the United States; and

''(B) the decision on the appeal described under subparagraph (A) is not filed by a district court judge within 30 days after the date such appeal is filed with the district court.

''(2) On the date that an appeal is filed with a court of appeals under paragraph (1), the chief judge for such court of appeals shall issue an order to the clerk for the district court from which the appeal is filed. Such order shall direct the clerk to enter the final judgment, decision, order, or decree of the bankruptcy judge as the final judgment, decision, order, or decree of the district court.''; and

(3) in subsection (e), (as redesignated by paragraph (1) of this section) by striking ''subsections (a) and (b)'' and inserting ''subsections (a), (b), and (d)''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 305(c) of title 11, United States Code, is amended by striking ''section 158(d)'' and inserting ''section 158(e)''.

(2) Section 1334(d) of title 28, United States Code, is amended by striking ''section 158(d)'' and inserting ''section 158(e)''.

(3) Section 1452(b) of title 28, United States Code, is amended by striking ''section 158(d)'' and inserting ''section 158(e)''.

SEC. 603. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: ''On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders.''.

SEC. 604. REPEAL OF SUNSET PROVISION.

Section 302 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 605. CASES ANCILLARY TO FOREIGN PROCEEDINGS.

Section 304 of title 11, United States Code, as amended by section 410 of this Act, is amended by adding at the end the following:

''(e)(1) In this subsection—

''(A) the term 'domestic insurance company' means a domestic insurance company, as that term is used in section 109(b)(2);

''(B) the term 'foreign insurance company' means a foreign insurance company, as that term is used in section 109(b)(3);

''(C) the term 'United States claimant' means a beneficiary of any deposit referred to in paragraph (2)(A) or any multibeneficiary trust referred to in subparagraph (B) or (C) of paragraph (2);

''(D) the term 'United States creditor' means, with respect to a foreign insurance company—

''(i) a United States claimant; or

''(ii) any business entity that operates in the United States and that is a creditor; and

''(E) the term 'United States policyholder' means a holder of an insurance policy issued in the United States.

''(2) Notwithstanding subsections (b) and (c), the court may not grant relief under subsection (b) to a foreign insurance company that is not engaged in the business of insurance or reinsurance in the United States with respect to any claim made by a United States creditor against—

''(A) a deposit required by an applicable State insurance law;

''(B) a multibeneficiary trust required by an applicable State insurance law to protect United States policyholders or claimants against a foreign insurance company; or

''(C) a multibeneficiary trust authorized under an applicable State insurance law to allow a domestic insurance company that cedes reinsurance to the debtor to reflect the reinsurance as an asset or deduction from liability in the ceding insurer's financial statements.''.

SEC. 606. LIMITATION.

Section 546(c)(1)(B) of title 11, United States Code, is amended by striking ''20'' and inserting ''45''.

TITLE VII—TECHNICAL CORRECTIONS

SEC. 701. DEFINITIONS.

Section 101 of title 11, United States Code, as amended by section 317, is amended—

(1) by striking ''In this title—'' and inserting ''In this title:'';

(2) in each paragraph, by inserting ''The term'' after the paragraph designation;

(3) in paragraph (35)(B), by striking ''paragraphs (21B) and (33)(A)'' and inserting ''paragraphs (23) and (35)'';

(4) in each of paragraphs (35A) and (38), by striking ''; and'' at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting ''who is not a family farmer'' after ''debtor'' the first place it appears; and

(B) by striking ''thereto having aggregate'' and all that follows through the end of the paragraph;

(6) by amending paragraph (54) to read as follows:

''(54) The term 'transfer' means—

''(A) the creation of a lien;

''(B) the retention of title as a security interest;

''(C) the foreclosure of a debtor's equity of redemption; or

''(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

''(i) property; or

''(ii) an interest in property;'';

(7) in each of paragraphs (1) through (35), in each of paragraphs (36) and (37), and in each of paragraphs (40) through (56A) (including paragraph (54), as amended by paragraph (6) of this section), by striking the semicolon at the end and inserting a period; and

(8) by redesignating paragraphs (4) through (56A) in entirely numerical sequence, so as to result in numerical paragraph designations of (4) through (77), respectively.

SEC. 702. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting ''522(f)(3), 707(b)(5),'' after ''522(d),'' each place it appears.

SEC. 703. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking ''922'' and all that follows through ''or'', and inserting ''922, 1201, or''.

SEC. 704. WHO MAY BE A DEBTOR.

Section 109(b)(2) of title 11, United States Code, is amended by striking ''subsection (c) or (d) of''.

SEC. 705. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(3) of title 11, United States Code, is amended by striking ''attorney's'' and inserting ''attorneys' ''.

SEC. 706. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting ''on a fixed or percentage fee basis,'' after ''hourly basis,''.

SEC. 707. SPECIAL TAX PROVISIONS.

Section 346(g)(1)(C) of title 11, United States Code, is amended by striking '', except'' and all that follows through ''1986''.

SEC. 708. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting ''of the estate'' after ''property'' the first place it appears.

SEC. 709. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, as amended by section 326 of this Act, is amended—

(1) in paragraph (21), by striking ''or'' at the end;

(2) in paragraph (22), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (22) the following:

''(23) under subsection (a) of this section of any transfer that is not avoidable under section 544 and that is not avoidable under section 549;

''(24) under subsection (a)(3) of this section, of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement; or

''(25) under subsection (a)(3) of this section, of the commencement of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement that has terminated.''.

SEC. 710. AMENDMENT TO TABLE OF SECTIONS.

The table of sections for chapter 5 of title 11, United States Code, is amended by striking the item relating to section 556 and inserting the following:

''556. Contractual right to liquidate a commodities contract or forward contract.''.

SEC. 711. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting ''subparagraph (A), (B), (C), (D), or (E) of'' before ''paragraph (3)''.

SEC. 712. PRIORITIES.

Section 507(a) of title 11, United States Code, as amended by section 323 of this Act, is amended—

(1) in paragraph (3)(B), by striking the semicolon at the end and inserting a period; and

(2) in paragraph (7), by inserting ''unsecured'' after ''allowed''.

SEC. 713. EXEMPTIONS.

Section 522 of title 11, United States Code, as amended by section 320 of this Act, is amended—

(1) in subsection (f)(1)(A)(ii)(II)—

(A) by striking ''includes a liability designated as'' and inserting ''is for a liability that is designated as, and is actually in the nature of,''; and

(B) by striking '', unless'' and all that follows through ''support''; and

(2) in subsection (g)(2), by striking ''subsection (f)(2)'' and inserting ''subsection (f)(1)(B)''.

SEC. 714. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)(3), by striking ''or (6)'' each place it appears and inserting ''(6), or (15)'';

(2) as amended by section 304(e) of Public Law 103–394 (108 Stat. 4133), in paragraph (15), by transferring such paragraph so as to insert it after paragraph (14) of subsection (a);

(3) in subsection (a)(9), by inserting '', watercraft, or aircraft'' after ''motor vehicle'';

(4) in subsection (a)(15), as so redesignated by paragraph (2) of this subsection, by inserting ''to a spouse, former spouse, or child of the debtor and'' after ''(15)'';

(5) in subsection (a)(17)—

(A) by striking ''by a court'' and inserting ''on a prisoner by any court'';

(B) by striking ''section 1915 (b) or (f)'' and inserting ''subsection (b) or (f)(2) of section 1915''; and

(C) by inserting ''(or a similar non-Federal law)'' after ''title 28'' each place it appears; and

(6) in subsection (e), by striking ''a insured'' and inserting ''an insured''.

SEC. 715. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking ''section 523'' and all that follows through ''or that'' and inserting ''section 523, 1228(a)(1), or 1328(a)(1) of this title, or that''.

SEC. 716. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting ''student'' before ''grant'' the second place it appears; and

(2) in paragraph (2), by striking ''the program operated under part B, D, or E of'' and inserting ''any program operated under''.

SEC. 717. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting ''365 or'' before ''542''.

SEC. 718. PREFERENCES.

Section 547 of title 11, United States Code, is amended—

(1) in subsection (b), by striking ''subsection (c)'' and inserting ''subsections (c) and (h)''; and

(2) by adding at the end the following:

''(h) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider.''.

SEC. 719. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting ''an interest in'' after ''transfer of'';

(2) by striking ''such property'' and inserting ''such real property''; and

(3) by striking ''the interest'' and inserting ''such interest''.

SEC. 720. TECHNICAL AMENDMENT.

Section 552(b)(1) of title 11, United States Code, is amended by striking ''product'' each place it appears and inserting ''products''.

SEC. 721. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking ''1009,''.

SEC. 722. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, as amended by section 408, is amended by inserting ''1123(d),'' after ''1123(b),''.

SEC. 723. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election. Upon the filing of a report under the preceding sentence—

''(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

''(ii) the service of any trustee appointed under subsection (d) shall terminate.

''(B) In the case of any dispute arising out of an election under subparagraph (A), the court shall resolve the dispute.''.

SEC. 724. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. 725. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. 726. DISCHARGE UNDER CHAPTER 12.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking ''1222(b)(10)'' each place it appears and inserting ''1222(b)(9)''.

SEC. 727. EXTENSIONS.

Section 302(d)(3) of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking ''or October 1, 2002, whichever occurs first''; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking ''or October 1, 2002, whichever occurs first''; and

(ii) in the matter following subclause (II), by striking ''October 1, 2003, or''; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking ''before October 1, 2003, or''; and

(ii) by striking '', whichever occurs first''.

SEC. 728. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking ''made under this subsection'' and inserting ''made under subsection (c)''; and

(2) by striking ''This subsection'' and inserting ''Subsection (c) and this subsection''.

SEC. 729. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting ''(1) the term'' before '''bankruptcy''; and

(B) by striking the period at the end and inserting ''; and''; and

(2) in the second undesignated paragraph—

(A) by inserting ''(2) the term'' before '''document''; and

(B) by striking ''this title'' and inserting ''title 11''.

SEC. 730. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 17, 1998, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of Gregory H. Friedman to be Inspector General of the Department of Energy; Charles G. Groat to be Director of the United States Geological Survey, Department of the Interior; and to consider any other pending nominations which are ready for consideration before the Committee.

For further information, please contact Gary Ellsworth of the committee staff at (202) 224–7141.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on the recent midwest electricity price spikes.

The hearing will take place on Thursday, September 24, 1998, at 10:00 A.M. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

Those who wish to testify or submit a written statement should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Julie McCaul or Howard Useem at (202) 224–7875.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 9, 1998, at 9:30 a.m. on auto choice.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, September 9, 1998, at 10:00 a.m. for a hearing on the Inspector General Act of 1978 on its 20th Anniversary.

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

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 9, 1998, at 2:00 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: ''Judicial Nominations.''

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, September 9, 1998, at 9:30 a.m.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, September 9, 1998, at 10:00 a.m. to hold a hearing in room 226, Senate Dirksen Building, on ''Impeachment or Indictment: Is a Sitting President Subject to the Compulsory Criminal Process?''

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 9, 1998, at 2:00 p.m. to hold a hearing.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 9, 1998, at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

ENVIRONMENTAL RESTORATION AT LAKE TAHOE

● Mrs. FEINSTEIN. Mr. President, I rise today to convey my strong support for the $3,000,000 this bill contains for land acquisition at Lake Tahoe. This funding is crucial if we are to control the erosion problem that is robbing Lake Tahoe of its striking water clarity.

Lake Tahoe is the crown jewel of the Sierra Nevada. The clarity of its blue waters, and the beauty of its surrounding forests and high mountains, inspired Mark Twain to call it ''the fairest view the whole earth affords.''

Mark Twain would still recognize the Lake Tahoe Basin today, but it is no longer a pristine wilderness surrounding a perfectly clear lake. Today Lake Tahoe is a year-round recreational mecca, drawing millions annually to its ski slopes, hiking trails, and crystal clear waters. Lake Tahoe is a major economic force in both California and Nevada, contributing $1.6 billion annually to the economy from tourism alone.

The environment and the economy are inextricably linked at Lake Tahoe. The famous azure lake and its surrounding pristine forests are the primary reasons that people visit the region. Protecting environmental quality at Lake Tahoe is key to preserving the economy of the Sierra region.

Scientists agree that the Lake is in the midst of an environmental crisis. Lake Tahoe is one of the largest, deepest, and clearest lakes in the world, but that remarkable clarity is disappearing at the rate of over a foot a year.

In the 1960s, you could drop a white plate into Lake Tahoe and watch it fall 105 feet before it disappeared. Now you can watch the same plate fall only 70 feet. As the Lake's water clarity decreases, algae is taking over. In 10 years, the effects could be irreversible.

Why the troubling decline? The answers are quite simple: air pollution and erosion. Algae is fed by nitrogen, a key component in car exhaust, and phosphorous, a key component of runoff that flows into Lake Tahoe from streams, paved roads, old logging roads, golf courses, and even private homes.

Lake Tahoe was once ringed by wetlands that filtered out most of this harmful sediment and debris. But most of the wetlands have been filled in to provide more lakefront property. The lake's clarity continues to deteriorate.

For nearly 20 years, the Forest Service has been slowing this deterioration by acquiring environmentally sensitive land at Lake Tahoe—land especially prone to the erosion that is slowly strangling the Lake—and protecting it from development. Since 1980, the Forest Service has purchased 11,000 acres at Lake Tahoe. This acquisition program has the wholehearted support of Lake Tahoe's elected officials, as well as both environmental and business groups.

The $3 million for land acquisition contained in this bill will help buy parcels like the Wells property, an 18.5 acre site adjacent to a County park that includes some of the few remaining wetlands surrounding Lake Tahoe, as well as a stretch of Burke Creek that provides a vital wildlife corridor. If the Forest Service is not able to buy this property, it may end up being developed into 50 condominium units.

Land acquisition funds may also be used for a phased-in purchase of High Meadows, a 2300-acre parcel that remains the largest private inholding in the Lake Tahoe Basin. The meadows include the headwaters for Cold Creek, one of Lake Tahoe's most sensitive watersheds. Protecting the property could dramatically reduce the amount of sediment and debris that flows currently flow into Lake Tahoe from Cold Creek.

I commend the Committee for including these land acquisition funds for Lake Tahoe in this bill. I am disappointed that the House did not include any funds in its version of the bill. I intend to urge the Senate conferees on this legislation to protect the full $3 million in conference.

Unfortunately, this $3 million barely scratches the surface of what is needed to restore the environment at Lake Tahoe. The region's environmental problems extend well beyond its famous azure lake.

Insect infestations have killed over 25 percent of the trees in the forests surrounding Lake Tahoe, creating a severe risk of catastrophic wildfire that could destroy communities and have a devastating impact on water quality at the Lake. The millions of cars that visit the Lake Tahoe Basin each year worsen erosion problems from roads and produce nitrogen that ends up feeding algae in the Lake.

The Federally-chartered Tahoe Regional Planning Agency estimates that preserving the Lake's water quality, restoring its fragile forest ecosystem, and establishing a public transportation system that would reduce air pollution and road run-off could cost $900 million in Federal, State, local, and private funds.

The Federal government, through the United States Forest Service, owns nearly 80 percent of the land in the Lake Tahoe Basin. Therefore, we have a unique responsibility for protecting Lake Tahoe. Two important Federal reports that are currently pending will help determine what steps the Forest Service must take to stop the environmental decline at the Lake.

One report is the Watershed Assessment, a study being conducted by an independent team of scientists, that will create a model of Lake Tahoe's ecosystem to help us determine the impact of proposed environmental restoration projects. Lake Tahoe is so fragile that we need to be sure prescribed burning to reduce the risk of

catastrophic fire at one end of the lake does not cause too much erosion or air pollution in another part of the Lake. The Watershed Assessment will provide the Forest Service with the tools to make those tough judgment calls.

The other Federal effort underway is an interagency review of the Environmental Improvement Program, a list of more than 500 environmental improvement projects that the Tahoe Regional Planning Agency proposes to implement at Lake Tahoe. The Environmental Improvement Program has the full support of Lake Tahoe's local governments, business leaders, and environmental groups. Now the Federal government is assessing which of the environmental projects on this list should have high priority for Federal funding, and whether new programs are needed to provide that funding.

I plan to act upon the results of these studies as soon as they are complete in December 1998. I am hoping to offer legislation in the next session that would authorize a new Federal initiative, led by the U.S. Forest Service, to address Lake Tahoe's erosion and forest health problems. I am working with a bi-partisan group of Tahoe's business, environmental, and community leaders to develop a proposal, and I hope that the Forest Service will become an active player in the process as well.

In 1997, President Clinton and Vice President GORE visited Lake Tahoe. I attended the Forum they sponsored, as did Senators BOXER, REID and BRYAN. We applauded the President as he announced an ambitious Tahoe initiative that included $50 million over two years for land acquisition, prescribed burning, watershed restoration, public transportation, upgrades to wastewater pipelines, erosion control, and scientific research at the Lake.

Unfortunately, since then, Lake Tahoe seems to have dropped off the Administration's radar screen. The Administration never even fulfilled the $50 million in commitments the President made at Tahoe, let alone extend those commitments to fiscal year 1999.

In his 1999 budget request, President Clinton did not make any specific requests for Tahoe, and the Forest Service will be lucky if they receive $5 million from the Administration next year for forest health and erosion control projects.

Forest Service officials at Lake Tahoe are doing a heroic job of reducing fire risk in the forest while simultaneously protecting Lake Tahoe's water quality. They need more resources if they are going to reverse declining environmental quality at the Lake and its surrounding forests.

Time is running out for Lake Tahoe. If we do not act quickly with a full commitment of Federal resources, the crown jewel of the Sierra could become permanently tarnished. I urge my colleagues in the Senate to join me in preserving this national treasure for generations to come. Let's look at this $3 million for land acquisition as a down payment, not the last word.●

OUR LADY QUEEN OF ALL SAINTS 40TH ANNIVERSARY

● Mr. ABRAHAM. Mr. President, I rise today to honor a special church in Fraser, Michigan. Our Lady Queen of All Saints Parish celebrated its 40th Anniversary on August 23, 1998.

Since its beginning, Our Lady Queen of All Saints Parish has been selflessly dedicated to serving God and the Fraser community. The members of the Parish demonstrate their commitment to their faith through providing valuable human services to those in need. They have done so under the guidance and leadership of Our Lady Queen of All Saints' founding father Reverend Father Joseph J. Szmaszek and former pastors Monsignor Ferdinand J. DeCneudt, Father J. Michael McGough and Father Arthur W. Fauser. The parish continues this service under the present pastor, Father Ronald J. Babich. It is my great pleasure to recognize the contributions these men have made to the parish, ensuring its prosperity and longevity.

I want to express my congratulations and best wishes to all of the clergy and members of Our Lady Queen of All Saints parish. May they enjoy continued success.●

75TH ANNIVERSARY OF ROWAN UNIVERSITY

● Mr. TORRICELLI. Mr. President, I rise today to recognize Rowan University as it celebrates its 75th Anniversary. This year marks the 75th year that Rowan will provide quality education to residents in New Jersey and across the country. It is a pleasure for me to be able to recognize this important milestone.

Rowan provides an exceptional environment for achievement and fulfillment through rigorous academic training and vigorous personal interaction among the members of its diverse learning community. As a regional public university committed to teaching, Rowan combines liberal education with professional preparation and offers programs from the undergraduate through doctoral levels. Rowan University seeks to achieve knowledge through ambition, responsibility through service, and character through challenge. The University is a constantly expanding resource for the State of New Jersey, developing as a community of learners with a curriculum that integrates professional and liberal education. Rowan has succeeded in developing values, shaping character, and enhancing the capacity for a fulfilling and socially responsible life among its graduates. Rowan University alumni are well prepared to assume positions of leadership within their communities and professional fields.

Rowan University has become an extraordinary comprehensive institution that has improved the quality of life for the citizens of New Jersey, and it has long been an example of the standard that we set for our nation's universities. Through hard work and dedication, the faculty have illustrated their commitment to building the leaders of tomorrow, and their success over the past 75 years serve as an inspiration to all educators.

I am proud to recognize Rowan University on its anniversary, and I look forward to another 75 years of quality education from this institution.●

TRIBUTE TO THE COVENANT HOUSE ON ITS 25TH ANNIVERSARY

● Mr. BOND. Mr. President, I rise today to pay tribute to the Covenant House in St. Louis, Missouri on its 25th Anniversary. Over the years, Covenant House has been an important and integral part of the low-moderate income housing community for the elderly. The Anniversary celebration will take place on September 13, with special honorees Harvey and Wilma Gerstein.

The Gersteins have dedicated a great deal of their lives to the development of quality housing for the elderly. Harvey was the first-ever President of the Covenant House and still serves on the Board of Directors. Wilma is a member of the Board and serves as Chair of the Volunteer Committee.

Covenant House is publicly financed and has 434 units of housing to serve its 484 elderly residents. With the continuing need for more establishments like the Covenant House, they founded the Community Aging Corporation. This Corporation provides a variety of social services to guarantee safety for the elderly in an independent setting.

It is a great privilege to honor this high caliber living community and its special honorees. Dedication to one's community has become an increasingly rare quality in our society. The St. Louis community is lucky to have such a facility and I want to express my sincere appreciation to everyone who makes the Covenant House excel.●

TRIBUTE TO HERBERT MABRY, THE 1998 RICHARD B. RUSSELL PUBLIC SERVICE AWARD RECIPIENT

● Mr. CLELAND. Mr. President, I rise today to honor the 1998 Richard B. Russell Public Service Award recipient, Herbert Mabry of Sandy Springs, Georgia.

Herb is a man who truly defines public service. Over the years, he has been actively involved in serving the people in many capacities, including his own campaign for public office.

The Richard B. Russell Award is given each year to an individual who truly ''raises the bar'' for us all and goes the extra mile for his or her community and state. The honor is bestowed upon an individual who works tirelessly to promote the ideals of the State of Georgia and who strengthens and shapes our State for the future. Senator Russell understood that public service and political involvement is a

tool of citizenship, and this year's honoree is a man who believes that being an active public servant defines citizenship.

Herb has been the President of the Georgia State AFL–CIO since 1972, and has truly defined and shaped the labor movement throughout Georgia during the past several decades. He is also very involved in other organizations including the Georgia Labor Committee, the Georgia Trade Union Council for Histradut, the AFL–CIO Appalachian Council, the Georgia Democratic Party and the Fulton County Personnel Board. He has been a member of Carpenter's Local Union #225 since 1950 and served as its President for the past 25 years. He also serves as the President of the Southeastern Regional Council of Carpenters.

Herb Mabry is a native of Fulton County, Georgia. He and his wife Colleen have six children and 11 grandchildren.

Mr. President, I ask that you join me and our colleagues in honoring Herbert Mabry's innumerable contributions and unselfish and inspiring hard work and dedication to the State of Georgia and our Nation. Herb personifies the definition of a true and loyal American and sets the standard for all citizens to live by.●

PONTIAC AREA HISTORICAL AND GENEALOGICAL SOCIETY CITIZEN OF THE YEAR

● Mr. ABRAHAM. Mr. President, I rise today to recognize the Pontiac Area Historical and Genealogical Society's Citizen of the Year, Mr. John A. Riley of Pontiac, Michigan.

Mr. Riley, born December 8, 1912 has been chosen as the Citizen of the Year on the basis that he has given tremendously of his time and resources to many causes. His professional career consisted of 40 years of service to the Pontiac Daily Press as vice-president of marketing. Additionally, Riley has served voluntarily in many positions. He was a member of the Pontiac Osteopathic Hospital Board for 36 years, president of the Pontiac J.C.s, president of the Pontiac Chamber of Commerce, member of the Boys Club and a 50 year member of the Kiwanis Club of Pontiac.

Currently, Mr. Riley sits on the committees for the Key Club for Pontiac High Schools and the Terrific Kids Program. He also serves as Chairman of the Board for the General Hospital Authority, First Chairman of the Economic Development Commission for the City of Pontiac. He was instrumental in the raising of the funds to build the Pontiac Silverdome. In addition, John Riley is a man of strong faith as reflected in his service to All Saints Episcopal Church where he is Senior Warden for the Vestry.

Mr. Riley's accomplishments are numerous. It is clear to see that he commits himself selflessly and completely to many causes. He is undoubtedly deserving of the Citizen of the Year award being given to him by the Pontiac Historical and Genealogical Society. It is with great pleasure that I extend my congratulations to Mr. John A. Riley on this special occasion.●

REFORMING THE RESOURCE CONSERVATION AND RECOVERY ACT

● Mr. LAUTENBERG. Mr. President, late last week the Majority Leader indicated that the Senate would be unable to complete efforts this year to reform the Resource Conservation and Recovery Act as it pertains to remediation waste. For many months, Senators LOTT, CHAFEE, SMITH, BAUCUS, BREAUX and I have worked on ''rifle-shot'' legislation in this area. I regret that we were unable to bring these negotiations to a successful conclusion. However, I believe that we made a lot of progress in narrowing differences and developing a bill that could have improved the RCRA hazardous waste cleanup program through a series of responsible reforms. Our work provides a solid foundation upon which to build in the next Congress.

Mr. President, last fall, in October, the GAO issued a report recommending targeted reforms which, in conjunction with adequate resources for state and federal agencies, could have resulted in substantial savings in cleanup costs; encouraged treatment remedies; and sparked brownfields cleanup and redevelopment efforts. As Chairman of the Subcommittee in the Senate with jurisdiction over these issues for many years, and more recently as Ranking Democratic Member, one of my priorities has been to encourage such efforts, and to return these contaminated parcels to valuable uses. I believe such reforms can yield substantial national economic and environmental benefits while protecting human health and the environment. Such reforms would especially benefit my state of New Jersey, which is one of the five states with the largest volume of remediation waste.

For these reasons, I was pleased that Senators LOTT, CHAFEE and SMITH invited Senator BAUCUS and me to join in developing a targeted consensus reform package. We spent many hours at this effort and we reached agreement in a number of areas. I regret that we did not come to final closure on this legislation. I want to thank my colleagues and the Administration for the considerable efforts they all made in thoughtfully resolving many of the complicated issues in this debate. I want to also thank Senator BREAUX, who has been instrumental in championing reform in this area. Finally, I want to thank the many and varied stakeholders—representatives from industry, environmental organizations, as well as state and local agencies and community groups—that provided us with inestimable assistance in understanding this highly complex statute.

Mr. President, I regret that we did not have the chance to resolve all of the issues this year. We made significant progress in resolving a host of thorny questions. The Resource Conservation and Recovery Act has significantly reduced the generation of hazardous waste, and prevented new generations of Superfund toxic waste sites. I am optimistic that we can resume this process next year and achieve responsible reforms at that time. I pledge myself to these efforts.●

TRIBUTE TO BERTIE SWEENEY GAMMELL PARISH

● Mr. SHELBY. Mr. President, I rise today to pay tribute to my friend Bertie Sweeney Gammell Parish, a lifelong resident of Clayton, Alabama, hardworking wife and mother, dedicated member of the community, newspaper professional, and an inspiration to all who knew her. Bertie passed away at her home on Wednesday, August 26, 1998.

Born on June 4, 1915 in Dothan, Alabama, Bertie was the daughter of William Lee and Pearle Ennis Gammell. From her earliest beginnings, Bertie was an active member of the Clayton United Methodist Church where she combined her love of music with her service to God as organist and choir director for almost 50 years. Bertie held a bachelor's degree in music from Alabama College, teaching music briefly at Montgomery County High School and later in Clayton.

A former member of the Eufaula Music Guild, Bertie was a Paul Harris fellow of the Rotary Foundation of Rotary International—-an award presented by the Clayton Rotary Club, a lifetime member of the Alabama Federation of Garden Clubs and a member of the Clayton Garden Club.

In addition to the many awards and community service position she held, Bertie is probably best known as the editor and publisher of The Clayton Record—-a post she assumed in 1960 after the deaths of her father and later her mother—-both held the position in consecutive terms before her. She passed this torch to her daughter Rebecca Parish Beasley who holds the position today. The Clayton RECORD is one of only a few remaining family-owned and operated newspapers.

Bertie's column ''One Comment,'' which appeared on the front page of The Clayton RECORD, was a favorite of subscribers. From her astute observations on everything from politics to gardening, Bertie thrilled, inspired and delighted her readers, including local gardeners who hoped to receive mention in one of her columns.

Bertie was well known not only in Clayton, but across Alabama. She received many awards and kudos from colleagues in the news business including a listing in Who's Who of American Women, and the News Media Service to Education Award. She was also a staunch preservationist who worked diligently to preserve history and local historic structures in and around Clayton.

Despite a demanding schedule, Bertie never forgot what matters most: family and friends. She is survived by her husband Thomas William Parish, Sr.—-to whom she would have been married for 59 years on August 30, 1998; three children: Dr. Thomas William Parish, Jr., of Geneva, Joseph Edward Parish, Sr., of Clayton; and Rebecca Parish Beasley of Clayton; six grandchildren: Joseph Edward Parish, Jr. of Montgomery; Lucile Martin Parish of Columbus, Georgia; Edna Elane Parish Gulledge of Virginia Beach, Virginia; Thomas Frank Kelly, Jr., of Montgomery; Rebecca Parish Kelly of Clayton; and Thomas William Parish, III, of Geneva; three great-grandchildren; other relatives and friends too numerous to mention.

I will miss Bertie. She was a good friend for many years. My heart goes out to her family as they remember her love, her many accomplishments, and the important role she set for them and for others in and around Clayton, Alabama. My prayers are with you.●

THE PROGRESS OF PEACE IN NORTHERN IRELAND

● Mr. FEINGOLD. Mr. President, I would like to reflect for a moment on recent events in Northern Ireland, highlighted by the President's trip there last week. As every member of this body knows, the violent political and religious conflict in Northern Ireland has claimed the lives of more than 3,200 people since 1969. In April of this year, after many failed attempts at a political solution to this violence, a settlement was announced that was deemed acceptable to all sides of this conflict. The so-called Good Friday peace agreement is an historic achievement in the struggle for peace in Northern Ireland. It seemed that finally, peace had won out over war and intolerance, and that the children of Northern Ireland, both Protestant and Catholic, would finally be able to move hand-in-hand toward a shared future.

As a member of the Senate Committee on Foreign Relations, I have closely monitored that Northern Ireland peace process, and I welcomed this peace agreement, which was expertly brokered by our former colleague, and the former Majority Leader of this body, Senator George Mitchell.

In a May 22, 1998, referendum, a convincing majority of the people of Northern Ireland and the Irish Republic embraced this peace plan. On June 25, 1998, the people of Northern Ireland went to the polls and elected representatives from Protestant, Catholic, and non-sectarian parties to sit in the newly created Assembly, which will gradually assume rule of Northern Ireland from Great Britain.

This election was perhaps one of the most historic aspects of the Northern Ireland peace agreement. For the first time, the people of Northern Ireland elected representatives for an Assembly that will not be located in Westminster, but rather in Northern Ireland itself. The British Parliament must still draft and adopt legislation that will transfer the necessary powers to the Assembly that will make that body truly independent from Westminster, and I hope this will be done at the earliest possible time.

This brief but promising time of peace and cooperation was shattered on July 5, 1998, during the annual and often contentious ''Marching Season,'' during which time it is common for Protestant groups to conduct sectarian marches throughout Northern Ireland. Tensions rose as many would-be marchers resisted a Parades Commission decision to reroute a march through a Catholic neighborhood in Drumcree planned by a Protestant group to commemorate the Battle of the Boyne, a 1690 skirmish in which the Protestant King William III of Orange defeated the Catholic King James II. The ensuing riots and violence culminated in a firebombing on July 11 in Ballymoney that left three young Catholic brothers dead. Both the Protestant and Catholic communities denounced this attack, which has been attributed to a loyalist paramilitary group.

This senseless attack was particularly ironic because it appears that the house of the three young victims was targeted because their family was mixed—part Catholic and part Protestant.

Violence ripped through Northern Ireland again one month later, on August 11, when a car bomb exploded in a busy marketplace in the town of Omagh. Twenty-eight people, including an elderly woman, her pregnant daughter, and her young granddaughter, were killed, and more than 200 were injured. It is ironic that the most horrible act of violence to occur in the last 30 years in a country that has suffered so much throughout its tumultuous history occurred just as the people of Northern Ireland finally embarked on the road to peace.

Reports indicate that a warning was issued to police prior to the bombing, but that the terrorists gave false information which lead police to move those in the marketplace to the site where the bomb was located, thereby increasing the number of casualties.

A fringe group which calls itself the ''Real IRA'' has claimed responsibility for this monstrous attack. This group, and one other anti-British fringe group, have since announced ceasefires. It is my strong hope that those responsible for this cowardly act will be identified and prosecuted for their crimes.

Recently, British Prime Minister Tony Blair and Irish Prime Minister Bertie Ahern recommitted themselves to the success of the Northern Ireland peace agreement and vowed that this attack would not destroy the progress of the last several months. They also announced new security measures that will be put in place to help prevent future attacks, and that the British Parliament plans to take a hard look at ways to improve security.

I am pleased that President Clinton visited Northern Ireland, and the town of Omagh, last week and met with some of the victims of the attack in Omagh and their families, as he did last Thursday. The United States has invested much in the long and sometimes harrowing journey toward a lasting peace in Northern Ireland, and we must remain engaged there and continue to offer our encouragement and friendship to the people of Northern Ireland. While tremendous progress has been made in the last year, there is still much work to be done as the people of Northern Ireland strive to live and govern together in peace.●

CBO COST ESTIMATE—S. 2375

● Mr. D'AMATO. Mr. President, I ask that the Congressional Budget Office Cost Estimate for S. 2375 the ''International Anti-Bribery Act of 1998'' be printed in the RECORD.

The cost estimate follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

INTERNATIONAL ANTI-BRIBERY ACT OF 1998

CBO estimates that implementing this legislation would not result in any significant cost to the federal government. Because enactment of the bill could affect direct spending and receipts, pay-as-you-go procedures would apply. However, CBO estimates that any impact on direct spending and receipts would not be significant.

CBO has determined that this legislation is excluded from the application of the Unfunded Mandates Reform Act (UMRA) under section 4 of that act, because it would amend the Foreign Corrupt Practices Act (FCPA) in ways that are necessary to implement the Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Section 4 of UMRA excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations.

The bill would expand the FCPA to cover additional offenses relating to corporate bribery of foreign officials. As a result, the federal government would be able to pursue cases that it otherwise would not be able to prosecute. CBO expects that the government probably would not pursue many such cases, however, so we estimate that any increase in federal costs for law enforcement, court proceedings, or prison operations would not be significant. Any such additional costs would be subject to the availability of appropriated funds.

Because those prosecuted and convicted under the bill could be subject to civil and criminal fines, the federal government might collect additional fines (which are categorized as governmental receipts) if the bill is enacted. However, CBO expects that any additional fines would be negligible because of the small number of cases involved. Collections of criminal fines are deposited in the Crime Victims Fund and spent in the following year. Because any increase in direct spending would equal the fines collected with a one-year lag, the additional direct spending from the Crime Victims Fund also would be negligible.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226–

2860. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.●

TRIBUTE TO ELIZABETH SNYDER

● Mrs. FEINSTEIN. Mr. President, I rise today to honor Elizabeth Snyder, a longtime civic leader who helped pave the way for women to assume positions of leadership in California. She died in Los Angeles on August 26, 1998.

Elizabeth first came to national attention in 1954, when she was elected Chair of the California Democratic Party, becoming the first woman in the United States to be elected chair of a major political party in any state. In a career that spanned more than half a century, Elizabeth worked prominently in the California presidential campaigns of Harry Truman, Adlai Stevenson, and Lyndon Johnson and served as the California Co-Chair of President Jimmy Carter's 1976 Presidential campaign.

Born on April 8, 1914, in Minnesota of immigrant parents, Elizabeth and her family moved to San Diego in the early 1920s. Following the collapse of her father's business at the outset of the Great Depression, Elizabeth, her mother and two brothers relocated to East Los Angeles where life was, in her words, ''lean, precarious and hard.'' Elizabeth graduated with honors from Garfield High School in 1931. She studied at Los Angeles City College and graduated as a political science major from the University of California at Los Angeles in 1933. She went on to become one of the first two doctoral candidates in UCLA's political science department.

After World War II, Elizabeth became involved in the first of many Congressional campaigns on behalf of her lifelong friend and mentor, Congressman Chet Holifield. In 1959, she co-founded one of California's first political campaign management firms, Snyder-Smith. Although she remained committed to what she believed were the true ideals and principles of the Democratic Party, Elizabeth never hesitated in non-partisan races to support Republicans whom she believed to be best qualified to serve in office.

None of her political activities was more important to Elizabeth than her lifelong effort to bring about greater participation by women in the political arena. During the 1970s, Elizabeth devoted herself to the mentoring of Los Angeles women in politics, holding weekly luncheon meetings of The Thursday Group at her Bunker Hill apartment.

Her dedication to improving our society extended beyond the realm of politics. She was especially proud of her work on the prevention of fetal alcohol syndrome which culminated in ordinances requiring the restaurants and bars to post warnings to women regarding the dangers of alcohol consumption during pregnancy. In addition to all her varied civic activities, Elizabeth will be remembered fondly by the literally thousands of men and women to whom she provided comfort and assistance in overcoming the adversities of alcoholism and substance abuse.

In 1994, she received the prestigious CORO Public Affairs Award in recognition of her lifelong commitment to the reform of the American system of government in which she so deeply believed. As Elizabeth herself once wrote, In the last analysis, the most significant single political activity is not winning elections and defeating opponents, it is improving, expanding and correcting government structure, so that democracy works.

On behalf of my colleagues in the Senate, I extend my heartfelt condolences to her husband, Nathan, and her daughter, United States District Judge, Christina A. Snyder.●

MEASURE READ THE FIRST TIME—S. 2454

Mr. LOTT. I understand that S. 2454, which was introduced earlier by Senator MCCONNELL and others, is at the desk, and I ask it be read for the first time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2454) to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

Mr. LOTT. I ask now for its second reading, and would object to my own request.

The PRESIDING OFFICER. The objection is heard. The bill will be read the second time on the next legislative day.

CHILD CUSTODY PROTECTION ACT—MOTION TO PROCEED

Mr. LOTT. I ask unanimous consent that the Senate now turn to consideration of S. 1645, the child custody bill.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. The objection is heard.

CLOTURE MOTION

Mr. LOTT. In light of the objection, I move to proceed to S. 1645, and send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1645, the Child Custody Protection Act:

Trent Lott, Orrin Hatch, Spencer Abraham, Charles Grassley, Slade Gorton, Judd Gregg, Wayne Allard, Pat Roberts, Bob Smith, Paul Coverdell, Craig Thomas, James Jeffords, Jeff Sessions, Rick Santorum, Mitch McConnell, Chuck Hagel.

Mr. LOTT. For the information of all Senators, this cloture vote will occur on Friday, 1 hour after the Senate convenes, unless changed by unanimous consent. I am making an effort to make sure that we have some votes on Friday, but as is usually the case, we would do our best to accommodate Members and have the votes before noon on Friday so we could have cloture vote on this bill, possibly on bankruptcy reform, but I am still hoping we can work that out.

I now ask that the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. LOTT. I yield the floor.

Mr. DASCHLE. Mr. President, I think that a short explanation may be in order with regard to the objection I just made to the motion that has just been filed by the majority leader.

Obviously, there are varied opinions about the nature of this legislation and its propriety and how we might pursue some resolution to the issue of individuals transported from one State to another. I think the fundamental question, once more, is simply procedural. Can we find a way to take into account legitimate concerns that should be raised under a debate of this nature? I believe that there are many relevant amendments that will be declared nongermane but that are certainly relevant to this very complex question.

If a cloture motion on the bill were to be successful, it would preclude those amendments. It is for that reason that I objected.

It is also worth noting that we are being asked to proceed to yet another bill that has had little debate at the same time we are being told that there is not enough time left in the session to debate HMO reform. That causes me concern as well.

Perhaps we could explore the possibility of coming up with a definitive list on this legislation as we are attempting to do on bankruptcy. I don't know. But I do know this, that filing cloture prior to the time we had a debate, filing cloture prior to the time we have even considered whether that option is available to us, in my view, is premature, and for that reason I had to object.

I yield the floor.

Mr. LOTT. Mr. President, could I just inquire of Senator DASCHLE, the Democratic leader, is there some Senator that I should get Senator ABRAHAM to contact about this particular bill, or just talk through you?

Mr. DASCHLE. There are a number of Senators, and I will certainly provide the Senator with the information. I wouldn't want to preclude somebody

by simply giving him a name off the cuff, but there are some Senators that will address this issue, and I am willing to share that with you.

Mr. LOTT. Or if you ask them if they would get in touch with us tomorrow, maybe we can work something out.

ORDERS FOR THURSDAY, SEPTEMBER 10, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, September 10. I further ask that when it reconvenes on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, and Senator BROWNBACK then be recognized to speak in morning business until 10 a.m.

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

Mr. LOTT. I further ask unanimous consent following the cloture vote on the McCain amendment, Senator GRAHAM of Florida be recognized to speak for up to 1 hour as if in morning business.

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

PROGRAM

Mr. LOTT. For the information of all Senators, when the Senate reconvenes on Thursday, Senator BROWNBACK will be recognized to speak in morning business until 10 a.m. Following morning business, the Senate will resume the McCain amendment with the time until 12:00 noon equally divided for debate. At noon, Senator FEINGOLD will be recognized to offer a motion to table the McCain amendment. If the amendment is not tabled, the debate time will continue equally divided until 1:45 p.m. At that time, a cloture vote will occur on the McCain campaign finance amendment.

Following that vote, assuming cloture is not invoked, there will be a brief period of morning business, and then the Senate will continue offering and debating amendments to the Interior bill. Therefore, Senators should expect rollcall votes throughout Thursday afternoon and into the night, with the first vote, of course, occurring at 12:00 noon on Thursday.

I really hope that we can make some progress on the Interior appropriations bill. If Senators have amendments they would like to offer, I urge them to come to the floor on Thursday afternoon and Thursday night and we could possibly even carry over a vote or two until Friday and have a sequence of stacked votes. Of course, that will depend on what we are able to get done Thursday afternoon and Friday morning. This is an important bill. There are some important amendments that need to be debated and voted on. I hope we can get started.

Unfortunately, it has kind of been sandwiched between campaign finance reform amendments and cloture votes on national missile defense and also bankruptcy. These are all important, but we need to get more focused on Interior appropriations tomorrow afternoon and tomorrow night.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:38 p.m., adjourned until Thursday, September 10, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 9, 1998:

DEPARTMENT OF STATE

DAVID G. CARPENTER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE ERIC JAMES BOSWELL, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DAVID G. CARPENTER, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE, VICE ERIC JAMES BOSWELL, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

WILLIAM LACY SWING, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

THE JUDICIARY

MARGARET B. SEYMOUR, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE WILLIAM B TRAXLER, JR.

EXTENSIONS OF REMARKS

NATIONAL COMMISSION ON TERRORISM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. WOLF. Mr. Speaker, today, I am introducing legislation which will establish a national commission on terrorism. This will be a bipartisan, national panel of experts with diverse skills and outlooks—highly respected people from across the political spectrum. The commission would be accountable to the President, to Congress, and to the American people.

The purpose of the commission would be to take a close look at the problem of terrorism, including Middle Eastern-related terrorism, to study its origins and develop effective countermeasures and make recommendations to reshape our traditional policy on combating terrorism. A number of person could be considered as possible commissioners, and I've listed a few suggestions for starters on the enclosed list.

The proposed bipartisan national commission will consist of 15 distinguished members, five each appointed by the President, and by the Speaker of the House and the Majority Leader of the Senate in consultation with the Minority Leaders of the House and Senate. I believe that President George H.W. Bush, who is not only a former president and vice president, but also a former director of the CIA, would be an ideal chairman for the commission. The commissioners will include three Members of Congress and three Senators. The commission will have a duration of six months and will be given every means to deal quickly with this national problem, including access to classified information, travel funds to engage in on-the-spot investigations, and accompanying congressional hearings.

A few weeks ago, 267 people lost their lives and more than 5,000 people were injured in the bombings of two U.S. embassies in East Africa. Twelve of those who died were Americans.

On August 20, President Clinton announced that the U.S. had determined a multimillionaire militant and terrorist kingpin, Osama Bin Ladin, was responsible for the attack. American forces bombed secret compounds and facilities linked to Bin Ladin in Afghanistan and Sudan that same day. While this response was proper and necessary, I believe we need to take another look at our nation's overall policy on terrorism. Bin Ladin is certainly not our only worry. Unfortunately, there are other groups are also known to be active in the area of terrorism.

As the world's leader, America and its people are natural terrorist targets. Our military, industrial and commercial presence around the globe attracts frustration from many terrorist groups.

But the problem is not limited to America alone. In Israel, Algeria, Egypt, and many other countries, terrorism has become an awful fact of life. A recent study in the Journal of Counterterrorism and Security International of all fatalities in international terrorist incidents in 1993–96 showed that three-quarters of the deaths from those attacks could be laid at the feet of the militant, fundamentalist groups.

In my travels to many of these countries, I have seen firsthand the destruction that terrorism has inflicted on many innocent people. I visited Sudan on three different occasions, and saw the great instability that terrorist elements bring to a country when they are allowed to flourish. Over the July 1998 congressional recess, I visited Algeria, where 70,000 people have been killed by terrorists. I saw the fear and the sorrow that grips the people there as they have lost countless friends and loved ones in the violence in that nation. When I visited Lebanon after the horrible bombing in Beirut in 1983, I saw the Marine barracks that had been destroyed. On October 23, 1983, massive vehicle bombs devastated the headquarters of the U.S. Marine contingent, killing 241 U.S. Marines.

After my recent trip to Algeria and with this latest attack on the embassies in East Africa, I am convinced that it is time to reevaluate American counterterrorist strategy. I say this not to be critical of what has already been done or of current efforts. Much is being accomplished by the intelligence community in this regard. They are doing a great job and are to be complimented. Still, terrorism is growing.

Until now, we have been fortunate not to experience the full brunt of many terrorist attacks on our home soil. According to a recent article in the Economist, investigators of the 1993 World Trade Center bombing concluded that those plotting the incident intended to cause one tower to topple onto the other and to kill up to 250,000 people. Fortunately, the attack was not as successful as planned.

Some regions of the world are much more dangerous than others. Since 1983, more Americans have been killed by attacks perpetrated by terrorists either based in or connected to the Middle East than any other region of the world. In fact, the largest number of American lives lost to politically motivated violence since the end of the Vietnam War has been connected to Middle Eastern terrorism.

A number of incidents have not yet been fully resolved. In some cases, the perpetrators remain unknown. In other cases, the perpetrators are known but have not yet been held accountable for their actions, or have taken refuge in other countries.

Outstanding incidents are many. One of the most deadly years for terrorist violence was 1983, with bombing of the Beirut embassy in April and the Marine barracks in October. Five years later, Pan Am Flight 103 was destroyed in flight over Scotland by a bomb, killing 259 persons on board, including 189 Americans, and 11 others on the ground. Experts say that although the culprits have been pinpointed, they are currently hiding in Libya and that nation is refusing to hand them over to authorities.

More recently came the car bomb explosion in the parking lot of the Office of Program Manager/Saudi Arabian National Guard in Riyadh, Saudi Arabia, in November 1995, which killed seven people and wounded 42 others. Seven months later in that country, a fuel truck carrying a bomb exploded outside the U.S. military's Khobar Towers housing facility in Dharan, killing 19 U.S. military personnel and wounding 515 persons, including 240 U.S. personnel.

Unidentified gunmen shot to death four U.S. auditors from Union Texas Petroleum and their Pakistani driver in Karachi, Pakistan, in November 1997. Now we are facing the latest terrorist incident of the bombing of two American embassies in East Africa. But over these last 15 years, there have been many other terrorist attacks and American blood has been shed both at home and abroad.

U.S. government agencies and private organizations have done valuable work to unearth the perpetrators of these crimes. Unfortunately, the potential for both an increased number of terrorist acts and for acts that can result in massive numbers of casualties is great and is growing.

America, and the world, must be prepared for new and more deadly kinds of terrorism—nuclear, chemical, or biological weapons of mass destruction. The danger is growing as weapons of mass destruction become more accessible.

The world watched in horror in March 1995, when the news came that members of a small religious sect had set off a nerve gas called sarin in the Tokyo subway. The incident killed 12 people and injured several thousand, but it was actually, like the World Trade Center, a botched job. When they investigated later, police found enough sarin in the sect's possession to kill millions of people.

It is imperative that the United States assess the most effective ways of combating terrorism and that policymakers have the full spectrum of options at their disposal. This is what the National Commission on Terrorism will do. And it must do so quickly. The American people deserve to be fully informed on this issue in the face of a powerful and vicious adversary.

ADDENDUM

NATIONAL COMMISSION ON TERRORISM

Robert Abrams, former attorney general, New York State; Fouad Ajami, professor at the School of Advanced International Studies Johns Hopkins University; Ed Badaloto, chairman of the International Association of Counterterrorism Professionals; Lawrence Barcella, former federal prosecutor; Paul Bremer, former head of counter-terrorism, Department of State; John Deutch, former director of the CIA; David Gavigan, assistant adjutant general, Massachusetts Army National Guard; Robin Higgins, Marine colonel; David Kay, Director of SAIC's Center of Counter-terrorism; and Jeane Kirkpatrick, former ambassador to the United Nations.

Andrew McCarthy, former chief prosecutor, World Trade Center bombing; Riad Nachef, head of the Association of Islamic Charitable Projects; Raphael Perl, Congressional Research Service; Richard Perle, former assistant secretary of defense; Daniel Pipes, director of the Middle East Forum; Steven Pomerantz, former assistant director of the FBI for counter-terrorism; George Shultz, former secretary of state; Glenn Schweizer, National Science Foundation; William Webster, former director of the FBI and CIA; Phil Wilcox, former coordinator for counterterrorism at the State Department; and Jim Woosley, former director of the CIA.

(Note: This addendum is provided to illustrate the types of people who could serve on the commission and is by no means all-inclusive. There are many more individuals who are fully qualified to be on this commission.)

H.R. —

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

SECTION 1. ESTABLISHMENT AND COMPOSITION OF THE COMMISSION.

(a) ESTABLISHMENT.—There is established a national commission on terrorism to review counter-terrorism policies regarding the prevention and punishment of international acts of terrorism directed at the United States. The commission shall be known as ''The National Commission on Terrorism''.

(b) COMPOSITION.—The commission shall be composed of 15 members appointed as follows:

(1) Five members shall be appointed by the President from among officers or employees of the executive branch, private citizens of the United States, or both. Not more than 3 members selected by the President shall be members of the same political party.

(2) Five members shall be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, from among members of the Senate, private citizens of the United States, or both. Not more than 3 of the members selected by the Majority Leader shall be members of the same political party and 3 members shall be members of the Senate.

(3) Five members shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, from among members of the House of Representatives, private citizens of the United States, or both. Not more than 3 of the members selected by the Speaker shall be members of the same political party and 3 members shall be members of the House of Representatives.

(4) The appointments of the members of the commission should be made no later than 3 months after the date of the enactment of this Act.

(c) QUALIFICATIONS.—The members should have a knowledge and expertise in matters to be studied by the commission.

(d) CHAIRMAN.—The chairman of the commission shall be elected by the members of the commission.

SEC. 2. DUTIES.

(a) IN GENERAL.—The commission shall consider issues relating to international terrorism directed at the United States as follows:

(1) Review the laws, regulations, policies, directives, and practices relating to counterterrorism in the prevention and punishment of international terrorism directed towards the United States.

(2) Assess the extent to which laws, regulations, policies, directives, and practices relating to counterterrorism have been effective in preventing or punishing international terrorism directed towards the United States. At a minimum, the assessment should include a review of the following:

(A) Evidence that terrorist organizations have established an infrastructure in the western hemisphere for the support and conduct of terrorist activities.

(B) Executive branch efforts to coordinate counterterrorism activities among Federal, State, and local agencies and with other nations to determine the effectiveness of such coordination efforts.

(C) Executive branch efforts to prevent the use of nuclear, biological, and chemical weapons by terrorists.

(3) Recommend changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States.

(b) REPORT.—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and the Congress a final report of the findings and conclusions of the commission, together with any recommendations.

SEC. 3. ADMINISTRATIVE MATTERS.

(a) MEETINGS.—

(1) The commission shall hold its first meeting on a date designated by the Speaker of the House which is not later than 30 days after the date on which all members have been appointed.

(2) After the first meeting, the commission shall meet upon the call of the chairman.

(3) A majority of the members of the commission shall constitute a quorum, but a lesser number may hold meetings.

(b) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the commission may, if authorized by the commission, take any action which the commission is authorized to take under this Act.

(c) POWERS.—

(1) The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out its duties.

(2) The commission may secure directly from any agency of the Federal Government such information as the commission considers necessary to carry out its duties. Upon the request of the chairman of the commission, the head of a department or agency shall furnish the requested information expeditiously to the commission.

(3) The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) PAY AND EXPENSES OF COMMISSION MEMBERS.—

(1) Each member of the commission who is not an employee of the government shall be paid at a rate equal for the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the commission.

(2) Members and personnel for the commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when travel is necessary in the performance of a duty of the commission except when the cost of commercial transportation is less expensive.

(3) The members of the commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(4)(A) A member of the commission who is an annuitant otherwise covered by section 8344 of 8468 of title 5, United States Code, by reason of membership on the commission shall not be subject to the provisions of such section with respect to membership on the commission.

(B) A member of the commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission.

(e) STAFF AND ADMINISTRATIVE SUPPORT.—

(1) The chairman of the commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to 3 additional staff members as necessary to enable the commission to perform its duties. The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the maximum rate of pay for GS–15 under the General Schedule.

(2) Upon the request of the chairman of the commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the commission to assist in carrying out its duties. The detail of an employee shall be without interruption or loss of civil service status or privilege.

SEC. 4. TERMINATION OF COMMISSION.

The commission shall terminate 30 days after the date on which the commission submits a final report.

SEC. 5. FUNDING.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

TRIBUTE TO MAJOR GENERAL WILLIAM F. ''FRANK'' MOORE

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SPENCE. Mr. Speaker, I rise today to honor Major General William F. ''Frank'' Moore, United States Air Force, who recently completed a three year assignment as the Director of Special Programs in the Office of the Under Secretary of Defense for Acquisition and Technology. The Office of Special Programs deals with the most sensitive and highly classified programs within the Department of Defense (DOD). Throughout his tenure, General Moore has provided steady leadership and has served as a faithful guardian of the Department of Defense's most sensitive programs.

During the 1970s and 1980s, Congress' growing concern with the Department of Defense's management of classified programs resulted in legislation that directed DOD to implement a new structure for overseeing these programs within the Department and an improved process for coordinating with appropriate Congressional committees of oversight. As the Director of the Office of Special Programs, General Moore has worked diligently to ensure an effective working relationship with the House National Security Committee and with the Congress. On behalf of the entire National Security Committee, I would like to

thank General Moore for his service and wish him the best in his new and important assignment as Deputy Director of the Defense Threat Reduction Agency—an agency that will become the Department of Defense's focal point for addressing the many serious threats associated with weapons of mass destruction.

Mr. Speaker, General Moore has served the nation and the Air Force admirably for over 31 years. Throughout his career, the nation has asked a lot of General Moore and his family—his wife, Carol, and their two daughters, Rachel and Laurel. I want to congratulate General Moore on his new assignment, thank him for the job he has done during the past three years as Director of Special Programs, and wish him, and his family, health, happiness and prosperity in the future.

TRIBUTE TO COL. LAWRENCE W. STYS, WISCONSIN WING COMMANDER OF THE CIVIL AIR PATROL

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to honor a skilled pilot and dedicated public servant, Col. Larry Stys, Wisconsin Wing Commander of the Civil Air Patrol. After 33 years with the CAP, Col. Stys will step down as the Wisconsin Wing Commander October 17.

His lasting legacy is a record unparalleled in the history of the Civil Air Patrol in Wisconsin. He achieved this by hiring the best individuals for duty assignments and inspiring them to the highest principles. Mr. Speaker, perhaps the philosophy of Col. Stys can best be expressed in his own words written to all Wisconsin Unit Commanders:

''I realized that the most important thing in one's life was principles. If one's life was ordered to and grounded in a set of principles, the arrangement of things will fall into line automatically. Principles are more than character traits. Traits can sometimes be worn without truly believing in them. This fundamental basis of character is called integrity. People can look at you and believe you. You can persuade without recourse to cajole.''

This philosophy enjoyed obvious success, Mr. Speaker. In 1995, Wisconsin Wing was named best in the region in Search and Rescue proficiency.

And in 1997 during the Air Force Quality Inspection, Wisconsin Wing earned the distinction as best in the nation, excelling in all categories, including an unprecedented 13 benchmarks, which other wings will be rated against. Despite these laudable achievements, Col. Stys repeatedly deflected praise from himself to his staff.

Mr. Speaker, volunteer service is held in such high regard because of the dedication and professionalism of men like Col. Stys. As he leaves his command, we commend his invaluable service, we celebrate his contributions to air safety, and we salute his high regard for standards and principles.

TRIBUTE TO STATE SENATOR RALPH DILLS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. MILLER of California. Mr. Speaker, I ask the House to join me in recognizing the retirement of the senior member of the California State Senate, Sen. Ralph Dills. Sen. Dills will leave office at the end of the year, and in August completed his last session in a career that began 60 years ago.

I had the pleasure to know Sen. Dills when I worked as an intern and a staff person in the state Senate in the 1960s and 1970s. A colleague of my father, who was himself a senator then, Sen. Dills was even in those days an institution in Sacramento, and he certainly remains one today.

We all honor his devotion to public service and to the people of the state of California. I would like to submit an editorial from the Sacramento Bee that pays tribute to this distinguished legislator and Californian, and I know all members of this Congress join me in honoring his career.

[From the Sacramento Bee, Sept. 2, 1998]

RALPH DILLS BOWS OUT: SENATOR WAS THE STATE'S LONGEST-SERVING LAWMAKER

Franklin Roosevelt was serving his second term as president when Ralph Dills was first elected to the California Legislature in 1938. President Clinton wasn't yet born, nor were most lawmakers with whom Dills now serves.

Dills arrived in Sacramento from Long Beach, a liberal New Deal Democrat and staunch friend of labor, and he departs 60 years later much the same way. In 1949, he left the Assembly to accept a judgeship, but 17 years later he was elected to the Senate, where he has been ever since, often presiding over sessions, a chore he relished.

One of Dills' proudest achievements was authoring the law that created Long Beach State University; another was the 1977 measure that gave collective bargaining rights to state workers. In speeches lauding him last week, fellow lawmakers remembered that Dills was among a small minority of legislators who opposed the internment of Japanese Americans during World War II.

As a senator, Dills presided over the influential Governmental Organization Committee. The panel handles liquor, horse racing and gambling legislation and has traditionally been a channel for large campaign contributions that Dills used to help keep himself and his fellow Democrats in power.

In his later years, Dills was known less for his legislative prowess than for his colorful attire, purple-tinted hair and saxophone playing. Reapportionment had pushed his district westward, from a gritty inland neighborhood to a more upscale coastal area, forcing him to acquire an environmental sensitivity he'd never shown before. He was 88, ailing and in a wheelchair when he cast his last votes in the Legislature late Monday. However he is ultimately rated, term limits ensure that Ralph Dills' durable presence in Sacramento is unlikely to be repeated.

WHY PATIENT COST-SHARING SAVES LITTLE: THE HEALTH LESSONS FROM EUROPE

HON. PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STARK. Mr. Speaker, various Members of Congress frequently say that one of the ways to save Medicare is to require the patient to pay a higher share of the cost—thus making the patient a more careful consumer and reducing the demand for care.

Following is a portion of a 1997 study published by the World Health Organization entitled, ''European Health Care Reform,'' which shows why such an approach will save little, but of course will greatly increase the burden on the poorest and sickest in our society. This portion of the study is also interesting in that it shows that in most foreign countries, patients have much more time with their doctor and have much longer hospital length of stays than Americans—yet those foreign societies spend about 30 to 40% less than we do on health care.

Before Americans push more of the burden of Medicare onto the poor and sick, we should look to the lessons from abroad.

THE EFFECTS OF COST SHARING

TOTAL HEALTH EXPENDITURE

Evidence suggests that cost sharing reduces utilization but does not contain costs. Overall costs are not contained because cost sharing is a set of demand-side policies, and costs are primarily driven by supply-side factors. Intercountry comparisons indicate that the United States has lower rates of contact with physicians and beddays per head of population than many other countries, including Canada, France, Germany, Japan and the United Kingdom, but costs in the United States are much higher relative to GDP than in these other countries. This strongly suggests that it is the intensity of care provided per contact in the United States that is responsible for this apparent paradox *(198)*. The United States has the highest out-of-pocket expenses, mostly to meet cost-sharing obligations; it also has the highest overall costs. Other countries have lower cost-sharing and higher utilization rates, but lower costs. This does not mean that cost sharing causes higher costs; it means that measures other than cost sharing (supply-side measures such as budgetary controls) are much more effective mechanisms for cost-containment.

The Rand Study *(199,200)* suggests that cost sharing is associated with a decrease in total health spending, but the design of the experiment does not really permit strong conclusions to be drawn about the consequences for total expenditure of the broad implementation of cost sharing within a retrospective reimbursement system. The reason is that providers may compensate for a reduction in consumer-initiated demand by inducing increases in service volume or intensity. Table 9, which shows intercountry data *(198)* on contacts with physicians, hospital days and health expenditure as a percentage of GDP, suggests that consumer-initiated demand is not the major factor driving health care costs. Rather, it appears to be the intensity of services provided. Since intensity is largely provider initiated, there is little scope for cost sharing to make much of an impact on the overall level of spending. . . .

TABLE 9. HEALTH CARE UTILIZATION AND EXPENDITURE IN SELECTED COUNTRIES, AROUND 1990

Country	Contacts with physicians per head	Bed-days per head	Expenditure as a percentage of GDP
Canada	6.9	1.5	9.5
France	7.2	1.5	8.8
Germany	11.5	2.3	8.3
Japan	12.9	—	6.7
United Kingdom	5.7	0.9	6.2
United States	5.5	0.9	12.2

EQUITY IN FINANCING

Has cost sharing led to a relatively greater burden of health care financing falling on lower-income households? Based on data from the 1980s, Switzerland and the United States were found to have the most regressive health financing systems out of ten OECD countries studied *(201)*. This finding was attributed to their heavy reliance on both private health insurance and private out-of-pocket payments. The latter were found to be very regressive in these two countries because, in most instances, cost-sharing obligations apply irrespective of the patient's income.

The equity consequences of cost sharing in France are unclear, because there is no direct relationship between income and complementary insurance coverage. Employees in small firms and young people, as well as the unemployed, are less likely to have complementary insurance. This suggests that voluntary complementary insurance that cover the cost-sharing obligations of a national insurance system can lead to a disproportionate financial burden (and probably inequitable access as well) for those unable to purchase that coverage.

Evidence from Kyrgyzstan suggests that the mix of formal and informal charges to users of health services increased inequities in financing. The out-of-pocket costs of a single episode of illness could impose a substantial financial burden on many households. In 20% of cases, the total costs of an episode for an individual exceeded the monthly income of his or her entire household. Almost 50% of inpatients reported severe difficulties in finding the money to pay for their stay, and one third of them borrowed money to pay for their hospital charges. Capital items were often sold (farm animals in rural areas, consumer goods in urban areas) to raise the necessary money. Overall, there is evidence that the incidence of out-of-pocket payments for health is inequitable, i.e. it creates more of a burden for poorer households and individuals *(197)*.

CONCLUSION

Cost sharing does not provide a very powerful policy tool, either for improving efficiency or for containing health sector costs. Because of the importance of providers in influencing the main drivers of health sector costs, policies that address the supply side of the market are likely to be much more powerful than those that act solely on the demand side. Cost sharing will reduce consumer initiated utilization, but such reductions will not be effective for cost-containment. This is because the main influence on health care costs is service intensity, which is provider driven.

The appropriateness and likely effects of cost sharing depend on the services to which it is applied, and on the broader context of the provider payment system. The use of cost sharing as a tool to limit demand is relevant only when applied to first-contact services. For (provider-initiated) referral services, cost sharing has little impact on utilization and is thus of little relevance in terms of efficiency. In systems in which providers are reimbursed retrospectively, reductions in consumer-initiated utilization caused by cost sharing will encourage providers to increase the volume of services per patient contact (i.e. service intensity) in order to maintain their incomes. In such systems, therefore, cost sharing does little to restrain cost growth because the available evidence suggests that providers can—and do— respond to a drop in consumer-initiated utilization by stimulating an increase in the use of diagnostic and therapeutical services. In systems where providers are prepaid, there are no obvious incentives for this response, but the effects of cost sharing are still likely to be marginal because supply-side incentives are enough to restrain growth in expenditure.

Without compensatory administrative procedures, cost sharing causes inequity in the financing and receipt of health services. Unless cost sharing is related to income, co-payments and co-insurance will impose a greater burden on the budgets of low-income households. Without specific measures to exempt low-income groups from out-of-pocket charges, access to care will depend on income levels. Evidence consistently shows that direct charges deter poorer people from using services to a greater degree than they deter the better-off. These limitations on access may result in adverse health effects for poorer and sicker groups of the population. To protect equity, therefore, measures are needed to compensate for the consequences of cost sharing on poorer members of society.

As a means of mobilizing revenue for the health services, direct charges to patients are not likely to generate substantial amounts without causing adverse consequences in terms of equity.

LITERACY IN AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 5, 1998 into the CONGRESSIONAL RECORD.

LITERACY IN AMERICA

In the course of a recent conversation I had with an older Hoosier woman, she acknowledged to me, with tears in her eyes, that she could not read. She told me she was unable to read the local newspaper, compute the numbers in the supermarket, write to her children, or read the Bible. I could scarcely imagine how a person could function in today's world without being literate. Yet many people do. More than one out of every five Americans cannot read or do simple math. That is a shocking figure with huge ramifications for the quality of life for many of our fellow citizens and for the country's economic and political well-being.

Defining literacy: In years past, literacy was simply defined as a person's ability to read and use printed materials at a very basic level. But the increasing complexity and change in today's society, along with the skills demanded of individuals, has led to a more comprehensive definition.

Today, the definition of literacy most widely used in the U.S. actually is not a single definition, but involves five different levels of proficiency. The lowest level of literacy, or Level 1, is marked by a difficulty in locating an intersection on a map, completing background information on a Social Security card application, or other rudimentary tasks. The highest level, or Level 5, involves college-level reading and writing skills.

Literacy and employment: Over time, even as definitions and measures of literacy have changed, each was largely based on what is needed for gainful employment. As the workplace changes, what it means to be literate also changes. Today's workplace requires higher levels of critical reading, problem solving, and computer skills to ensure success. Our economy has become increasingly high-tech and demands higher literacy and technical skills for jobs like data processing, communications, and finance. A two-tiered workforce has evolved, one with the literacy skills needed for the old economy, and a second with advanced skills for the high-tech workplace. Such a two-tiered economy would leave a significant portion of workers behind, and present formidable challenges to the nation.

Literacy levels have real implications on salary levels. On average those in the highest level are paid over $400 more per week than those in Level 1.

Trends in literacy: Since at least the 1980s, the literacy levels of Americans have continued to slump. Ten years ago one out of every five American adults age 16 and over could not read and write at the most basic levels. Today, the best estimate is that 23%, or 44 million adults, are at Level 1 literacy. In Indiana, an estimated 16% of adults are at Level 1, with the percentage slightly lower—about 14%—in the 21 counties of the Ninth District.

Low literacy levels contribute to many other problems. Of adults in the Level 1 category, 43% live in poverty. Some 75% of those on food stamps placed in the lowest two levels of literacy skills. People at Level 1 averaged 19 weeks of work per year compared to 44 weeks for Level 5. Also, seven out of ten people in correctional facilities performed in the lowest two levels.

Literacy programs: Help is available today for those with literacy needs, but often it is not received because many persons with low literacy levels feel they either do not have a problem or do not admit to such a problem. One successful way of breaking the cycle of poor literacy skills has been through local family literacy programs, which include four elements: adult education and employment skills, early childhood education, parent support groups, and opportunities for educational parent-child interaction. Studies show that these family programs enable children to read much better. These programs also are helpful for the whole family as 23% of families on public assistance become self-sufficient after successfully completing the program. These family programs increase motivation and self-esteem in adults, give people a chance to discuss and share concerns with their peers, and allow parents and children to develop skills in a positive and structured environment. Other literacy and education programs in workplaces and libraries, and for non-English speakers have been effective as well. Also, particularly effective are programs for the incarcerated. Re-arrest rates for prisoners are significantly lower if they participate in an education program while in prison. Unfortunately, the participation rate for such programs is low.

Congressional involvement: Although the majority of literacy initiatives are state and local, the federal government plays an important supporting role. Last year, Congress provided $361 million for federal adult education and literacy programs. Most of these funds provide grants to states, support prison literacy programs, and underwrite literacy study and research initiatives. Last year, Indiana received over $7 million in federal funding for literacy programs.

Conclusion: Currently much good work is being done to address literacy in America, but the challenges are formidable. The effort to improve the literacy of Americans should not be limited to formal government programs. In the home, parents must promote literacy skills for their children at an early age. In the schools, educators must promote the highest reading skills from students. In the workplace, employers should provide useful opportunities for workers to continually improve their basic skills.

Clearly, too many Americans are undereducated for our times. Education for all people must be a top priority in our nation. The more literate a person is the less likely he or she will depend on welfare or be in prison, and the more likely he or she will vote and have a decent income. Access to basic education is—or at least should be—a basic human right. Opportunities for literacy education should be available to all Americans to ensure not only improvement in our economy, society, and families, but an overall better quality of life. A literate nation means a better America.

A TRIBUTE TO GILBERTO WONG, NICARAGUAN PATRIOT

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. DIAZ-BALART. Mr. Speaker, I rise today to pay tribute to Mr. Gilberto Wong, a leader in the Nicaraguan exile community in south Florida who returned to Nicaragua to help his native country develop economically and consolidate its hard-fought democracy.

Educated in both Nicaragua and the United States, Mr. Wong earned degrees from the Instituto Pedagogico de Managua and Saint Edward's University in Austin, TX. Once he arrived to exile in Florida in 1979, Mr. Wong made a name for himself and quickly rose in the ranks of the financial community, becoming vice-president of a prestigious financial institution as well as president of the Nicaraguan American Bankers and Businessmen Association. The Wong family has deep roots in the south Florida community, and Gilberto's brother, Juan, is co-owner of Los Ranchos, an extremely popular chain of Nicaraguan steak houses in Miami-Dade County.

In the early 1990s, Mr. Gilberto Wong returned to his homeland to become general manager of the newly-founded Banco de la Exportacion, headquartered in Managua. This bank opened in 1992, specializing in trade finance services, including letters of credit and collections. That same year, Mr. Wong was awarded the great honor of being named Nicaraguan-American banker of the year.

Based on his extensive experience in both the financial and trade arenas, in 1997 Mr. Wong was appointed executive secretary of the state-owned Corporation of Free Trade Zones of Nicaragua. These export-processing zones are among the major employers in Nicaragua, and they provide over 12,000 jobs, with close to three-fourths of the positions being filled by women.

Now that Mr. Wong's term has expired as general manager of the Corporation of Free Trade Zones, he has been named director of communications for Nicaragua's President, His Excellency the Honorable Arnoldo Aleman. Mr. Wong is active in numerous associations, including the China-Nicaraguan Association, which he serves as president, the American Chamber of Commerce of Nicaragua, the Nicaraguan-American College and the Association of Friends of the National Police.

I have been honored to know the Wong family for almost twenty years and my friendship with Gilberto runs very deep, Mr. Speaker. It is with a great sense of privilege that I rise today to honor this great patriot, Gilberto Wong, and to congratulate him for the numerous and extraordinary accomplishments that he has already achieved despite his youth.

TRIBUTE TO ANGELO R. MUSTO, JR.

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to pay tribute to one of East Boston's most beloved and dedicated public servants. Angelo R. Musto, Jr., who died on July 4, 1998, left an inspiring legacy of bettering the lives of all he knew throughout the Commonwealth of Massachusetts.

In more than eight decades on earth, there was no arena of community life neglected by Angelo Musto. Politics, social services, business development, youth programs—wherever there was a need, Angelo filled it. In his professional career, Angelo demonstrated the same spirit of selfless service, particularly in steering troubled youngsters towards a brighter future.

He began his career in the depths of the Great Depression with the National Youth Administration. He later became a counselor with the East Boston Camps and joined the Goodwill House in Jeffries Point, eventually rising to executive director in charge of a wide array of social, educational, and recreational services.

In recognition of his expertise, the late Governor John A. Volpe made Angelo a special assistant in the Boston Municipal Court in 1957 and later appointed him to the Massachusetts Advisory Committee on Corrections to help the criminal justice system mend broken lives more effectively. He was later appointed to the Suffolk County Courthouse Commission. In 1965, Angelo was appointed Deputy Commissioner of Probations and 13 years later rose to become First Deputy Commissioner.

Angelo actively worked with the East Boston Chamber of Commerce for over 40 years and received its Man of the Year Award in 1973. He also served on the boards of the United Fund, the Kiwanis, the Mental Health Area Board, the East Boston Savings Bank and the East Boston Social Centers. Among his many accomplishments, perhaps the most notable was the creation of the Goodwill House Day Program in Jeffries Point, which to this day serves as a national model for urban day camps.

Throughout his years of service, Angelo remained firmly committed to improving the lives of our youth. His work as the general director of the East Boston Camps and as a member of the East Boston Athletic Board helped give city kids a reprieve from the streets and taught them the values he embraced—discipline, compassion and strength of body and mind. By the time I launched my first campaign for Congress in 1986, Angelo Musto had already cultivated the talents of three generations of East Boston's youth and drew on those far-reaching ties to create a formidable political presence in East Boston.

During that first campaign, he drew extensively on his detailed knowledge of the history of the community, reaching back to the arrival of the Kennedys in East Boston. Angelo knew the history, but most importantly he knew the people and the issues they cared about—quality health care, good schools, decent housing, access to college, and protection from outside forces that have long sought to sacrifice East Boston's quality of life to the airline industry.

The eager volunteers that fanned out across East Boston in 1986 quickly learned the rules of politics as taught by Angelo. I recall one incident in which one of the higher-profile members of my campaign team upbraided a volunteer in our East Boston headquarters. Angelo stepped in, and with the persuasive skill he had acquired through years of politicking, calmed the rising tension, gently rebuked the bigwig and at the same time made it clear that the Kennedy team in East Boston would never be a house divided.

Throughout the years that followed, Angelo Musto remained an invaluable member of my Congressional team. As my East Boston District Representative and 8th District Coordinator for Seniors from 1987 until his retirement in 1992, he served as a vital link to the community—attending meetings, fielding constituent calls, and working to fund worthy projects. His dedication to the comfort of East Boston's senior citizens resulted in such accomplishments as securing federal support to renovate the Don Orione Nursing Home.

With Angelo's passing, my heart goes out to his daughter Faith, his brothers Louis and Vincent, his sisters Lucille, Emma, and Theresa, and to his grandchildren George and Lisa.

The truth is, we were all a part of Angelo Musto's extended family, which reached across lines of age and party and profession to include the great sweep of those whose lives he touched and served.

ISSUES FACING YOUNG PEOPLE TODAY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SANDERS. Mr. Speaker, I would like to have printed in the RECORD this statement by a high school student from my home state of Vermont, who was speaking at my recent town meeting on issues facing young people today. I am asking that you please insert this statement in the CONGRESSIONAL RECORD as I believe that the views of this young person will benefit my colleagues.

STATEMENT BY ABIGAIL NESSEN REGARDING GUN CONTROL

Ms. NESSEN. I believe that our forefathers had the right idea. Their wish was to create a safe and free nation for all of us to live in, and they wrote this to prove it: ''We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare,

and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.''

These are beautiful words. But more than beautiful, they can be used and enforced to create a more perfect union. But our country is at a time in its history when the words ''domestic tranquility'' and ''general welfare'' seem to signify things of the past.

I am here today to talk to you about guns. The widespread availability of these weapons is frightening and wrong. Thousand are killed every year in our country by guns bought legally, guns made not to hunt animals but to hunt humans. Many have killed or have been killed by the time they reach my age, if they ever do.

I am a strict constructionist when it comes to the preamble and the Second Amendment, meaning I believe that our forefathers wrote just what they meant. They meant for the Constitution to create domestic tranquility and general welfare and, especially, common defense. I believe—I know—that the guns that are available today do none of these things. I believe and I know that our forefathers would agree, because I refuse to think that the intentions of the ones who wrote the Constitution was to put lethal weapons in the hands of every person who wanted one. That is not ''a well regulated militia.'' No, their intention was to ensure the safety and freedom of us, their posterity.

I proposed that we follow the words of the preamble and of our constitution. I proposed that we take a step to make our nation safe again, for me and for the children I want to have some day. I propose we remove the guns from our streets, our homes and our hands.

Congressman SANDERS. Thank you very much.

MERGERS, ACQUISITIONS AND CONVERSIONS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STARK. Mr. Speaker, attached are two important articles that spotlight a significant problem with the rampant mergers, acquisitions, and conversions going on throughout our health care system today.

Recently, the two Blue Cross plans in Washington and Maryland combined into one plan. There was, at the time, and continues to be, great concern within the consumer community—lead by A.G. Newmyer of the Fair Care Foundation—with this merger. He makes a strong case that the eventual goal of this merger was not to provide better quality health care to the plans' members—as both health plans proclaim. Instead, it was to line the pockets of health plan executives and pave the way to convert the bigger, stronger plan into a for-profit entity. Under both of these scenarios the community loses.

The attached articles outline Mr. Newmyer's perspective on this merger quite well and I encourage everyone to read them.

[From the Daily Record, Aug. 10, 1998]

DID BLUES EXECS PAD THEIR POCKETS?

(By Bob Keaveney)

On May 23, 1997 at 12:30 p.m., over lunch at a Washington-area restaurant, A.G. Newmyer III says his friend, at the time a director of Blue Cross Blue Shield of the National Capital Area, made a shocking admission.

Newmyer says the director, whom he will not name, told him that Larry Glasscock, then-president of the D.C. Blues, would leave the company after its combination with Maryland's Blue Cross plan was complete.

Newmyer said he was complaining to his friend about the way the D.C. Blues treats its members generally, and about Glasscock specifically, when the director ''smiled and said, 'After the merger, he'll be gone.'''

Last March, two months after the deal was complete, Glasscock did leave for a job in Indianapolis, taking with him nearly $3 million in severance. Several other members of the D.C. Blues' senior management team left, too, taking with them another $3.7 million combined.

Newmyer's story, if corroborated, would supply the smoking gun he said he needs to prove his contention that the Blues' yearlong effort to gain regulatory approval for its merger was a sham from the beginning.

That's because Glasscock told regulators that he had no immediate plans to leave, even though Glasscock's employment contract permitted him to do so—taking the severance pay with him—should the merger be consummated.

The insurance commissioners of Maryland and the District each have said they would not have approved the merger had it appeared to be a deal designed to allow executives to profit personally.

The story also would support Newmyer's view of the merger as a cynical power grab, orchestrated by a handful of top executives harboring a quiet agenda to one day convert the new, combined Blues into a for-profit health insurance powerhouse.

But there is no evidence that the meeting ever took place, much less any proof that the anonymous director ever made such a foolhardy utterance.

And Newmyer is an admitted mortal enemy of Blue Cross plans locally and nationally.

A loud and frequent critic of what he views as shabby treatment of policy holders, he is chairman of the Fair Care Foundation, a Washington-based Blues' watchdog group correctly suing the Blues in the District of Columbia in a long-shot bid to force them to unmerge.

Newmyer says he won't reveal his lunch companion's identity because Fair Care has sued him for breach of fiduciary responsibility, ''and I don't want to torment him further, personally.''

Still, Newmyer, a Northern Virginia businessman, isn't the only one who finds the circumstances surrounding the Blues deal curious.

Some eight months after its closing, consumer groups and Blue Cross-watchers in other parts of the country are eying the deal here with skepticism.

And there are several peculiarities to the deal, which may lend credence to their view.

THE DEAL

All sorts of level-headed business reasons exist that a merger made sense between Owings Mills-based Blue Cross Blue Shield of Maryland and Washington-based Blue Cross Blue Shield of the National Capital Area.

At the time of the deal's closing, the D.C. Blues had 760,000 members in the District and its highly mobile suburbs in Maryland and Northern Virginia. The Maryland Blues had 1.5 million members in and around Baltimore.

The companies figured that by combining, each would expand its network of providers, allowing members living in Montgomery County (D.C. Blues'-territory) but working in the Maryland Blues' Howard County, to see a doctor in either place.

And by getting bigger—the combined Blues would have more than 2.2 million members and $3 billion in revenue—officials said the company could compete better against its heavily muscled for-profit peers, offer more products and enhance its customer service.

''Affiliating our two contiguous Blue Cross Blue Shield plans is a logical business decision that will allow us to offer our members the most comprehensive health care services available and operate more efficiently over time,'' said William Jews, president of the Maryland Blues, in a statement in January.

Under terms of the deal, a new holding company would be formed, called CareFirst, based in Owings Mills. CareFirst would operate both Blues' plans as subsidiary companies.

Jews would become president and CEO of CareFirst, as well as CEO of both Blues. Glasscock would be chief operating officer of CareFirst and both Blues, as well as president of both Blues.

But as it turned out, that organizational structure lasted only a few weeks.

QUIET EXIT

On March 27, Indianapolis-based Anthem Inc., an owner of for-profit Blue Cross plans in four states, said that Glasscock would join the company in a new position, senior executive vice president and COO.

Anthem, however, did not make that announcement to the Baltimore or Washington press, and it wasn't known here until May 19, when several newspapers, including The Daily Record, discovered the departure and reported it.

Then and now, Blues officials have insisted that the $6.5 million in severance payments made to Glasscock and 25 other departing executives was proper, legal and in line with what high-ranking executives at other, similarly sized Blues plans have received upon departure.

Glasscock repeatedly has refused to speak to the Baltimore media since his departure and declined, again, to comment for this story.

''He only wants to talk about his future with this company,'' said Patty Coyle, an Anthem spokeswoman.

Others have criticized his golden parachute as a typical example of what happens when state regulators don't monitor the assets of Blues plans—assets built up, in part, by tax breaks granted the Blues because of nonprofit status.

Indeed, the circumstances surrounding Glasscock's departure are at the root of one of the fundamental charges levied against the Maryland and D.C. Blues by Fair Care.

GOLDEN PARACHUTE

The organization claims that officials not only knew Glasscock would leave after the merger, but that the merger was contingent upon his agreement to go.

After Glasscock's departure, Jews took over his former jobs, becoming president and CEO of CareFirst and both Blue Cross plans.

''Bill Jews gave Larry Glasscock a $3 million 'tip' to get out of town,'' Newmyer said.

There is no hard evidence of that, and the Blues deny it vehemently.

Dwane House, a director of the D.C. Blues until the merger was completed and a high-ranking executive at Anthem until retiring in recent months, said Newmyer's assertion is false.

''To the best of my knowledge, he hadn't made a decision to leave'' until after the merger was final, House said from his South Carolina home.

But in support of their contention, merger opponents point to changes that were made to Glasscock's contract with the D.C. Blues in the days leading up to the merger—changes that ensured Glasscock's golden parachute would safely open after the deal closed.

The golden parachute clause in Glasscock's contract allowed him to collect the severance payment should he ever find himself in a job lower than the top position at the D.C. Blues, or any company controlling the D.C. Blues.

The so-called change-in-control clause was altered slightly—but critically—in 1997, while the D.C. and Maryland Blues were seeking regulatory approval for their merger.

To exercise the clause, two things had to happen: The change in control needed to take place leaving Glasscock as the less-than-senior official, and he needed to be terminated, according to a consultant's analysis of the contract prior to the merger.

Although the Blues have maintained that Glasscock resigned his position—and was not fired—Blues spokeswoman Linda Wilfong said he was able to satisfy the latter requirement, because his contract allowed him to terminate himself.

QUESTION OF SELF-DEALING

For merger opponents, the objectionable contract change made it clear that accepting a position as the less-than-senior official in the new merged Blues was not a forfeiture of Glasscock's right to exercise the change-in-control clause.

The provision was added last year, as the companies were jockeying for regulatory approval of the merger.

Many executive compensation packages include change-of-control provisions not unlike Glasscock's—and this one, in fact, did not alarm Sibson & Co., the New Jersey-based analyst hired to review the contract.

Maryland Insurance Commissioner Steven Larsen said he asked for the independent analysis, because he wanted to be sure that the changes made to Glassocck's contract in 1997 would not entitle him to additional severance pay.

He said he was satisfied with the Sibson report's conclusion.

But the Glasscock change took the unusual step of making it clear that he could exercise his change-in-control clause, even though he was helping to engineer the change in control.

In other words, by allowing Glasscock to demote himself through his work in brokering the merger, the change gave him cause to effectively fire himself after the merger was complete, allowing him to collect a $2.8 million severance.

''When you say, 'What did they do? What happened?' They caused that to happen,'' Newmyer said. ''He [Jews] had to get his hand on the [Blues'] assets, and to do that, he had to get Larry Glasscock out of the way.''

NO COMMENT

Both Jews and John Piccioto, the Blues' in-house counsel, declined interview requests to explain why the Blues thought it necessary to alter Glasscock's change-in-control clause, when they say they saw no reason to believe he would be leaving after the merger.

''I think what you're trying to get at is a little too close to the litigation,'' said Wilfong.

At least one regulatory who reviewed the proposed merger, Dana Sheppard of the District's Office of Corporation Counsel, raised objections to Glasscock's golden parachute on Nov. 24, 1997, two months before the merger closed.

''Mr. Glasscock, as the senior official at [the D.C. Blues], deserves the closest scrutiny, because he entered into the proposed business combination agreement with [the Maryland Blues] knowing that he would not retain his current position in the controlling organization,'' Sheppard wrote in his proposed conditions to the merger's approval.

''Accordingly, he has positioned himself, intentionally or unintentionally, to leave [the D.C. Blues] with substantial charitable assets.''

Given that, Sheppard recommended that the District's insurance commissioner, Patrick Kelly, block the merger unless Glasscock and other executives with change-of-control provisions in their contracts ''take appropriate action to immediately render the provision null and void.''

On Dec. 23, Kelly approved the merger with a series of conditions—but none required Glasscock to give up the golden parachute.

OVERDRIVE

What happened in the 29 days between Nov. 24 and Dec. 23 to cause Kelly to reject the suggestion of one of the District's own lawyers advising him on the matter?

Newmyer thinks he knows exactly what happened.

''I am 99.9 percent convinced that because Dana Sheppard had raised an issue that truly went at the heart of this matter . . . the lobbyists from Blue Cross went into overdrive,'' he said.

He believes Blues' lawyers met with Kelly in the days prior to his approval of the merger to convince him to drop Sheppard's suggestion to cut Glasscock's golden parachute.

Kelly did not return a call seeking comment. Sheppard declined to speak for the record, citing Fair Care's pending litigation.

Bob Hunter, director of insurance for the Consumer Federation of America (CFA) and the former Texas insurance commissioner, said he believes there was an inappropriate meeting.

''Blue Cross got to look at the proposed order and propose changes [when others did not],'' Hunter said. ''A public process shouldn't happen that way. . . . The District of Columbia should have reorganized the hearing, and as parties, we should have been invited.''

The CFA is supporting Fair Care's suit.

SECRET MEETINGS?

Tim Law, an attorney with the Philadelphia law firm handling Fair Care's case, said the group did not know that Sheppard's proposed conditions existed until after the merger was complete. They never received them.

''That's one of the weird things,'' Law said. ''It gets put in the record, but it doesn't get served to everyone. So sometimes, we didn't know about things. Important things, like that.''

Wilfong refused to answer any questions related to allegations of secret ex-parte meetings between regulators and Blues' officials, which are at the heart of Fair Care's lawsuit.

The case now is awaiting a decision on an appeal of a District of Columbia judge's ruling that the group does not have standing to sue.

In addition to the alleged meeting between Kelly and Blues' lawyers Nov. 24 and Dec. 23, Fair Care contends that Kelly and Maryland Insurance Commissioner Larsen, in separate Jan. 16 letters, changed their own approvals of the merger after having private meetings with Blues' lawyers.

Kelly and Larsen approved the merger on Dec. 23.

Among other things, the group is angry that both commissioners agreed to make it clear that portions of executive contracts dealing with severance payments negotiated prior to 1997 were not subject to their approval, as both orders had required.

Larsen acknowledges there was a meeting with Blues lawyers prior to the Jan. 16 letter, and that he issued the letter at the Blues' request.

But he insists that there was nothing inappropriate about the meeting or the letter. The purpose of both, he said, was to clarify his order—not to change it.

''That meeting was about as routine as you could have in the context of a very significant order being issued,'' he said.

''I don't know what else to say, other than to not be able to have that meeting is absolutely absurd. I have a responsibility to the entities I regulate to explain the meanings of the orders I issue,'' he added.

CHARITABLE?

Along with questions about Glasscock's contract, an ongoing debate questions whether Blue Cross plans, both locally and in other parts of the country, are, in fact, charitable organizations.

Certainly, at first glance, it would appear that they are not. Although nonprofit, they act as insurance companies. They charge premiums like any insurer and expect to be in the black at year's end.

The local Blues long has insisted that it is not a charity, and made that position clear last year to the insurance commissioners.

''I know what the criteria for a charity are,'' Larsen said. ''Blue Cross is not a charity in my view. . . . Blue Cross is'' an insurance company.''

Maryland Attorney General J. Joseph Curran disagrees. His office long has held that Blue Cross of Maryland is indeed a charitable organization and always has been.

This is not just an academic debate among lawyers, however.

Nationwide, as nonprofit Blues plans have converted themselves into for-profit companies, the answer to the charity question has been crucial to deciding whether the Blues must set aside a portion of assets in public trust, to be used for charitable health purposes.

Just last month, a group of small charities in Georgia settled a lawsuit with that state's Blues in which the now for-profit company agreed to set aside $64 million in trust.

In California in 1994, California's Blues was forced by the state attorney general to set aside $3.2 billion in two trusts, said Frank McLoughlin, staff attorney for Community Catalyst, a Boston-based consumer group that monitors nonprofit to for-profit conversions.

''There's a difference between a charity—like a soup kitchen. . . . and a charitable organization,'' said McLoughlin.

''A lot of Blue Cross officials think that because they look like a regular health insurance company and because they act like a regular health insurance company, they're no longer bound by legal doctrine.''

CHANGE IN IDENTITY

The Maryland Blues has tried twice—in 1994 and 1995—to convert to for-profit status, but has been thwarted both times. it has made no secret that it may try again.

Locally, the Blues has suffered two setbacks in its attempt to distance itself from that doctrine in the last year.

Last fall, the D.C. Blues tried unsuccessfully to drop its federal charter—which established the company in 1934 as a ''charitable and benevolent organization''—in favor of a charter with the District, where the law is vague on the question.

Under a D.C. charter, the Washington Blues would no longer have been identified as a ''charitable and benevolent'' organization.

Consumer groups that lobbied Congress to block the charter switch, said the language defines its tax-exempt, nonprofit status, as well as its obligation to serve the public.

''To change their identity in the context of what's going on around the country is a harbinger of things to come in the for-profit sector,'' said Julie Silas, staff attorney with Consumer's Union, which first drew attention to the issue.

And during the 1998 General Assembly session, lobbyists from the Maryland Blues tried to attach an amendment to a bill making it harder for nonprofit health care entities to convert to for-profit.

Curran said the amendment would have made it easier for the Blues to convert without a public set-aside.

The rider seemed innocuous enough. It merely stated that the Blues exist to serve policy holders, not the general public.

But when lawmakers sponsoring the bill learned that such arguments have been made in other states to attempt to establish Blues' plans as non-charitable, they were furious.

''It's sad and embarrassing,'' said Del. Dan Morhaim, D-Balto. City, one of the sponsors for the legislation, at the time. ''Its a slap in the face of Maryland taxpayers.''

[From the Washington Post, Aug. 18, 1998]

$2.9 MILLION HELPS TO LEAVE THE BLUES BEHIND

(By David S. Hilzenrath)

For occupants of the executive suite, parting may be sweet sorrow, or it may be just plain sweet.

When Larry C. Glasscock left Blue Cross and Blue Shield of the National Capital Area in April to take a job at another health insurer, the former chief executive took with him severance benefits of $2.9 million.

That was more than six times the salary provided in Glasscock's February 1997 employment contract at the nonprofit company.

A.G. Newmyer III, chairman of Fair Care, a patient advocacy group that has battled Blue Cross, called the package ''a disgraceful diversion of charitable assets. . .to the pockets of one executive.''

Glasscock didn't return telephone calls seeking a comment, but a spokesman for his new employer, Anthem Inc., quoted him as saying: ''I don't want to talk about that—that's ancient history, it's in the past.''

Maryland Insurance Commissioner Steven B. Larsen said the package is consistent with industry norms. ''There's no question that $3 million is a significant amount of money, but. . .that must be understood in the context of a situation where you have a CEO who is running a billion-dollar operation, and. . .this is the type of benefit package that people of that caliber receive.''

Glasscock's deal reflects the perquisites of executive power, even in the nonprofit sector. His employment contract at the D.C. company permitted him to collect his severance benefits if he left voluntarily after a ''change in control,'' such as the merger he negotiated with Blue Cross and Blue Shield of Maryland.

When the two Blues combined in January to form CareFirst Inc., the top job went to William L. Jews, who had run the Maryland company, and Glasscock became chief operating officer. A few months later Glasscock moved to a comparable job at Anthem Inc., a Blue Cross insurer in Indiana.

Early last year, even as the two companies were preparing to merge their operations, Glasscock signed a new contract that improved his severance benefits, at least modestly. For example, it provided coverage for travel expenses that Glasscock might incur while looking for a new job, according to a description filed with the Maryland Insurance Administration.

The 1995 version of the contract restricted Glasscock's ability to join a competing company. The Febraury 1997 version of the contract, signed several weeks after the companies announced their intent to combine, relaxed that restriction somewhat, according to an analysis filed with Maryland regulators.

The 1997 version also provided coverage for travel expenses that Glasscock might incur while looking for a new job.

In addition, the updated contract restructured Glasscock's severance package in a way that could have helped him avoid a deep excise tax on golden parachutes. The tax would have applied only if the the company issued stock to the public before Glasscock left.

According to an analysis prepared in January by consultants to the D.C. company, Glasscock's 1997 contract entitled him to severance benefits of $2,874,357 plus any bonuses coming to him under an incentive plan. The total included $125,000 for serving as a consultant to the company for a year after leaving and $1,677, 638 for promising not to compete with it directly.

That set off alarm bells last year in the D.C. Corporation Counsel's Office, which recommended that the ''change of control'' benefits be eliminated before the merger received approval. Glasscock ''has positioned himself, intentionally or unintentionally, to leave . . . with substantial charitable assets,'' possibly in violation of law, Corporation Counsel John M. Ferren wrote.

But insurance regulators in the District and Maryland decided that the benefits should not stop the deal because they were part of Glasscock's employment contract before the merger was negotiated. The overall cost of the package to Blue Cross remained unchanged from 1995, according to Sibson & Co., a consultant to Blue Cross that prepared a report for D.C. and Maryland regulators.

The actual payment totaled $2,890,561, Blue cross informed Larsen.

A CLOSER LOOK AT GLOBALIZATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 2, 1998, into the CONGRESSIONAL RECORD.

A CLOSER LOOK AT GLOBALIZATION

Hoosiers are becoming more aware of the globalization of the economy—the way that the U.S. economy is increasingly linked to those of other countries through trade and technology. They recognize some of the benefits of this globalization—lower prices for consumer goods and expanded markets for Indiana exports—but they are also concerned when they see jobs eliminated in Indiana and created in Mexico and see the Asian and Russian economic crises hurt our stock market. All of us must more fully understand what effects in our economy can and cannot be attributed to globalization, so we can properly respond to these changes.

MAIN FACTORS

The principal factors involved in globalization are:

Increased telecommunications and transportation networks. Technological changes are the driving force of globalization. These can be seen through telecommunications satellites, fax machines, the internet and other electronic linkages, as well as through expanded and improved land, sea, and air transportation among countries. To take one example, in 1968 only 80 simultaneous phone calls could be made between the U.S. and Europe. Today, satellites and undersea cables can accommodate one million calls at a time.

Increased trade. The volume of world merchandise trade today is 16 times what it was in 1950. Increased trade allows countries to specialize in what they make best, increasing global economic efficiency. The World Bank expects consumers to gain between $100 billion and $200 billion every year in additional purchasing power as a result of reduced tariffs and increased trade.

Increased investment. International investment is perhaps the most significant, but least understood, effect of globalization. Since the 1980s, investment across national borders has increased four times faster than international trade. International investment helps a country use its advantages and makes it more competitive.

BENEFITS AND COSTS

While globalization can have major benefits, it can also be disruptive.

Greater efficiency and falling prices. The development of world markets means that the goods Americans produce the most efficiently will become more profitable, as we are able to sell them to wider markets. And that creates more jobs in America. Consumer prices will also fall on items that we can buy from cheaper producers overseas.

Increased competition. At the same time, globalization means that our less efficient industries will face increasingly tough competition and some jobs could be lost. Increased competition is a two-sided coin, with both winners and losers. But most American firms are able to move into and compete in foreign markets. Because the U.S. economy is already so competitive, many do this exceptionally well.

International investment. Americans can benefit from investments made abroad. Many workers' pension plans are enriched by overseas investments. In addition, America attracts more foreign investment than any other country. When foreign firms build plants in the U.S., jobs are created. Americans also benefit from the innovations that foreign firms bring to the U.S., which have included new technologies and leaner production techniques, such as the ''just in time'' delivery systems.

The big risk of increased international investment is that it can lead to instability in financial markets. As we have seen in the Asian financial crisis, money that can move into a country very quickly can move out just as fast.

CRITICISMS

Many people have fears about globalization. The most common concerns are three:

First, globalization produces a ''race to the bottom'' on labor standards. As the news stories on working conditions abroad indicate, there can certainly be problems as good jobs in this country are replaced by jobs in developing countries in which workers have few labor protections. Yet a global economy strengthens jobs in the most dynamic, highest paying sectors of our economy, like exports. Within the U.S., jobs in export-related industries pay, on average, 15% more than other jobs.

The experience of Latin America over the last forty years is instructive: those countries that built tariff barriers to protect local industries and workers began to suffer low growth and falling wages. By contrast, countries elsewhere that opened themselves up more are considered success stories today in terms of labor standards.

Second, globalization weakens environmental standards When nations become wealthier, they begin to pay more attention to environmental issues. As with labor standards, several decades of experience demonstrate that those countries which have

been most open to the world economy have grown the most and have improved their environments the most.

In the short-term, however, there may be some truth to this criticism. Globalization often shifts dirty industries from wealthy nations to poorer ones. The maquiladora industries on the U.S.-Mexican border are an example of this, having attracted U.S. firms seeking weaker environmental standards.

Third, globalization exposes American workers to unfair competition from cheap wages overseas. Many people complain about competition from countries which have poor labor protections and low wages. However, most of the experts agree that roughly 80% of the difference in wages between U.S. and developing country workers can be attributed to differences in productivity. Thus, while Guatemalan workers may have wages that are one fifth what American workers earn, our well-trained workers are typically more than five times as productive, so there is less incentive to move production to Guatemala than initially appears.

CONCLUSION

The evidence on globalization is mixed, and it is difficult to sort it all out. Yet one thing is clear—there is no turning back on globalization. As President Clinton has said, ''The technology revolution and globalization are not policy choices, they are facts.'' Communications satellites, cell phones, the internet, and global financial transactions are here to stay. Succeeding in the 21st Century will mean that Americans must learn to master the global economy. But we will need to make policy changes to cushion the disruptions of these new economic forces and find new ways to manage them.

Next week: Responding to Globalization.

TRIBUTE TO JOHN F. SEIBERLING

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. MILLER of California. Mr. Speaker, I would like to advise my colleagues that yesterday marked the eightieth birthday of our former colleague, John F. Seiberling of Ohio, and to take note of his many accomplishments during his tenure in this body.

A native of Akron and grandson of the founder of the Goodyear Tire and Seiberling Rubber companies, John Seiberling decided in 1970, at age 52, after 3 years of distinguished World War II military service, 5 years of private law practice and 17 years at Goodyear, to run for the U.S. House of Representatives, primarily because of his deep concern over continuation of the U.S. involvement in the Viet Nam War. He quickly established himself as a leader in the ultimately successful effort to end the U.S. involvement, and was elected Chairman of Members of Congress for Peace Through Law, later known as the Arms Control and Foreign Policy Caucus.

In 1973 he joined the Committee on Interior and Insular Affairs, where I had the pleasure of serving with him for a number of years. As a member of that committee he played a leading role in the 6-year battle to enact federal legislation to restore damage caused by surface coal mining and prevent further environmental degradation, which culminated with enactment of the Surface Mining Control and Reclamation Act of 1977. As Chairman of the committee's Public Lands Subcommittee, he also became a leader on land conservation and historic preservation and managed legislation that doubled the size of the national park system and quadrupled the size of the wilderness system, including the addition of more than 100 million acres of Alaska's most spectacular land. He also spearheaded the enactment of the Cuyahoga Valley National Recreation Area Act, creating Ohio's first and only national park.

In 1986, he decided not to seek re-election, but he had crowded a lifetime of accomplishments into his 16 years of service to this House, to his constituents and to the American Public.

After his retirement, he resumed the practice of law in Akron and also assumed an endowed chair at The University of Akron School of Law. But he has also found time to continue working on the causes he held dear as a member of this body through his service on the Board of Directors of the Environmental and Energy Study Institute, a non-profit organization he and other Members founded to provide timely and credible information to Congress on environmental, energy and natural resource issued.

Mr. Speaker, I invite my colleagues to join me in saluting John F. Seiberling, a Congressional giant, and wishing him many happy returns of the day.

''BILL OF NO RIGHTS''

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. DUNCAN. Mr. Speaker, one of my constituents, Mr. Robert Koehl, brought to my attention the following article, ''Bill of No Rights,'' by Jon Jenson.

This column expresses in a very plain, down-to-earth, articulate way the feelings of millions of American citizens.

I would like to call it to the attention of my colleagues and other readers of the RECORD.

BILL OF NO RIGHTS

Note: Submitted by a reader, the following document deserves consideration in these victim-oriented times.

We the people of the United States, in an attempt to help everyone get along, restore justice, preserve domestic tranquility, promote positive behavior and secure the blessings of debt-free liberty to ourselves and our grandchildren, hereby try one more time to ordain and establish some common-sense guidelines for the terminally whiny, guilt-ridden, delusional, victim-wanna-bes and grievance gurus.

We hold these truths to be self-evident: That a whole lot of people are dreadfully confused by the Bill of Rights, and could benefit from a ''Bill of No Rights.''

ARTICLE I: You do not have the right to a new car, big screen TV or any other form of wealth. More power to you if you can legally acquire them, but no one is guaranteeing anything.

ARTICLE II: You do not have the right to never be offended. This country is based on freedom for everyone—not just you! You may leave the room, turn the channel, express a different opinion, etc., but always remember the world is full of offensive idiots.

ARTICLE III: You do not have the right to be free from harm. If you stick a screwdriver in your eye, learn to be more careful. Do not expect the tool manufacturer to make you and all your relatives independently wealthy.

ARTICLE IV: You do not have the right to free food and housing. Americans are the most charitable people to be found, and will gladly help those in need, but many are growing weary of subsidizing generation after generation of professional couch potatoes who achieve nothing more than the creation of another generation of professional couch potatoes.

ARTICLE V: You do not have the right to free health care. That would be nice, but from the looks of public housing, health care is not a high priority.

ARTICLE VI: You do not have the right to physically harm other people. If you kidnap, rape, intentionally maim or kill someone, don't be surprised if others want to see you fry in the electric chair.

ARTICLE VII: You do not have the right to the possessions of others. If you rob, cheat or coerce away the goods or services of your neighbors, don't be surprised if others get together and lock you away.

ARTICLE VIII: You don't have the right to demand that our children risk their lives in foreign wars to soothe your aching conscience. We hate oppressive governments. However, Americans do not enjoy parenting the entire world and do not want to spend so much of their time and resources squabbling with each and every little tyrant with a military uniform and a funny hat.

ARTICLE IX: You don't have the right to a job. Everyone wants you to have one, and will gladly help you along in hard times, but we expect you to take advantage of the opportunities of education and vocational training available to you, and to make yourself useful and productive.

ARTICLE X: You do not have the right to happiness. Being an American means that you have the right to pursue happiness, which—by the way—is a lot easier if you are not encumbered by an overabundance of idiotic laws created by those who are confused by the original Bill of Rights.

TRIBUTE TO MR. LEE LOCHMANN

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SMITH of Oregon. Mr. Speaker, I rise today to pay tribute to Leroy Lochmann, President and CEO of ConAgra's Refrigerated Foods Companies, on the occasion of his retirement. Lee's life story is a Horatio Alger story: Lee is a self-made man from humble origins, whose hard work, perseverance and integrity enabled him to climb to the heights of the corporate ladder in our nation's food industry.

Lee entered the food business at the age of 18, beginning on the first rung of the ladder—the slaughtering floor of a Swift and Company meat packing plant. Lee rose from the assembly line to numerous management positions, ultimately becoming President of Swift and Company.

Throughout the remainder of his forty-five year career, Lee would become president of many other leading food companies, including Beatrice Meats; Armour Swift-Eckrich; and ConAgra Refrigerated Foods Companies.

While pursuing a very successful business career, Lee acquired academic degrees from

Southern Illinois University and from the University of Virginia. He also served his country in the U.S. Army, having been stationed in Germany for three years.

His ability to develop strategic visions for the many companies he ran, also benefited the meat and poultry industry as a whole, during Lee's five-year term as an officer of the American Meat Institute. A long-time AMI director, Lee was selected by his industry colleagues and competitors to help lead the industry's national trade association and was elected AMI's Chairman of the Board in 1992.

Mr. Speaker, it is my great pleasure to pay tribute to Lee Lochmann. His leadership has undergirded his successful career and made him a widely respected and admired leader in the food industry. I only hope that Lee and his family derive as much satisfaction from his retirement years, as he has given to the food industry during his forty-five year career.

STATEMENT ON H.R. 4090—PUBLIC SAFETY OFFICER MEDAL OF VALOR

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. WELDON of Pennsylvania. Mr. Speaker, in October of 1996, Captain Brian Alkire of the Sheffield Township, Indiana Fire Department ran into a raging structure fire to warn seven other firefighters of a fire burning in the attic above them. Before he was able to escape with the last firefighter, the roof collapsed, trapping him and Firefighter Louis Lawson in the burning building. Even though he lost his protective headgear in the collapse, Captain Alkire continued to search the toxic, superheated, and smokey room for his colleague before emerging from the structure completely on fire. He saved the lives of those seven firefighters, but as a result of his efforts he received several weeks in the Wishard Burn Unit, numerous skin-grafting surgeries, and months of occupational therapy.

In May of 1998, Baltimore Police Officer Marc Camarote rushed into a working structure fire protected only by his service uniform to rescue two people from a blaze that demolished the entire house. February 1, 1997 found Firefighter Martin Gotte in a burning building across the street form his firehouse, his arms around a little girl whom he rushed from certain death to the skilled hands of first responders who resuscitated her back to life. Lieutenant Walter E. Webb from Washington, D.C.; Lieutenant Earnest B. Copeland from Dallas, Texas; Firefighter Anthony Glover, Nashville, Tennessee; the list goes on and on.

In fact, Mr. Speaker, I could fill the RECORD today with names and stories about first responders who have showed such great valor that it might rival the volume of the federal tax code. Every day across America the story is the same, public safety officers, be they firefighters, emergency services personnel, or law enforcement officials, leave their families to join the thin red and blue line that protects us from harm. They put their lives on the line as a shield between death and the precious gift of life.

It is proper then, if not perhaps a bit late, that we should commemorate their dedication and sacrifice with a Medal of Valor that carries the full weight of the Congress and the President of the United States. Mr. Speaker, I strongly support our military and our dedicated soldiers, sailors, and marines, but I think we must constantly be reminded that we have a corps of domestic defenders who are deserving of the same level of support and attention. As our military defenders are honored for gallantry above and beyond the call of duty, so too should we honor our corps of domestic defenders.

Of course, any of you who are familiar with the first responder community will remark that they are probably the last group of people to stand on formality and decoration. Most of them would, on their day off, put their lives at risk to save even a cat in a tree, and they would do so without hesitation. Earlier this year, Mr. Speaker, our District of Columbia Fire Department lost a firefighter, Sergeant John Carter. It is both tragic and typical of the first responder community that Sergeant Carter came in to work before his shift started to respond to that fire. Mr. Speaker, this kind of dedication is beyond our power to adequately commemorate even on the House Floor.

In my own Congressional District in October, Mr. Speaker, the Malvern Fire Company will dedicate a monument to their fallen first responders. Across the country, communities will recognize the 94 fire and emergency services personnel who have lost their lives in connection with their duties as a public safety officers this year. This number I'm sure, is supplemented half-again by fallen law enforcement officers. I am pleased then, Mr. Speaker, to give my full support to H.R. 4090, the Public Safety Officer Medal of Valor. While we cannot, in the words of Abraham Lincoln, with our poor power add or detract from the gallantry of their work with our actions, we can honor first responders with a Medal that will identify them as heroes to all Americans.

While it would be impossible to name every first responder deserving of this award let me, Mr. Speaker, conclude my remarks by offering the names of fourteen first-responders, in addition to those already mentioned, who would be a good place for the newly formed committee to start: Louis Giancursio—Rochester, NY; Mark E. Gardner—Baltimore, MD; Anthony W. Rivera—San Francisco, CA; Robert Crabtree—Carboro, NC; Jeffery A. Barkley—Phoenix, NY; John Barrett—Bronx, NY; William Benevelli—Boston, MA; Eric Britton—James Island, SC; Myles Burke—Philadelphia, PA; William Callahan—Bronx, NY; Robert Foster—Fort Worth, TX; Landon West—Fort Worth, TX; Mike Lachman—Fort Worth, TX; and Cody Stilwell—Fort Worth, TX.

TRIBUTE TO THE LITTLE LEAGUE WORLD SERIES CHAMPIONS, THE TOMS RIVER EAST LITTLE LEAGUE TEAM

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SAXTON. Mr. Speaker, I rise today to salute the Little League World Series Champions, Toms River East Little League team.

The 11 and 12 year olds from Toms River, New Jersey sailed through the Little League tournament at Williamsport, Pennsylvania undefeated and won its first Little League World Series championship. Additionally, Toms River East became the first New Jersey team to win the championship since 1975 and the first U.S. team to win since 1993.

Toms River East secured the championship from the team from Japan by a score of 12–9. Chris Cardone, who was 1 for 10 coming into the final game, slugged home runs in consecutive at bats to propel Toms River East to the title.

Also starring in the game was Todd Frazier who had four hits in four at bats including a home run and earned a save in the championship game.

This past weekend, 40,000 fans, friends and family members gathered to welcome the champions home at a parade in their honor. After the speeches were concluded, a question was posed to team manager Mike Gaynor on his feelings about the magical run to the championship. Coach Gaynor summed up the experience ''as the time of his life.''

Mr. Speaker, I salute the Toms River East Little League team in winning the Little League World Series and to all Little Leaguers around the world who participated and upholding the Little League Pledge of ''win or lose, I will always do my best.''

THE MEDICARE REHABILITATION BENEFIT EQUITY ACT OF 1998

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STARK. Mr. Speaker, I am pleased to introduce the Medicare Rehabilitation Benefit Equity Act of 1998. This bill will ameliorate the impacts on seniors needing outpatient rehabilitation services of coverage limits on those services imposed by the Balanced Budget Act of 1997 (BBA). Dollar limitations on services will be replaced by a patient classification system effective July 1, 2000.

Between 1990 and 1996 Medicare expenditures for outpatient rehabilitation therapy rose 18 percent annually, totaling $962 million in 1996. During that time, outpatient rehabilitation spending shifted substantially away from hospitals and toward rehabilitation agencies and comprehensive outpatient rehabilitation facilities (CORFs). Payments to agencies and CORFs rose at an average annual rate of 23 percent and 35 percent, respectively.

The BBA enacted substantial changes in Medicare's payment policies for outpatient rehabilitation services. Two limits are imposed on outpatient rehabilitation services—coverage for physical and speech therapy is capped at $1,500 per beneficiary per year; coverage for occupational therapy is subject to a separate cap of $1,500. The limits will become effective for services rendered after January 1, 1999. Rehabilitation services furnished in hospital outpatient departments are excluded from the caps.

Unfortunately, these dollar limits do not take into account patient characteristics such as diagnosis or prior use of inpatient and outpatient services. Implementation of the limits will have a disproportionate effect on the most vulnerable Medicare beneficiaries and may place a financial burden on some beneficiaries.

The Medicare Payment Advisory Commission recently examined the potential impact of the coverage limits and found that some patients were more likely to exceed the dollar limits than others. The Commission found that hip fracture patients had the highest median payments and stroke patients incurred the next highest payments. While Medicare spent, on average, about $700 per outpatient rehabilitation patient in 1996, half of all stroke patients exceeded the $1,500 physical and speech therapy limit. In contrast, less than 20 percent of patients with back disorders exceeded the physical and speech therapy limit. In 1996 about one-third of patients treated in non-hospital settings (rehabilitation agencies and CORFs) incurred payments in excess of $1,500 for outpatient physical and speech therapy or $1,500 for occupational therapy. Half of the patients affected by the limits exceeded them by $1,000 or more.

The Medicare Rehabilitation Benefit Equity Act will minimize the inequity and disruption of the BBA limits without affecting the program savings. It requires the Department of Health and Human Services to develop and implement an alternative coverage policy of outpatient physical therapy services and outpatient occupational therapy services. Instead of uniform, but arbitrary, dollar limitations, the alternative policy would be based on classification of individuals by diagnostic category and prior use of services, in both inpatient and outpatient settings.

The Medicare Rehabilitation Benefit Equity Act also requires that the revised coverage policy of setting durational limits on outpatient physical therapy and occupational therapy services by diagnostic category be implemented in a budget-neutral manner. The payment methodology will be designed so as to result in neither an increase nor decrease in fiscal year expenditures for these services. Current law provisions to adjust the annual coverage limits on outpatient rehabilitation therapy services by the medical economic index (MEI), beginning in 2002, are retained.

The Medicare Rehabilitation Benefit Equity Act recognizes that the Department of Health and Human Services' Health Care Financing Administration currently lacks the data necessary to implement a coverage policy based on a patient classification system on January 1, 1999. It further recognizes that assuring services for Medicare beneficiaries in the year 2000 is HCFA's number one priority. For these reasons, a phased transition to a patient classification coverage policy is necessary.

I urge my fellow Members of Congress to join me in support of the Medicare Rehabilitation Benefit Act of 1998. Together we can ensure that implementation of the BBA dollar limits on outpatient rehabilitation services will not disproportionately affect our most vulnerable Medicare beneficiaries.

TRIBUTE TO JAMES O. WRIGHT, CHAIRMAN OF GOODWILL INDUSTRIES OF SOUTHEASTERN WISCONSIN, INC.

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to honor James O. Wright, chairman of Goodwill Industries of Southeastern Wisconsin, Incorporated, who is marking 50 years of service with the organization.

Words are a poor measure of Mr. Wright's devotion and commitment to the Goodwill movement and his generous contributions to the community at large. His record is replete with accomplishments that underscore his belief in the power of work and the American Dream.

In 1948, Mr. Wright joined the board of directors of Goodwill Industries of Southeastern Wisconsin at the age 27. As a result of his unfailing dedication to helping others, he was named chairman of the organization in 1959.

Under Mr. Wright's stewardship, Goodwill Industries of Southeastern Wisconsin has expanded its mission by administering Employment Solutions of Milwaukee, Inc, a Wisconsin Works (W–2) welfare program that places welfare recipients into jobs. As a component part of W–2 Goodwill also administers the Team Parenting pilot program that supports and strengthens the emotional and financial ties of families.

In 1994, goodwill Industries of Southeastern Wisconsin placed 2,222 individuals in the workforce. This achievement earned the organization the 1994 Goodwill Industries International Outstanding Job Placement Services Award.

A Milwaukee native and WWII veteran who served on three navy vessels, Mr. Wright holds that individuals achieve the American Dream by empowering themselves through work, which reveals the individual's potential. In keeping with this creed, Goodwill of Southeastern Wisconsin established the James O. Wright Award to recognize employers, volunteers, and organizations who assist the disabled in seeking their right to work.

Mr. Wright's benevolence also extends beyond his good works for Goodwill and his position as chairman of Badger Meter Inc., one of Milwaukee's top industries. He has championed Urban Day School, a small independent school in Milwaukee's central city. Struck by the school's innovations in educating disadvantaged youth, Mr. Wright led a fund drive to raise $1.5 million for school scholarships, repairs and teacher salaries. When the fund drive faced a $5,400 shortfall, Mr. Wright tapped the foundation at Badger Meter to make up the difference. The school has now established the (W)right Stuff program which brings Mr. Wright together with 9- to 12-year-old African Americans for tours of his company and discussions centering on jobs and the professional world.

Notwithstanding these notable accomplishments, Mr. Wright also has generously contributed his time to the community by serving on the Mequon-Thiensville School Board for 18 years.

Mr. Speaker, it is with a great sense of honor that I bring before you a commendation for Mr. James O. Wright, who marks with Goodwill a half century of leadership, commitment and service.

RESPONDING TO GLOBALIZATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 9, 1998 into the CONGRESSIONAL RECORD.

RESPONDING TO GLOBALIZATION

Globalization is the way that the economies of various countries around the world are becoming increasingly linked through improved telecommunications and transportation networks. Over the past decade, world trade has grown twice as fast as the world economy. Numerous companies around the globe are spending several trillion dollars annually on factories and other facilities in countries other than their own. And financial market reforms combined with new information technologies enable traders around the world to exchange hundreds of billions of dollars worth of stocks, bonds, and currencies every day.

The increased trade and foreign investment from globalization can enrich America by increasing our economic efficiency, increasing returns on investments, and creating higher paying export jobs. However, while globalization holds the promise of many benefits for American workers, it is also a disruptive force as U.S. workers in various industries face tough competition from countries where pay and labor standards are much lower. Policy changes will be needed to soften the negative impact of globalization on communities and individuals.

RESPONDING TO THESE CHANGES

Although some of the reactions to globalization may overstate the threat, there are some very valid concerns about its impact. These are some of the concerns and possible ways to respond:

Equity

One concern about globalization is equity. The benefits of globalization are often derived from increased specialization in an economy. In advanced industrial economies such as ours, this means that lower-skill jobs may be lost to imports from developing countries while higher-skilled sectors prosper. Although globalization should have an overall positive effect on our economy, it will tend to drive down the wages of lower skilled workers in the U.S.

Response: We can and should strengthen and improve the social safety nets that have served American society well for decades. These include worker protections such as unemployment insurance, job retraining programs for workers who lose their jobs due to trade, and support for education and training programs that will build a smarter, more productive workforce.

Environmental and Labor Standards

In developing countries, globalization can lead to worsening labor and environmental standards, at least in the short term. The increased mobility of investment makes it easier for industries to move to poorer countries, where they may take advantage of lax worker protections or environmental regulation.

Response: Over time, globalization actually helps address these problems on its own. By generating wealth and raising employment in those countries, more affluent citizens become more willing and able to demand higher labor and environmental protections. But we should also continue to implement and enforce international labor and environmental agreements, such as the labor standards promoted by the International Labor Organization and the Kyoto Convention on greenhouse gases.

Volatility

The current Asian economic crisis has its roots in globalization. Over the last thirty years, investment has poured into developing countries. This led to spectacular growth in

East Asia. Now the world has learned that capital that flows in quickly can flow out just as quickly. Global economic instability of this nature affects the U.S. economy too, hurting our exports and damaging investments.

Response: Many economists have proposed restrictions on short-term investment to address this problem, such as a very small tax on international financial transactions, which would make investors more reluctant to move their money from place to place quickly. Overall, we need to take steps to manage the global economy more carefully. This can be done, though not easily, through institutions such as the International Monetary Fund and new cooperative agreements on regulating global economic activity.

Revenue concerns

When money can be moved easily across borders, it becomes very tempting for corporations to place their assets in ''tax havens,'' that is, countries with very low corporate tax rates. This in turn can lead governments to compete to reduce corporate taxes, which means they must rely more heavily on income taxes on individuals. And, with lower tax revenue, this reduces the ability of countries to respond to the other disruptions of globalization.

Response: New international agreements and standards on tax policies and regulating investment can help minimize this effect. Eventually, governments are likely to find that agreements on harmonizing financial regulations will make it easier to eliminate tax evaders.

AN INEXORABLE PROCESS

There is a parallel between the economic forces which shook the United States early this century and those we are confronting today. For most of the 19th century, the economies of our various states were isolated and independent. However, rapid technology changes, driven by railroads and telegraphs, resulted in a nationalization of the economy. Suddenly, workers became concerned about conditions and competition from neighboring states. Unregulated capital went streaming into frontier ventures, leading to a series of banking panics. The answer, clearly, was not that the railroads could be torn up or that telegraph lines be pulled down. Instead, Americans found new ways to regulate production and manage the national economy. And the result was the creation of the most efficient wealth-producing economy the world has ever seen.

The challenge today is to find new ways of cooperating in the global economy. That includes reinvigorating and improving the tools of international cooperation that have served as well over the last 50 years. Instruments such as the International Monetary Fund, the World Trade Organization, and new international environmental and labor agreements will have to be strengthened to cushion us from the inevitable shocks.

CONCLUSION

Our number one concern in this increasingly globalized economy is jobs—good and secure jobs for Americans. We must pursue policies that continue to promote economic growth and improve living standards. Just as Americans in the last century successfully found ways to master the economic forces of that day, so Americans now must find ways to master, and not resist, the forces of today's global economy.

SALUTE TO 10 BAY AREA ENVIRONMENTAL LEADERS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. MILLER of California. Mr. Speaker, I rise to pay tribute to ten outstanding environmental leaders in the San Francisco Bay Area who recently were rightly named by the Contra Costa Times as ''Ten Natural Treasures.''

These men and women—some of them my constituents, some activists with whom I have had the honor to work—have fought tenaciously to protect and preserve not only the resources and the environment of the Bay Area, but also the health and safety of the millions of people who call this very special region our home. Their vision and their dedication establish how determined individuals can change our society for the better, and preserve its treasures for generations to come.

I would like to submit the August 31, 1998 editorial from the Contra Costa Times, and ask all my colleagues to join in recognizing these outstanding environmental leaders.

TEN NATURAL TREASURES

Last week Times staff writer James Bruggers profiled 10 Bay Area environmentalists—citizen activists—who have left an indelible mark on this glorious area. They are residents who made a tremendous difference in the landscape—literally and figuratively.

Their efforts have changed how we think about open space, clean water and the ecology of our home.

Some of them—such as David Brower—are national stars of the movement. Others have made just as significant contributions but at a more local level.

For the record, they are:

David Brower, 86. He's considered the patriarch of the American environmental movement. Once a leader of the Sierra Club, he parted ways with the group in 1969 and formed Friends of the Earth and Earth Island Institute.

Margaret Tracy, 75. She cofounded the Preserve Area Ridgelines Committee, envisioning a network of trails connecting East Bay open spaces.

Dwight Steele, 84. He was a successful lawyer who chucked it all to devote his legal mind to environmental laws through pro-bono work. He fought to keep San Francisco Bay waters open and Lake Tahoe free of pollution.

Silvia McGlaughlin, 81. She helped found the Save San Francisco Bay Association, essentially protecting it from infill and development.

Robert Stebbins, 83. His scientific work was the basis for the California Desert Protection Act, passed Congress in 1994.

Mary Bowerman, 90ish. A co-founder of Save Mount Diablo, she is a botanist who worked to expand the Mt. Diablo State Park's lands.

Will and Jean Siri, late 70s. They fought for environmental justice in poor East Bay communities. The Siris helped give residents living near refineries a political voice.

Manfred Lindner, 78. He pressed for Morgan Territory and Las Trampas regional parks.

Edgar Wayburn, 91. He tenaciously pushed for establishing Point Reyes National Seashore in Marin County and the Golden Gate National Recreation Area in Marin and San Francisco.

These 10 individuals left their footprints on the West. They fought, argued, lobbied and persuaded residents and their legislators that the Bay Area is full of natural treasures worth preserving.

It was our responsibility—and to our benefit—to treat them and their deeds with respect.

They saw where disregard of the environment would lead. They grabbed the wheel and insisted we change course. They resolved to preserve the integrity of the Bay Area so that it would still be noted for its uniqueness and its beauty for generations.

We thank these people, these visionaries, for their efforts. Indeed their sweat equity has paid off.

Yet despite their youthful energy, these trailblazers won't be leading the charge much longer. Their ages attest to that. Looking beyond the next few years, we wonder whether the next generation is up to the task. Will leaders come forward to carry the banner into the next millennium?

The answer, of course, must be yes. Otherwise, all of the work of these environmental pioneers will have been in vain.

Environmental issues of tomorrow include safe and sufficient water supply, suburban sprawl, the competing needs of endangered species and private property rights, old growth forests, our oceans, and the biggie, overpopulation.

The challenges are plenty and the opportunities grand for those with the courage, tenacity, devotion and vision to accept them.

We salute these men and women and suggest that they are in and of themselves, treasures.

CENTERS OF EXCELLENCE: A WAY TO SAVE LIVES AND DOLLARS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STARK. Mr. Speaker, Congress should enact legislation to allow Medicare to concentrate certain difficult surgical procedures in hospitals of special excellence in those procedures. If we did this, we would certainly save lives because the data is overwhelming that some hospitals do difficult procedures better than other hospitals. Better patient outcomes also means savings to Medicare by the avoidance of complications and repeat surgery. It also offers the chance for Medicare to negotiate a bundled, lower payment: Medicare will guarantee a higher volume of patients in exchange for volume price discounts.

I've introduced legislation to establish a Centers of Excellence program, HR 2726, which I hope can be enacted in the next Congress.

The Annals of Surgery's July 1998 issue contains an article which proves, once-again, what a life-saver this type of program can be. Following is the abstract of the article, describing using centers of excellence for pancreaticoduodenectomy—a ''complex, high-risk general surgical procedure usually performed for malignancies of the pancreas'' and duodenum area:

STATEWIDE REGIONALIZATION OF PANCREATICODUODENECTOMY AND ITS EFFECT ON IN-HOSPITAL MORTALITY

OBJECTIVE

This study examined a statewide trend in Maryland toward regionalization of pancreaticoduodenectomy over a 12-year period and its effect on statewide in-hospital mortality rates for this procedure.

SUMMARY BACKGROUND DATA

Previous studies have demonstrated that the best outcomes are achieved in centers performing large numbers of pancreaticoduodenectomies, which suggests that regionalization could lower the overall in-hospital mortality rate for this procedure.

METHODS

Maryland state hospital discharge data were used to select records of patients undergoing a pancreaticoduodenectomy between 1984 and 1995. Hospital is were classified into high-volume and low-volume provider groups. Trends in surgical volume and mortality rates were examined by provider groups and for the entire state. Regression analyses were used to examine whether hospital share of pancreaticoduodenectomies was a significant predictor of the in-hospital mortality rate, adjusting for study year and patient characteristics. The portion of the decline in the statewide in-hospital mortality rate for this procedure attributable to the high-volume provider's increasing share was determined.

RESULTS

A total of 795 pancreaticoduodenectomies were performed in Maryland at 43 hospitals from 1984 to 1995 (Maryland residents only). During this period, one institution increased its yearly share of pancreaticoduodenectomies from 20.7% to 58.5%, and the statewide in-hospital mortality rate for the procedure decreased from 17.2% to 4.9%. After adjustment for patient characteristics and study year, hospital share remained a significant predictor of mortality. An estimated 61% of the decline in the statewide in-hospital mortality rate for the procedure was attributable to the increase in share of discharges at the high-volume provider.

CONCLUSIONS

A trend toward regionalization of pancreaticoduodenectomy over a 12-year period in Maryland was associated with significant decrease in the statewide in-hospital mortality rate for this procedure, demonstrating the effectiveness of regionalization for high-risk surgery.

HONORING GUAM'S ARTIST, ERIKA KRISTINE DAVID, DURING THE CHILDART USA EXHIBITION

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. UNDERWOOD. Mr. Speaker, on July 24, 1998, the International Child Art Foundation (ICAF) announced that young Erika Kristine David's artwork has been selected for the ChildArt USA Exhibition. This exhibition was on display from September 5–8 in the Atrium Hall of the Ronald Reagan Building and International Trade Center in Washington, DC. Young Erika is one of the fifty talented child artists whose work has been selected for this exhibition.

The artwork was selected from an outreach program to elementary and middle schools of nearly every school district in the country. The participants are young students ranging from ages 8 to 12 years old, who submitted their artwork based on the theme: My World in the Year 2000. Fifty child artists, representing 30 states, the District of Columbia, Puerto Rico, and Guam, were invited by ICAF to attend the ChildArt USA Festival and Exhibition opening on the Labor Day weekend.

Erika Kristine David is the youngest daughter of Enrico and Tess David of Mangilao, Guam. She is a fourth grade student at the Price Elementary School on Guam. Her art teacher Vicky Loughran and her father Enrico traveled to Washington, DC, to attend the ChildArt USA Exhibition. Her favorite subject is art and music and when she grows up she wants to be an artist or a singer. Her other hobbies are spending time with her family and pets, reading, traveling, practicing art, listening to music and snorkeling. The theme of her artwork, My World in the Year 2000, depicts people of the world enjoying a healthy and good life. People feeling safe outdoors, exercising, barbecuing, picnicking and having fun in the sun and in the water.

It is with great pride that today I honor Erika Kristine David from Guam, whose artwork has not only exposed the talent and artistry of the people of Guam, but also whose art has been brought here in the Nation's Capital for all people to enjoy. Erika, along with other young artists collaborated with professional adult artists to create a unique 16 ft. x 24 ft. mural on the National Mall. The theme of the mural is America 2000.

Because of organizations such as ''The International Child Art Foundation (ICAF),'' a nonprofit group, dedicated to the promotion of children's art and visual global learning, that young artists like Erika Kristine David have been provided an outlet for their work. These young students' talent and artistry will be acknowledged by all who enjoy the arts and praised by those organizations whose mission is to promote arts for the people.

Finally, I would like to take this opportunity to honor Erika Kristine David's artwork and to highlight the artistic talents of the young students of Guam.

REMEMBERING PETER ''JERRY'' MIKACICH

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. MATSUI. Mr. Speaker, I am honored to rise in tribute to the late Gerald Peter ''Jerry'' Mikacich of Sacramento, California. As a beloved husband, father, and friend to many, Jerry Mikacich will be remembered as one of our community's must active and giving citizens.

Today, Jerry will be eulogized at a memorial Mass in his hometown. I ask all of my colleagues to join with me in paying tribute to this incredibly caring man whose goodwill will indeed be his lasting legacy.

A native of Northern California, Jerry Mikacich was born in Sacramento on May 10, 1930. He was an active student, athlete and Eagle Scout before he graduated from Christian Brothers High School in 1948. Then, he enrolled at Sacramento Junior College which is Sacramento City College today, and eventually San Jose State.

Since the 1940s, Jerry had a reputation as an avid skier, beginning in childhood and blossoming into a long-term career as a ski shop proprietor. Throughout college, Jerry was known to be a great fan of skiing and an exceptional athlete. In fact, Jerry first came to know his future wife Georgia on the ski slopes.

After college, Jerry soon established a reputation as an expert in the field of winter sporting equipment. Skiers in our area came to rely on Jerry's professional assistance and wisdom. He made this sport available to many who otherwise would never have experienced its thrills, including amputees for whom he adapted ski equipment.

The strength of Jerry's personal character was forever a part of his life. He and Georgia were married on June 19, 1961 and their union remained strong until his passing. As a caring entrepreneur and devoted family man, he served as an outstanding role model for many.

On a personal note, Jerry Mikacich was one of my most valued friends since the early days of my career in public service. He was always there for me and his assistance was tireless and very much appreciated. My thoughts and prayers are with Jerry's wife Georgia, his mother Lottie Munizich Mikacich, his four children, and all the rest of his family during this most difficult of times.

Mr. Speaker, I ask all of my colleagues to join with me today in remembering a gracious and generous man, as well as a very dear friend, Jerry Mikacich.

IN RECOGNITION OF ST. LOUIS CARDINAL MARK McGWIRE

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. GEPHARDT. Mr. Speaker, I rise to salute Mark McGwire and his awesome feat in setting a new, single-season home run record.

Throughout this season, Americans have been treated to one of the most incredible sporting achievements of our lifetime. The single-season home run mark of 61 stood as perhaps the most awesome feat in baseball history. I feel privileged to have been able to witness Mark McGwire in action this year—every baseball fan in America knows that they have seen something special in 1998.

Roger Maris set that record 37 years ago, topping perhaps the most impressive achievement of Babe Ruth, the best all-around player ever to take the field in professional baseball. Watching McGwire's pursuit of 62 home runs, placing him among icons like Ruth and Maris, has been a pure joy to witness.

Mark McGwire is not only an outstanding athlete, he is also a man whose conduct epitomizes good sportsmanship. He has remained focused on his goal in the face of a media frenzy and a sea of exploding in flash bulbs. And he did it with amazing grace and real class.

The chase showed something special about Mark McGwire. But it also showed me something special about the people of St. Louis. The fact that seven very lucky fans gave up progressively larger amounts of money, returning their souvenir home runs balls to Number 25, showed that Cardinals fans truly are, as Baseball America called them, the Best Baseball Fans in America. These fans showed their true spirit when they stood and cheered not only for St. Louis' own Mark McGwire, but also for that great athlete, the Cub's, Sammy Sosa.

Mr. Speaker, I could not be more proud to say I am from St. Louis, and I could not be

more proud to say I am a Cardinals fan. Thank you and congratulations Mark McGwire.

FIXING THE YEAR 2000 COMPUTER PROBLEM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 26, 1998 into the CONGRESSIONAL RECORD.

FIXING THE YEAR 2000 COMPUTER PROBLEM

Much has been written in recent months about the so-called Year 2000 computer problem. The difficulty arises because the computer software coded to mark the years uses only two digits. If the appropriate adjustments are not made when New Years 2000 rolls around, many of these systems will jump back to the year 1900, causing disruptions in government and private sector operations, here and abroad.

Not many people talk to me about their fears of chaos in the world's computer systems in the year 2000. I suspect that most people don't take those fears too seriously and simply believe that the technicians can solve it. But with the year 2000 now only about five hundred days away, it has become clear that the United States needs to move more quickly to address the problem. Federal and state governments as well as businesses are making progress, but more needs to be done if we are to avoid significant disruptions in our economy.

THE PROBLEM

The Year 2000 problem, also known as Y2K or the Millennium bug, has become an important issue in the past few years. The cause of the concern is that many computers store dates using two-digit numbers rather than four: 98 for 1998 and 00 for 2000. This makes 2000 indistinguishable from 1900, causing date sensitive systems to malfunction or stop working completely. Government agencies, private sector businesses, and individuals all face significant problems if their computer systems are not Y2K compliant. The breakdowns could be minor, but they could also disable air traffic control systems, financial networks, power grids, hospitals, home appliances and many other computer systems.

The Year 2000 problem can be fixed by the time-consuming and costly process of checking each program for potential errors. Millions of lines of software code must be renovated for every computer system. In addition, billions of embedded chips currently in use must be inspected for Y2K compliance, and an estimated 1–5% of those chips will probably have to be replaced. No universal solution can be created to fix each system, and nobody knows how much it will cost to solve the problem. One estimate is that U.S. businesses will spend $50–300 billion and that the U.S. government will have to spend $5–30 billion to fix its computers. The worldwide bill for this massive repair effort may come between $300–600 billion. Correcting the problem will be further complicated by the fact that computer systems are increasingly interconnected—so that even if, for example, a major business fixes its computers, those very systems could break down as they interact with customers, clients and suppliers whose systems have not been fixed.

GOVERNMENTAL RESPONSE

The federal government has taken an active role in Y2K repairs for its own systems. Federal agencies maintain many computer systems that manage large databases, conduct electronic monetary transactions, and control numerous interactions with other computer systems. The primary focus is to fix all of the 7,300 ''mission-critical'' systems necessary to continue these activities. A recent report concluded that 55% of the repair work is complete, but progress varies greatly by agency. The Social Security Administration expects to be ready for the year 2000 by January 1999 to ensure that Social Security checks continue to go out on time. Other agencies are expected to be on a tight schedule to meet the year 2000 deadline, and still others will probably not make it.

State and local governments are generally acting more slowly in response to the Y2K problem. Some states have begun planning Y2K conversions, but last year only 19 were beginning to implement the plans. Many localities are not emphasizing Y2K repairs, either for a lack of resources or awareness. Experts warn that state and local computer systems, even if repaired, may not be compatible with federal systems or may contaminate Y2K compliant systems with non-Y2K compliant data. In 1997, state and federal officials met to develop a set of standard practices to minimize risks involved in intergovernmental data exchanges. Several local government associations have also launched an awareness campaign to aid lagging localities.

PRIVATE SECTOR RESPONSE

Businesses will also have to become Y2K compliant if they are to avoid disruptions in their operations and transactions with governments and other private entities. The federal government is working actively with certain critical industries, including transportation, communications, health care, and financial institutions, to meet government standards in Y2K compliance. The Federal Reserve Board is preparing for the worst case scenario but is expecting most major banks to be Y2K compliant by the new millennium.

Current estimates suggest that 85% of industrial software will be fixed or replaced by the year 2000, at a total cost of at least $300 billion. Congress is considering several measures to help the private sector address the Y2K problem. One bill seeks to promote open sharing of information about Y2K solutions by protecting those businesses that share information in good faith from lawsuits. Another measure would seek to limit the liability that a company can face if its products are not year 2000 compliant.

EFFECT ON PRIVATE CITIZENS

The Y2K problem also may present difficulties for the average citizen. Many electronic devices, including automobiles, cameras, televisions, and cellular phones, are not expected to cause problems. There may, however, be problems, with fax machines, pagers, telephones, video recorders, and especially personal computers. The Y2K compatibility of personal computer software varies by the program, so consumers are advised to call the manufacturer to find out about specific programs and insist on in-store tests when purchasing new software. Experts also suggest that consumers keep accurate records of finances and investments in the event that a computer error occurs at your bank or the IRS.

CONCLUSION

The federal government has been slow to recognize the seriousness of the problem. Initial warnings came in 1989 that the world was headed for a computer crisis, but it was not until the mid-1990s, after much prompting from Congress, that many federal agencies began to move, first from an awareness of the problem, then to an assessment of it, and now to the correction of it. The federal government will not be able to guarantee that every computer can be fixed on time, but it is beginning to manage the risks. The government and industry have many improvements to make before the year 2000. While the task is large and tedious, our computers must be Y2K compliant for the electronics aspects of life to continue as normal.

WHY WE SHOULD QUESTION HOSPITAL HOME HEALTH REFERRALS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STARK. Mr. Speaker, on August 6, the Ways and Means Health Subcommittee held a hearing on the problems facing home health agencies because of payment changes made in the Balanced Budget Act of 1997.

In theory, for good and honest agencies, the BBA should not have created problems. It simply asks home health agencies (HHAs) to practice the type of care they practiced in 1994, before many HHAs greatly increased their number of visits per patient and their costs per visit. The theory assumed, of course, that HHAs are serving the same kind of patients they received in 1994.

But between 1990 and 1996, the number of HHAs owned by hospitals nearly doubled, and today, about half the nation's hospitals own HHAs.

So what, you say? At the August 6 hearing, one independent HHA testified, saying what several HHAs have told me privately:

As a freestanding agency, Great Rivers Home Care receives few referrals from hospitals since most have their own home health agencies. Our experience is that the hospitals refer the short term, less complex cases to their own agencies and the sicker, more costly, long term patients are then cared for by agencies like ours.

I do not know the quality of care provided by Great Rivers, but I do know they dared say what others are only saying privately. Before we casually throw more money at the home health sector, we should ask whether there is a self-referral abuse that is causing serious distortions in this part of Medicare.

TRIBUTE TO THE WOODLAKE GOT-A-JOB SUMMER YOUTH PROGRAM

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Woodlake Got-A-Job Summer Youth Employment Program for its commitment and dedication to the lives of youth throughout Southeastern Tulare County. The Got-A-Job Summer Youth Employment Program provides a valuable learning experience for youth in developing job skills for their future.

The Got-A-Job Summer Youth Employment Program is funded and directed by Community Services and Employment Training Incorporated. Woodlake Got-A-Job has taken a

leading role in shaping positive values in young people's lives. Many large and small businesses of Southeastern Tulare County have met a vital community need by offering to employ Woodlake Got-A-Job youth in a variety of work opportunity programs. The community of Woodlake participates by donating supplies and money to the Got-A-Job Program in support of their youth.

The Woodlake Got-A-Job Summer Youth Employment Program offers job skills training and confidence building exercises to teenagers. The guidance and teachings offered by this organization improves the economic health of the community and fosters a positive work ethic in tomorrow's leaders.

Mr. Speaker, it is with great honor that I pay tribute to the Woodlake Got-A-Job Summer Youth Employment Program. The Got-A-Job Summer Youth Program's commitment and dedication to the youth of Southeastern Tulare County is commendable. I ask my colleagues to join me in wishing the Woodlake Got-A-Job Program many more years of success.

TRIBUTE TO JAMES J. MANCINI

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to a great community leader and close friend, James J. Mancini of Long Beach Township. On Friday, September 11, 1998, some of us will ''roast'' Jim by poking fun at some of his more colorful characteristics. But, make no mistake, when it comes down to representing the people of Ocean County, Jim Mancini is very serious, very sincere, and very successful.

First elected to the Ocean County Board of Freeholders in 1982, Jim has proved to be a strong advocate of senior citizens, veterans and the disabled, and has improved transportation programs and library services.

With the largest senior population in the State, Freeholder Mancini, who also is the long-time Mayor of Long Beach Township, serves as the Chairman of the Ocean County Office of Senior Services. A veteran of World War II, Freeholder Mancini's work with the Ocean County Veterans Service Bureau has resulted in an increase in services to the more than 50,000 veterans living in the County. He has received numerous accolades from veterans service organizations for his work, and is a recipient of the Military Order of the Purple Heart.

Jim became Mayor of the seaside community of Long Beach Township in 1964, and continues in that capacity today. He served as a State Assemblyman in the 1970s, and was Ocean County's Freeholder-Director in 1985, 1991 and 1994.

He is the Chairman of the Board of Southern Ocean County Hospital in Stafford Township, and is the Vice President of the Long Beach Island St. Francis Community Center Corporation.

Jim and his wife, Madeline, have nine adult children: Susan, Joseph, Nancy, Annmarie, Jane, Joan, James, Jr., Madeline and Henry, and 12 grandchildren.

Mr. Speaker, On September 11, I will share a few laughs with my good friend, Jim Mancini. But, all jokes aside, Jim Mancini is a leader for whom I have the utmost respect and admiration. Our communities thank him for his commitment to improving our quality of life.

CONGRATULATIONS TO THE BAKERSFIELD SOUTHWEST BASEBALL TEAM

HON. BILL THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. THOMAS. Mr. Speaker, I rise to acknowledge the achievement of a group of young people in my District. On the weekend of August 22, 1998 in Purcellville, Virginia, the Bakersfield Southwest baseball team completed a remarkable season and captured the 16-year-old Babe Ruth World Series championship.

We are thrilled with the great feats accomplished by this Bakersfield Southwest team. In the past four years, the Southwest team posted an amazing 55–4 record in the Babe Ruth league. In this year's World Series, Bakersfield was undefeated in winning the championship, which included a pair of two-hitters and a masterful shutout in the finale. Bakersfield Southwest also became the first team to win back-to-back World Series championships in their age group! All of this was done in a particularly special year for Babe Ruth baseball since 1998 is the 50th anniversary of the Babe's death.

But amidst all of these accomplishments, I am most proud of this team for the dedication and effort that they put into winning this second title. After winning the first, day in and day out, this team worked to correct mistakes and enhance skills. When I think of the way this team worked together, I remember the words of the immortal Babe Ruth: ''The way a team plays as a whole determines its success. You may have the greatest bunch of individual stars in the world, but if they don't play together, the club won't be worth a dime.'' Bakersfield Southwest had its collection of individual stars, but the team worked together, maximizing its many strengths. In all their effort and hard work, they epitomized the great American pastime we call baseball; they worked together, played together, and had fun together. I am sure that the skill and determination exhibited by this team will carry over to make them winners in life as well.

I would like to express my appreciation to Manager Dave Hillis for guiding this team, as well as Coaches Bob Soto, Ben Bradford, Mark Parker, and Ken Miller for all their fine work. Most importantly, I would also like to congratulate Spencer Bailey, Brian Bock, Clint Bradford, Tommy Brast, Travis Hamlin, Tony Hillis, Shaine Jensen, Darrin Levinson, Derick Martin, Ryan Mask, Soctt Mawson, Todd Sachs, Sean Sorrow, Ty Soto, Brent Warren, and Josh Wyrick for an outstanding season and a string of masterful years in the Babe Ruth League. Although I did not dye my hair blonde as was the team's trademark, I, like many others from my District, salute Bakersfield Southwest and thank the team for representing Bakersfield with extreme honor, dignity, and sportsmanship.

IN HONOR OF THE FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT URBAN SEARCH AND RESCUE TEAM

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to 62 distinguished citizens of the Eleventh District of Virginia, the members of the Fairfax County Fire and Rescue Department's Urban Search and Rescue Team. Called Virginia Task Force One, this brave team of men and women has served as our humanitarian diplomats to cities in crisis.

On August 7, 1998, the world was rocked by twin explosions. The American Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania were destroyed in tragic, unconscionably cruel bombings that took the lives of innocent East Africans and Americans. As we stared in numb disbelief at news reports that overflowed with heart-wrenching images and constantly rising death counts, Virginia Task Force One was already alerted and preparing for their daunting mission.

Within 12 hours of the bombings, Virginia Task Force One was fully mobilized for deployment to Africa. Less than 24 hours after the explosions, as many of us were still grasping to understand this tragedy, the team was en route from Andrews Air Force Base to Nairobi. Search and rescue technicians, cave-in experts, physicians, paramedics, logisticians, and command and control personnel comprised the 62-member Task Force, led by Battalion Chief Michael Tamillow and retired Deputy Chief James Strickland.

Virginia Task Force One worked tirelessly with search and rescue teams from Kenya and Israel, transforming the chaos of Friday into an orderly and systematic search for any survivors, and for key evidence to piece together the cause of the event. For the first several days of the rescue effort, team members ran two twelve-hour shifts to provide round-the-clock operations. The work was especially dangerous during the night, due to the poor light and danger of shifting debris. After they had gone through the entire debris pile, well ahead of schedule, and it was clear that they would find no more survivors, they ceased nighttime operations. Despite the grueling labor, dangerous conditions, and long hours, the members of the Task Force consistently reported that they were ''in good spirits and . . . happy to be contributing to the effort.''

Chief Strickland, co-commander of the mission, reported feeling a sense of dêjà vû as he surveyed the wreckage in Nairobi. He compared it to the devastation he had observed when the Virginia Task Force assisted rescue efforts in Oklahoma City, after the bombing of the Alfred P. Murrah Building. Nairobi was not the first or even the second scene of mass destruction heroically attended by the Fairfax County Team. As one of only two search and rescue task forces in the U.S. trained and authorized for overseas disaster deployment, Virginia Task Force One has been deployed to Armenia and the Philippines, as well as Oklahoma City and Kenya.

The men and women of the Fairfax County Fire and Rescue Department's Urban Search

and Rescue Team answered their nation's call for help. Their work as not glamorous; they quite literally dug in, lifting away thousands of pounds of concrete and steel in the searing African sun. They labored in the face of danger, even switching hotels to evade the bombers, who were still at large. They labored in the face of horrific tragedy, but they never lost faith in their purpose.

Mr. Speaker, I know my colleagues join me in honoring the Urban Search and Rescue Team of the Fairfax County Fire and Rescue Department. The men and women of Virginia Task Force One left their homes and families, traveling thousands of miles to represent the United States in a purely humanitarian mission. Their nobility of purpose and action was an honor to witness. I am proud to represent such heroic citizens.

STOPPING ABUSE OF MEDICARE LONG TERM CARE HOSPITAL PAYMENT SYSTEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STARK. Mr. Speaker, I am introducing legislation today to close a loophole in the way Medicare pays long-term care hospitals—hospitals which treat people with severe problems and which have an average length of stay (ALOS) of more than 25 days.

Some so-called TEFRA hospitals establish extremely high patient costs in the first year or two of operation, which establishes the rate at which they will be paid under Medicare in future years. Once that rate is established, they immediately go to a much lower cost mix of patients, but get paid as if they still had a very sick, expensive patient caseload. The bill I am introducing would help curb this gaming of the system.

THE WORK OF CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 19, 1998 into the CONGRESSIONAL RECORD.

THE WORK OF CONGRESS

The work of Congress often seems laborious and painfully slow. We hear complaints about legislative stalemate, excessive partisanship, and the ''do-nothing'' Congress. Sometimes it is hard to discern good reasons for the inefficiencies and delays that occur. But often the difficulty of passing legislation stems from the very nature of our representative democracy and from our changing country and changing political climate. The work of Congress has become much more difficult over the past several years.

The job of Congress: Although the job of a Congressman involves several different roles, the main ones are as representative and legislator. As a representative, a Member serves as an agent for his constituents, ensuring that their views are heard in Congress and that they are treated fairly by federal bureaucrats and other public officials. As a legislator, a Member participates in the lawmaking process by drafting bills and amendments, engaging in debate, and attempting to build the consensus necessary to address our nation's problems. Fulfilling these roles may sound easy, but can be enormously difficult.

Some things, it must be said, have helped to make the work more manageable in recent years. Congress has moved into the information age, as computers, faxes, and Internet access help Members communicate with citizens. Large numbers of congressional staff help Members respond to constituent mail and research legislation. The expansion of think tanks and public policy research helps provide lawmakers with detailed analysis of policy options.

Increased difficulty: However, the elaborate constitutional system of separated powers and checks and balances created by our founding fathers still requires that compromise and consensus occur for legislation to pass. This protects people from the tyranny of the majority, but also makes it difficult for Congress to act. Since I have been in Congress the job of a Congressman has become increasingly difficult, for several reasons:

First, the country has grown larger and more diverse. The population of the country has more than doubled since I was in high school. Each Member of the House now represents almost 600,000 constituents; almost 50% more than in the 1960s. Americans also vary more now in terms of occupation, race, religion, and national origin. The increasingly diverse background of constituents expands the range of interests and differences that must be reconciled to produce consensus on major issues.

Second, the issues have grown more numerous and more complex. Today's Congress tackles a host of topics that simply were not around a few decades ago, from campaign ''soft money'' and HMO's to cloning and cyberspace. Also, the issues we consider have become more technical and complicated. A recent environmental bill before Congress reminded me of my college chemistry textbook.

Third, the issues have also become more partisan. The policy agenda always has included divisive items, but in past years these divisions typically were not partisan. An individual you disagreed with on one issue likely would support your view on many other items, making it easier to strike bargains and achieve consensus. With the intensity of American politics today, issues often have a sharper, partisan flavor. Policy debates frequently split constituents and their elected representatives by party, making the two major parties resemble warring camps more than potential partners in compromise.

Fourth, there are more policy players in the legislative process. For instance, in the 1960s just a handful of major groups were actively involved in foreign policy making. Now there are literally hundreds, including the business and agriculture communities, nonprofits and public interest groups, labor unions, ethnic groups, and international organizations. The cast of important players has similarly expanded in the numerous other policy areas.

Fifth, although the workload of Congress has expanded, the number of hours in session in recent years has actually dropped. The leadership has chosen to have the House now work basically only 2½ day weeks, with many Members arriving in Washington on Tuesday afternoon and leaving for their districts on Thursday evening. As a result, Members have less time to know each other well and to work out their differences, thus making consensus-building even harder.

Sixth, the cost of campaigns has skyrocketed, driven largely by the cost of television advertising. Members today must spend a disproportionate amount of time fundraising, which means less time with constituents discussing the issues and less time with colleagues forging legislation and monitoring federal bureaucrats. Also, special interest support may drive some Members to lock in their views earlier, reducing their flexibility and making compromise harder.

Seventh, the tone in Congress has changed dramatically over the past several years, with more partisan bickering and personal attacks, and less civility. That takes a significant toll. It poisons the atmosphere and complicates the efforts of Members to come together and pass legislation for the good of the country. In the end, Congress works through a process of give and take, which is far more difficult with strained relationships across the aisle.

Eighth, the media tend to favor the extreme views on any given issue, emphasizing the differences and downplaying the areas of agreement. That can polarize the issue and make agreement more difficult to reach.

Finally, public suspicion of politicians is greater today than it was in past decades. Americans have always had a healthy skepticism about government, but problems arise when they become cynical and have little trust in what their leaders say or do. It is difficult for Members of Congress to even discuss the issues with constituents when their character, values and motives are always suspect.

Conclusion: It is easy to criticize Congress. As Members are clearly aware, many criticisms of the institution are justified. But we need to get beyond that and recognize that certain perceived shortcomings of Congress are actually inherent features of any legislature in a large, diverse, and complicated country. Members of Congress need a certain degree of trust from their constituents if they are to fulfill their roles as representative and legislator—not unconditional trust, but support meshed with constructive skepticism and a reasonable understanding of the difficulties the institution confronts.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 3, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Mr. DELAHUNT. Mr. Chairman, I rise in strong support of the amendment, which would restore funding for the Legal Services Corporation to current levels.

The Legal Services Corporation is a lifeline for thousands of people with no other means of access to the legal system. Last year, LSC resolved 1.5 million civil cases, benefiting over four million indigent citizens from every country in America.

Who are these people? Over two-thirds are women, and most are mothers with children. Women seeking protection against abusive spouses. Children living in poverty and neglect. Elderly people threatened by eviction or

victimized by consumer fraud. Veterans denied benefits, and small farmers facing foreclosure.

These are the people who will be hurt if this amendment is not adopted today. If LSC is forced to absorb the huge cuts made in committee, half of the 1,100 neighborhood legal services offices will have to be closed. This will leave a single lawyer to serve every 23,600 poor Americans. Over 700,000 people in need of legal services will have to be turned away.

We cannot—we must not—allow this to happen. I urge my colleagues to vote for this amendment. It's the decent thing to do.

REMARKS OF ERIC W. BENKEN, CHIEF MASTER SERGEANT OF THE AIR FORCE

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STUMP. Mr. Speaker, I rise today to pay tribute to Chief Master Sergeant Eric W. Benken, who recently made some very insightful remarks regarding national security on August 22, 1998, at the Noncommissioned Officers Association 1998 Annual Awards Banquet, that I believe would be of interest to all the members of the House of Representatives:

CHALLENGING TIMES—BRIGHT FUTURE—STRENGTH IN UNITY

It's always tough to follow the Air Force Honor Guard Drill Team—outstanding individuals—anytime someone says there is something wrong with America's young people—I point to them as an example of what's right with America. And the Air Force Singing Sergeants—a magnificent group and I might add, the product of successful gender integrated training—they are no longer an all male chorus group like they were in the beginning!

Congressman Montgomery, sir, its great to have you with us here tonight—a recipient of the Air Force Order of the Sword—the highest tribute that can be bestowed upon anyone by the enlisted force—a great patriot and ardent supporter of our military.

President and Mrs. Putnam, my service counterparts, members of the foreign joints, Vanguard Award Recipients and distinguished members of the Noncommissioned Officers Association. It's a tremendous pleasure for my wife Johnne and I to be here tonight as I address this distinguished audience of patriots and great Americans.

Tonight I want to talk to you a little bit about the challenges we face—and a little bit about our future.

First of all, it's important to recognize that this snapshot in history in which we live is like no other. There has never been another decade like the '90s. And the reason is simple—the cold war is over. For about 45 years it was NATO and the Warsaw Pact going toe to toe. We had the Berlin Wall that represented a visual distinction between democracy and communism—the separation of good and evil, if you will. Our tanks and artillery faced off in the Fulda Gap. We had large numbers of forward based installations with a policy of containment.

We lived under the umbrella of nuclear annihilation. Remember the drills we had in high school? An alarm would sound indicating a nuclear missile was inbound from the Soviet Union—and we would dive under our desk. Like that would do any good! And we always had that fanatic next door who was building an underground fallout shelter. You remember vividly the Cuban Missile Crisis—when President Kennedy and Premier Kruschev did political battle over the placement of missiles in Cuba.

In the early 1980s, President Reagan responded to the hollow force of the late '70s and the continuing cold war threat and began to rebuild our armed forces to take on the ''Evil Empire.'' We had plenty of money for defense and plenty of people to do the mission. The '80s presented few problems for us in terms of manpower and resources, and deployments were few. Life was bliss.

In November of 1989, one of the most dynamic events of this century took place in Berlin. We watched on CNN as the wall was torn down. I was assigned to the Supreme Headquarters Allied Powers Europe in Mons, Belgium. We were knee deep in containment war plans. We couldn't believe our eyes at what was happening. What were we going to do next? As the wall fell and Germany was reunited, we got a sneak peek behind the iron curtain and found that communism had collapsed and the cold war was over—and we were the winners.

It was like going forward in your car for 45 years and suddenly throwing it into reverse. The world stage changed drastically. Many thought that NATO should be disbanded. Nations demanded money spent for defense be returned to the people for domestic programs. The world wanted a ''peace dividend.'' And the United States was no different. And we began to reduce our military establishment—both in terms of personnel and installations.

New terms showed up in our vocabulary. Terms like BRAC (Base Realignment and Closure). Our overseas presence was tremendously reduced and we brought forces and equipment home.

And while many thought our job might be over, our missions actually began to increase. We found ourselves embroiled in ''hot spots.'' We began doing humanitarian and disaster relief missions. Rawanda, Somolia, Liberia, Haiti and Bosnia came up on the scope. Bare base operations like Prince Sultan, El Jabber, Ali Asalem, Doha, Qutar, Baharain; Rhijad, San Vito and others. Places where Americans in uniform must deploy, live and fight. And we continue to deal with Saddam—a millstone around our neck. Our Air Force people alone began to deploy at 4 times the rate they did in the ''blissful'' '80s.

The '90s present a whole new set of challenges. More new terms like Op Tempo and Pers Tempo. We didn't get enough relief from the first round of BRAC—and we are spread too thin across too much real estate. That is why you hear us persistently ask Congress for more BRAC.

The drawdown meant the loss of skill levels in the ranks as we carved out the middle of the force. We have training shortfalls. We had to find a new way to deliver health care to 9 million eligibles—and Tricare popped up on the scope. We have aging weapons systems—we cannibalize parts from two weapon systems to get one functioning. We have a monotonous desert rotation—slipping readiness posture—outsourcing and privatization are being thrust upon us.

We deal with all of this against the backdrop of the Balanced Budget Amendment and a flatlined defense budget. It forces us to make tough decisions on whether to modernize, sustain readiness or improve quality of life.

For the Army and the Air Force—we must make the transformation to become more expeditionary. Lighter and leaner—not reliant on forward based locations and assets. This presents a cultural change for our people who must change how they do business—and old habits die hard.

Add into all of this retention challenges presented by an overheating economy and low unemployment across the country. The private sector competes for our highly trained and highly disciplined technicians and lure them away with more pay and in many cases better compensation. There is plenty of money for young people to go to college and the propensity to serve has diminished. Recruiters are having a very difficult time making quotas while maintaining quality. There are frustrations with op tempo and pers tempo—the changed retirement system is seen as a breach of faith and Tricare has had some tough times with implementation.

For myself and my service counterparts, we have increased congressional contact on a variety of subjects like gender integrated training—trying to convince them each service knows how to train their people the right way. We've discussed fraternization rules, readiness and quality of life and their impact on our troops.

As General Mike Ryan, Air Force Chief of Staff says, ''This is not my father's Air Force.'' And I would submit that this saying applies to all of our armed forces as they relate to the decade of the '90s.

This scenario has certainly produced its share of ''prophets of doom and gloom.'' Newspapers have editorials from naysayers attacking senior leadership and publicly displaying their disgruntlement over current situations. Some among our own ranks would counsel our troops against making the military a career because ''it isn't as good as it used to be'' Whatever that means!

The reality is this—the armed forces still offer a great way of life for young Americans. We still offer tremendous opportunity—skills training—and we do it in an environment of equal opportunity. We still offer an exciting way of life. And this nation still needs patriotic Americans who are willing to sacrifice for their nation and win her wars.

As Sgt. Major of the Marine Corps Lee said in a meeting today, ''it's time to accentuate the positive things about our armed forces and our special way of life—and stop listening to the negative.

The fact is, we have inherited a new world order. The world stage has changed—it's more complicated and our roles and missions have been modified. We must make adjustments—and we will—we will attack these challenges like we have always done in the past—with hard work and innovation!

I believe our future is extremely bright. Despite all our challenges, we still have a tremendous corps of young people who are nothing short of fantastic—they exceed all expectations. Their technical skills are something to marvel. When I entered the Air Force back in 1970, our top of the line equipment in the orderly room was the Underwood Five manual typewriter. Today, that same recruit is involved in LAN administration—with advanced computer skills—some even work in the Information Superiority Battle Lab at the Air Intelligence Agency in San Antonio. And as our troops become more and more technically qualified in a variety of skills—we'll have to be competitive if we want to secure their skills for the long run—that's just a fact of life.

And we need to help our young troops keep focus on the vision of our armed forces of the future. We must instill in them enthusiasm and optimism. As General Colin Powell said, ''Never take counsel of our fears or naysayers.'' He also said, ''Optimism is a force multiplier.''

We need to remind our troops that the military gave them all they ever needed to

know to be successful during their indoctrination into the service at basic training. We taught them how to salute, dress for success, customs and courtesies. We taught them how to follow instructions and to be on time. We taught them how to work as a team through drill and ceremonies. We taught them to have dignity and respect for each other. We also taught them to have high personal standards and to demand high standards for their units. We also taught them followership.

As we become more expeditionary our roles and missions in joint operations will become increasingly intertwined. We must teach our troops the importance of ''Strength in Unity'' as it relates to the armed ''armed forces'' team.

We must make them aware of the importance of the legislative process and its impact on the military way of life—we aren't doing a very good job of that right now. As the congress shifts and becomes less attuned to the military and the mood of the country becomes more and more complacent about defense—we will continue to rely on the superb representation of organizations like the Noncommissioned Officers Association. They help preserve entitlements and benefits and work issues on our behalf. And they do a superb job at it.

We have so very much to be proud of. We wear the uniforms of the greatest armed forces in the world. We are members of an honorable profession—the profession of arms. We walk in the shadows of heroes—men and women who have made the ultimate sacrifice for our great nation. We need to remind ourselves of that once in awhile.

So, I would say to you here tonight—yes, we have challenges—but we will overcome them and return to level flight and steady seas.

And, we rely on ''Strength in Unity''—a super motto for the NCOA because it captures the essence of who we are.

Thank you for having me here tonight—and a special congratulations to our Vanguard Award recipients—who represent the best of the best—and represent the thousands in uniform who serve our great nation around the globe. Good night and God Bless America.

BIOGRAPHY

Chief Master Sergeant Eric W. Benken entered the Air Force in March 1970. He became the 12th Chief Master Sergeant of the Air Force in November 1996. His background is in information management, and he has served for more than 25 years in operational, maintenance and support units at every level of command from squadron through major air command. He served in maintenance administration in Taiwan and Vietnam, and served as executive noncommissioned officer to the commander in Korea. His stateside assignments include Bergstrom AFB, Texas, Eglin AFB, Florida, Ellington AFB, Texas, and Davis-Monthan AFB, Arizona. He also served in a joint service/NATO assignment at the Supreme Headquarters Allied Powers Europe. Before becoming Chief Master Sergeant of the Air Force, he serviced as the senior enlisted advisor for the U.S. Air Force in Europe (USAFE) at Ramstein Air Base in Germany, a position he assumed in October 1994. While at USAFE, the command was involved in operations such as Provide Promise, Provide Comfort, Deliberate Force and Joint Endeavor in Bosnia. Chief Master Sergeant Benken is committed to transitioning the enlisted corps into an Air Expeditionary Force and, in the process, helps shape what the Air Force will look like in the next century and beyond.

TRIBUTE TO JOHNNY LONDON

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to Johnny London as he marks his Thirtieth Anniversary as the morning host on WICH in Norwich, Connecticut. Over the past three decades, Johnny has become an ''institution'' in Norwich through his show and, more importantly, his work on behalf of the community.

Johnny came to Norwich from Maine thirty years ago to take a job as the ''morning man'' at WICH. WICH is the major AM station serving Norwich and surrounding communities. Over the years, Johnny has developed a format which combines news, political commentary, history lessons, sports and discussion about community events. When it comes to politics, Johnny calls it like he sees it. He doesn't mince words and he isn't afraid to criticize someone in office or a proposal if he believes issues need to be raised. His show gives him an opportunity to highlight issues and question actions. However, in the very best tradition of American broadcasting, Johnny has never done so for personal aggrandizement. He has always acted in the public interest and been motivated by doing what is best for the community.

Mr. Speaker, Johnny London is much, much more than the host of a morning radio show. He is a tireless friend to countless organizations, charities and special events to whom he lends his time and support. Johnny's show has perhaps the most extensive ''community calendar'' of any in Connecticut. Moreover, he has supported hundreds of charitable functions over the years. To generate awareness about issues and raise funds to assist those in need, Johnny has gone into the boxing ring with Willie Pep and played basketball with teams from across the country and around the world.

To some, these actions might not sound uncommon—every radio personality does publicity stunts. But this is where Johnny is different. He is our there every day, every week and year after year working on behalf of the community. He is there when it's ninety-five degrees and in the blowing snow. He puts just as much into supporting events that attract ten people as those that draw thousands from across southeastern Connecticut. His remarkable generosity is more extraordinary than even the longest tenure on the airwaves.

Mr. Speaker, as Johnny marks his thirtieth anniversary with WICH, he has much to be proud of. His show is among the highest rated in Connecticut. Currently, he holds the record as the longest-serving, active morning radio broadcaster in our state. He is recognized as one of the foremost historians of Norwich. More importantly, he is loved and respected by residents across eastern Connecticut for his tireless efforts on behalf of their communities over three decades. I join them in saying thank you. We look forward to tuning in for many years to come.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Mr. DICKEY. Mr. Chairman, I want to show my concern about a provision in the chairman's bill that allows an increase of $18.5 million, for the Equal Opportunity Employment Commission, or EEOC. I want to do so by drawing attention to a circumstance in Miami, Florida, that I think is worthy of the gentleman's attention and the attention of my colleagues. It has to do with Joe's Stone Crab in Miami Beach.

This is a well-known, world-renowned restaurant. It has been owned for 85 years by the same Jewish family. It has had diversity in its hiring practices long before it was required by law. However, it has been targeted and victimized by the EEOC, not because there are too few female employees. The owner is a female and 22 percent of the employees are female. The heads of the departments of the restaurant, Mr. Chairman, are females, but there are too few female servers, according to the EEOC.

This is in contrast to what is happening with Hooters restaurants. Hooters has only female servers. They are a chain. The EEOC has targeted this one restaurant.

The reign of terror of the EEOC against Joe's Stone Crab began on April 27, 1992. The charge was a failure to actively recruit female servers. This was done without a female filing a complaint, and it was done without complying with the law that 300 days prior to such a ruling, there had to be a complaint filed. There was no compliant filed. The EEOC started an investigation on its own.

On July 3, 1997, there was a ruling by Judge Daniel T. Hurley. In his findings, he said that Joe's Stone Crab was guilty; those were his words, even though it is a civil action, that they were guilty of hiring discrimination.

There was no finding of any intended discrimination, Mr. Chairman. Yet, the Court took it on itself at that point to take over the hiring practices of Joe's Stone Crab. They required that announcement of the roll call, which had been word of mouth, be publicized, and required Joe's to spend $125,000 in ads in newspapers that the Court specified.

As a result, a fewer percentage of applicants of women was brought in. They hired more than the percentage of female applicants that came in, and again, no female complained at any time.

When confronted with the 22 percent female hiring that had occurred between 1991 and 1995, the Court then just changed the statistical reference. They took the total of the female food servers in Dade County, and that was 32 percent, so they just moved the target so the Court could do what it wanted to do.

The bottom line is that this restaurant has spent 6 years, over $1 million; they have had bad publicity; they have had lower morale; they have had the Court come in and take over their operations and examine it from every angle. Then we are giving EEOC $18.5 million in increase. I think EEOC must not have enough to do. If they claim there is a backlog, it is because they are spending time on such frivolous litigation. They should be examined very carefully.

Small businesses all across the country are being victimized by the EEOC. They are at the point where they cannot complain because they think retaliation will come. Joe's Stone Crab is a story of one owner saying, I will take on the government for the sake of small businesses. This restaurant is fighting the battle for small business all across the country.

My last comment, Mr. Chairman, is that I urge, as this bill moves forward and in the years to come, that the chairman address the issue of frivolous litigation and damages that the EEOC brings upon the small businesses in America.

JOHN SEIBERLING— ENVIRONMENTAL HERO

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. VENTO. Mr. Speaker, I would like to call to the attention of my colleagues that yesterday, September 8, was the 80th birthday of our former colleague and a good friend, John F. Seiberling.

John Seiberling was first elected to Congress in 1970, having already spent 25 years as a member of the military serving in World War II and as an attorney in private practice with the Goodyear Tire and Rubber Co., which his grandfather founded. After 16 years of Congressional Service, John retired voluntarily in 1986 with a lifetime of outstanding accomplishments.

Originally inspired to run for Congress by his opposition to the U.S. involvement in Viet Nam, John Seiberling quickly rose as a leader in the House efforts to end the war. Concerned about our defense and foreign policies, John was also a leader in the Congressional organization, Members of Congress for Peace through Law, known later as the Arms Control and Foreign Policy Caucus.

In the House, John Seiberling served on the Committee on the Judiciary. An active member, John participated in the Watergate hearings and was the floor manager for the historic House passage of the antitrust law rewrite, the Scott-Hart-Rodino Antitrust Act.

However, John was best known for his commitment to the environment and for his many accomplishments as a member of the House Committee on Interior and Insular Affairs. Today, this Committee is the House Resources Committee. As a member of that Committee, John was a very special Member who stood very tall. I had the privilege to serve with John for ten years and to learn from him. John played a major role in securing the passage of the Surface Mining Control and Reclamation Act of 1977. This important law has reversed the damage caused by surface coal mining. John was also largely responsible for the enactment of the Cuyahoga Valley National Recreation Area Act. This law created Ohio's first national park.

Alaska and the preservation of the unique national treasures of that state were at once a passion and an inspiration for John Seiberling. As Chairman of the Subcommittee on General Oversight and Alaska Lands in 1977, John Seiberling was a leader in speaking out, fighting and shaping the comprehensive law and policy that finally preserved this last bit of wilderness for all America. While the fight took six long years and much of John's time, it was a labor of love. John Seiberling and Mo Udall were eventually successful in passing Alaska lands legislation which doubled the size of our National Park System and quadrupled our national wilderness system.

John's commitment to the environment continues today in his role as the Director of the Environmental and Energy Study Institute, of which he was a founder.

I am certain that my colleagues will join me in saluting John Seiberling's accomplishments and wishing him a very happy birthday—a well deserved 80th year. John has shaped our landscape and environmental policies well into the future. Our best wishes for many more years of life and celebration of his work, the legacy and American heritage for generations yet unborn. Happy Birthday to the environment's best friend, John Seiberling.

THE AGING OF AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 12, 1998 into the CONGRESSIONAL RECORD.

THE AGING OF AMERICA

America is getting older. As Americans are living longer than ever before and as the Baby Boomers ease into their senior years, fundamental shifts will occur in our society. In areas such as health care, housing, and recreation, the impact of an aging population will be felt. The costs of providing these services will put a strain on the financial resources of governments and families alike.

The importance of Social Security and other federal programs for older Americans is emphasized by the fact that financial prospects for many Americans approaching retirement are grim. According to a recent comprehensive study: 40% have no pension income other than Social Security. One in five households has no assets and one in seven persons has no health insurance. 20% are disabled.

The cost of supporting older persons will be a heavy burden on the living standards of younger workers. By the year 2030 one in five Americans is projected to be 65 or older, up from one in eight today. And the proportion of the oldest Americans, those over 75, whose health care costs are especially high, will nearly double from present levels. This too will have a huge impact on government budgets and workers' incomes.

An aging America raises major social and political questions. Is it fair to place huge tax burdens on workers to pay for the retirees? Will the projected heavy spending on programs for older people crowd out other important government spending like national defense or law enforcement? Will high taxes be necessary and, if they are, will they depress economic growth?

Given these facts many of the pundits are predicting warfare between the generations, between the young and the old. Yet I am doubtful of that. In my experience young people are just as concerned about protecting Medicare and Social Security as their parents are. My own view is that the bond between the generations is strong, and that should not surprise us given the strong family ties that still exist for the most part in this country. I think young people want older people to be secure and to have quality health care, and they don't want them to be dependent on them.

CHALLENGES OF AN AGING AMERICA

Everybody acknowledges the difficulty of ensuring the long-term stability of Social Security and Medicare. We simply cannot afford the contract we now have on the table as the Baby Boom generation approaches retirement. We will have a smaller number of workers supporting a much larger number of retirees, and something will have to give. So it represents a formidable challenge to our system of government to carry Americans—young and old—through the major changes needed in these programs.

The trend in America has been to retire earlier and earlier, and that has placed an extra burden on federal programs. In the last century more than 75% of men 65 years and over worked. In 1997 only 17% did. But things are beginning to change. Retirement ages are creeping back up and the whole concept of retirement is changing. Among other things, older people are increasingly leaving the work force gradually, taking temporary and part-time jobs.

Older people require more expensive social services—particularly health care—and they depend upon government programs like Social Security for much of their income. The importance of Social Security to older Americans cannot be over-estimated. Almost 92% of those 65 and older receive Social Security benefits and many would live in poverty if it did not exist. Moreover, as the number of the oldest Americans grows, the use of medical and long term care services such as hospitals, home care, nursing homes, and elder day care will increase sharply. The effect on Medicare and Medicaid will be significant. Today these programs provide insurance for health and long-term care for 97% of the elderly.

POLITICAL CHALLENGES

One has to wonder whether a democratic government is going to be able to deal with these challenges, particularly if it involves reducing benefits for an increasingly large and powerful group. Most analysts view bringing future benefits under control as necessary, yet older persons do not want their benefits cut. One alternative is raising taxes but that means that the current Social Security tax rate would have to be boosted sharply to provide the benefits that have been promised. Others suggest that we should adopt policies directing benefits to low-income elderly persons, and that would reduce costs and improve economic efficiency by getting the money to those who need it most. But to shift in the direction of either a tax increase or a benefit reduction causes a loss of popular support of many people. The challenge to the country may be to make the long-term investments in education, infrastructure, and basic research that lead to growth in the economy and new business opportunities, which in turn makes it easier for the economy to absorb the costs of programs for older Americans. The problem is how that long-term investment, much of which is directed toward younger people,

is going to happen when the largest and most powerful group will be older people.

I think it will be necessary for public officials to talk a lot more about how the satisfaction of building a better tomorrow outweighs the immediate appeal of greater and richer benefits. My personal experience is that older people are very receptive to that argument. The conventional view is that older people, as they wield ever greater power within our system of government, will lend their support to policies that serve their interests: higher spending on health, social services, and law and order, with spending on education taking a back seat. If this is the approach then that could spell trouble between generations. But I do not buy the view that we are headed in this country for intergenerational warfare. Most older people have children and they want the very best for those children, and that causes them to pursue their own interests less selfishly. Younger people want their parents to be adequately supported and everyone knows full well that they themselves will get older. They expect the next generation to help look after them in turn.

CONCLUSION

The aging of America will have a profound effect on our country. Rather than focus on the potential for intergenerational conflict, we need to see what can be done now to address the crunch we all know is coming. Steps should be taken soon to shore up both the Medicare/Medicaid and Social Security systems. In addition, each American needs to plan financially for their own later years. Proper planning and thought, on the part of the individual and of the government, will go a long way in helping the nation deal with these issues of an aging America.

CONGRATULATING THE HOUSTON COMETS, WNBA CHAMPIONS

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SANDLIN. Mr. Speaker, I rise today to congratulate the Houston Comets of the WNBA on their second consecutive WNBA championship. The women of the Houston Comets and the WNBA have brought a new respectability to professional sports—something that has at times been lacking in some of the male-dominated professional sports in recent years. These women, many of them working moms, are truly role models to young women across the United States.

At a time when our young people desperately need role models, these women have stepped up to the plate. The teams have dedicated themselves to community service and feel a real responsibility to their community and to their fans. Team members have done public service announcements to promote breast cancer awareness; they have volunteered their time to work with homeless children; and they have volunteered in soup kitchens to feed the homeless. In short they have given as much to their communities as they have received.

Another important result of the remarkable success of the WNBA has been its impact on women's sports in our high schools and colleges. It is a realization of the importance of Title IX programs. Today, a record 2.5 million girls compete on high school teams, compared with 300,000 in the early 1970s. The success of professional women's sports should help continue this trend as our daughters are able to watch role models like Cynthia Cooper, Sheryl Swoopes, and Tina Thompson.

So again, Mr. Speaker, my congratulations to WNBA Coach of the Year Van Chancellor, League MVP and first team All-WNBA Cynthia Cooper, first team All-WNBA players Sheryl Swoopes and Tina Thompson, and the rest of the Houston Comets on their outstanding season and my thanks to them for providing our communities with such a positive image of professional athletes.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4380) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes:

Mr. DELAHUNT. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Oklahoma.

Some who oppose this amendment will express their concern about the unwarranted intrusion this amendment represents into the lives of children and their families in the District of Columbia.

Others will address the impact of this amendment on the principle of local control, and wonder what in the world the Congress of the United States is doing meddling with local adoption rules.

I share both of those concerns, Mr. Chairman. But tonight I wish to speak as an adoptive parent, who is concerned first and foremost about the well-being of unwanted children.

Mr. Chairman, it is a sad fact that not all parents are fit parents. Child abuse and neglect occurs in all kinds of families. Among ''birth families'' no less than adoptive families. Among so-called ''traditional two-parent families'' no less than families of less conventional description.

Most of us do our best to love and nurture our children, but no parent is perfect. And we all make mistakes.

But I also know that good parents and families come in all shapes and sizes, too. Some of the most loving, nurturing and supportive families would fail Mr. LARGENT's litmus test.

And that would be a tremendous loss for the half a million children now in foster care who would be deprived of the chance to grow up in that kind of environment.

There are too many kids out there who need decent homes for us to start deciding which characteristics to require of adoptive parents. Some who value a religious upbringing might want to disqualify prospective parents who are not religious. Others might want to disqualify people who are. Some might feel that only people with a certain level of income, or education, are entitled to adopt. And so forth.

But such considerations are really beside the point when it comes to adoption. The only test we ought to apply is the test the law already uses to determine whether a child belongs in a particular family situation or not. That test is whether the situation is in the ''best interests'' of the child.

The application of that test is a complex matter. It requires the careful weighing of a multitude of factors by those with the requisite experience and expertise. One thing we can be sure of is that the Congress of the United States is not the agency that is best equipped to do that evaluation.

Another thing I'm sure of, Mr. Chairman, is that it is not in the best interests of a child to be in an institution or on the street when he or she could grow up in a stable, loving household.

We should ask whether the parents have the means to feed and clothe the child and see to its education. We should ask whether they maintain a home that will offer the child a harmonious, stable and nurturing environment. We should ask whether they have the skills and the commitment it takes to be a good parent.

When we find a family that offers all this to a child in need, what kind of society would reject that family because the parents are ''not related by blood or marriage?''

I believe we should embrace that family, Mr. Chairman, and be thankful that a lost child has been given a new home and a second chance in life.

CLIFFORD MELBERGER HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my good friend, Mr. Clifford Melberger of my District in Pennsylvania. Cliff has been named ''Community Leader of the Year'' by the Eastern Pennsylvania Chapter of the Arthritis Foundation. I am pleased to have been asked to participate in honoring him.

Deborah D. Hannon, Chairperson of the Foundation's Board of Directors, describes this prestigious award as ''an award that is given throughout each chapter area to a person who epitomizes the word 'leader' in both his personal and professional life.'' Cliff Melberger is certainly a fine example of this criteria. He is the founder and CEO of Diversified Information Technologies, Inc., a national information management and document imaging company. Cliff has been an innovator in the use of computer systems to service the information management industry. He received two research grants from Pennsylvania's Ben Franklin Partnership to develop electronic vaulting, which is the transmission of computerized media via satellite or Telecommunications.

For the last 16 years, Clifford Melberger has defined Diversifed's migration from a traditional records storage and retrieval company to a state-of-the-art information management company, providing Fortune 500 companies with access to their corporate records via multiple media platforms.

Mr. Speaker, Cliff Melberger began his career in banking after receiving his undergraduate and graduate degrees from Bucknell University. He served as president of the University's Alumni Association. He currently serves

on the Board of Directors for the JPM Corporation, the Greater Scranton Chamber of Commerce, as well as the Board of Trustees of Wilkes University. He is an Elder in his church. He and his wife Ruth are parents of two grown children and have two grandchildren.

It is with great pleasure that I join with the Arthritis Foundation in honoring this distinguished businessman and community leader, Mr. Clifford Melberger. I send him and his family my sincere congratulations on this honor and best wishes for continued success and prosperity.

CONTRIBUTIONS OF WILLIAM A. TUCKER

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SCOTT. Mr. Speaker, I rise today to pay tribute to William A. Tucker, my good friend and long-term community leader in the Third Congressional District of Virginia.

Mr. Tucker was born on September 15, 1928 in Greenville, North Carolina and moved to the Hampton Roads area in 1962. Since that time, he has amassed a commendable record of community leadership based on a practice of leading by example. It began with the example he set as a dedicated family man, who, along with his wife Helen Hembly Tucker, raised five children who have given them three grandchildren.

Mr. Tucker served in the U.S. Air Force from 1948 to 1974. After leaving active duty in the military, he became involved in a number of community activities. He began work as a Longshoreman and was ultimately elected President of Newport News Local 846 of the International Longshoreman's Association. While in his position with Local 846, he also became involved in other community and civic organizations. He became a life member of the Veterans of Foreign Wars and the National Association for the Advancement of Colored People.

Mr. Tucker went on to hold membership in and serve on the Executive Board of the Hampton Democratic Party, the Virginia State Board of Corrections Education Subcommittee, the City of Hampton Charter Review Commission, the City of Hampton Citizen's Unity Commission, the Committee for the Beautification of the City of Hampton, and the Board of Hampton Roads Boys and Girls Club.

So, it is with honor that I call attention to the contributions of William A. Tucker before the Congress and the nation and I ask that these remarks be made a part of the permanent records of this body.

IN OPPOSITION TO HATE RALLIES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. GILMAN. Mr. Speaker, we are all well aware from media reports of the unfortunate incident in New York City this past Saturday, in which fifteen police officers and one civilian were injured at the conclusion of what Mayor Rudolph Giuliani accurately predicted would be a hate rally. I wish to remind our colleagues that this untoward incident underscores the hard lesson which the world learned in the 1930s and 1940s: hatred and incitement to riot against any people, if unchallenged, will lead to greater and greater tragedy.

Khallid Abdul Muhammad first rose to prominence in 1993 when, at a well publicized speech at Kean College, at which he hurled racial insults at Jews, Roman Catholics, and mainstream Afro-American civil rights leaders. In subsequent orations, he attacked His Holiness Pope John Paul II and even South African President Nelson Mandela.

In 1994, after a speech in which he referred to Jews as ''bloodsuckers'', condemned gays, and again attacked His Holiness the Pope, who he called ''a no-good cracker,'' the Rev. Louis Farrakhan demanded, and received, Khallid Muhammad's resignation from the Nation of Islam.

It is no wonder that Mayor Giuliani, contending that the proposed ''million youth march'' would be what he called a ''hate march,'' initially refused to allow a permit to be granted to the organizers. That decision was overturned by a higher court decision.

It is no wonder then that the New York City Police Department, fearing in incitement to riot, arranged for 3,000 uniformed police to be on hand to keep order. The 50,000 attendance which Muhammad and his followers had predicted turned out to be only 6,000, thus underscoring the limited appeal that the racist sentiments expressed by Muhammad have in the community.

The rally itself proved to be an incitement to riot. Malik Zulu Shabazz, a rally organizer and one of its attorneys, characterized opponents of the march as ''Uncle Tom, boot-licking, buck-dancing politicians'' who must be voted out of office. Other speakers lashed out at Jews, whites, and Afro-American opponents of the march. According to reports from Mayor Giuliani's office, others called for death to Jews and to police officers.

Muhammad himself withheld his own speech until near 4 o'clock, the time the court had imposed for the end of the rally. In his remarks, Muhammad urged the crowd to defend themselves by taking the police guns away from the officers. ''And if you don't have a gun, every one of them [police] has one gun, two guns, maybe three guns. If they attack you take their goddamn guns and use them,'' he cried. He urged youths to take apart police barricades and ''beat the hell out of [police] with the railings. You take their night sticks and ram them up their behinds.''

Despite this blatant invitation to riot, and despite the police being assaulted by having chairs and debris hurled at them, the police acted with notable restraint. In the resultant melee, only one civilian was injured—as opposed to 15 police officers.

New York State Senator David Paterson, a highly-regarded Afro-American legislator, stated that Muhammad should be arrested for exhorting young people to violence.

Yvonne Scruggs-Leftwich, head of the Black Leadership Forum, which includes most of our nation's leading civil rights groups, stated: ''I think Muhammad is a lunatic and has a mental problem. I don't know anybody who has been left out of his vitriolic sweep.''

Mr. Speaker, no one in America denies the First Amendment or our Bill of rights guaranteeing free speech. But we must never forget the admonition of Supreme Court Justice Oliver Wendell Holmes who stated that the right of free speech does not allow any individual to cry ''fire!'' in a crowded theater.

We especially must not forget the horrible fruits which resulted when the hateful, racist propaganda of Adolf Hitler and his Nazi goons went unchallenged for too many years not too long ago.

The brand of racist hatred spewed by Khallid Abdul Muhammad and his followers not only incite violence, causing harm to countless innocent persons, it also proves to be divisive, counterproductive, playing into the hands of the racists of the other side who seek to thwart those who work towards a true reconciliation of the races.

Mr. Speaker, I invite my colleagues to join me in condemning this vicious manifestation of hate and prejudice and to pledge to work towards the eradication of all such manifestations of injustice in our nation and throughout the world.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Mr. DELAHUNT. Mr. Chairman, one of the greatest powers wielded by every American today is the power to choose how we spend our money. In the American marketplace—the strongest economy in the world—the manner in which we make our purchasing decisions is a vote. It's a vote of confidence in a product and a vote of support for the way a company treats its employees, services its customers, or protects the environment.

That's not a power to be taken lightly. It reminds corporations that we, as consumers, have a choice. We can reward them for good conduct, or punish them by purchasing from their competitors.

The problem is that so-called ''free trade'' agreements take away that choice. Not only do they take it away from you and me, but they take it away from our states, counties, and cities. And although the opponents of this amendment claim that it challenges the balance of power established by the Constitution, all that the amendment strives to do is re-establish the power to choose how we spend our money.

In 1996, the Massachusetts state legislature overwhelmingly endorsed a law prohibiting the state from doing any procurement business with companies that invest in Burma, whose abominable human rights record we are all familiar with. The taxpayers of Massachusetts made it clear that they wanted their elected

representatives to use taxpayer dollars to support corporations for whom human dignity meant more than an extra tenth of a percent on this quarter's earnings.

In doing so, Massachusetts became the first state to enact such a law, joining dozens of counties, towns and cities nationwide where doing business with repressive governments is simply not acceptable. As a result, major firms—including Apple Computer, Hewlett-Packard, and Motorola—have severed their ties to Burma.

While the people of Massachusetts broadly support the action taken by their state, the European Union and Japan have filed a World Trade Organization challenge against Massachusetts. The Administration—which promised us, and continues to promise us, that trade agreements do not undermine states' rights—has been quietly pressuring Massachusetts legislators to repeal the law.

A coalition of 600 of the largest multinational corporations, for whom profits mean far more than human rights, has filed suit against Massachusetts. These are the same corporations who have fought all efforts to keep consumers informed about the effects of their purchases by opposing even the simplest requirements to label fresh produce with its country of origin, or to establish labels ensuring customers that products were made without child or sweatshop labor. The claim that the Massachusetts law, and others like it, are unconstitutional.

Since when is the right of consumers to choose how to spend their money unconstitutional? Since NAFTA? Since GATT?

Like many of my colleagues, I would prefer to act on these issues by repealing and renegotiating trade agreements to ensure that human rights, workers, and the environment are protected to the same extent as intellectual property rights and corporate profits. I would prefer to see the impacts of these agreements on states' rights and consumer's rights clearly defined before we commit ourselves. But we all know that's not going to happen. This amendment is a very small step in that direction.

We owe it to the people of Massachusetts, San Francisco, New York City, Ann Arbor, Palo Alto, Chapel Hill, and dozens of other American towns with similar laws, to uphold their rights as consumers and their belief in ''what is good'' over ''what is profitable.'' I urge my colleagues to support the amendment.

H.R. 4523, THE LORTON TECHNICAL CORRECTIONS ACT OF 1998

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to introduce the 'Lorton Technical Corrections Act of 1998.' This important legislation, cosponsored by Congressman JIM MORAN and Congressman FRANK WOLF, will serve to put a mechanism in place to deal with the future of the lands associated with the Lorton Correctional Complex in Lorton, Virginia.

In early 1997, the Congress and the Administration agreed to work cooperatively, in good faith, to restructure the Federal relationship with the District of Columbia. The municipal affairs of the Nation's Capital, for Constitutional and historic reasons reflecting fundamental national policy, are part of the most complex local governmental structure in the United States. In this Congress, I introduced the 'National Capital Revitalization and Self-Government Improvement Act of 1997' which was passed with overwhelming bipartisan support as a part of 'The Balanced Budget Act of 1997.' With the support and hard work of Congresswoman ELEANOR HOLMES NORTON and the delegation from the Commonwealth of Virginia, this legislation included the mandated closure of the Lorton Prison by the end of the year 2001. Under the law, DC correctional functions will be assumed by the Federal Bureau of Prisons and DC inmates will be housed at other facilities outside of northern Virginia.

Current law would also transfer control of the Lorton parcel to the U.S. Department of Interior after 2001. At the time of enactment of this law, after considering various options, my colleague JIM MORAN and I concluded that the Interior Department was the best Federal agency to maintain the integrity of the parcel and to meet my intention that the area be preserved as open space to the maximum extent possible. While recognizing the importance of reserving the authority of members of the community to assist in the ultimate determination of future uses of the property, I have always been concerned about maintaining significant open space in the parcel and avoiding damage to ecologically sensitive areas. I also believe that we must ensure that the I–96 corridor is not burdened by further traffic congestion in the Lorton area.

However, subsequent to the enactment of the closing of Lorton Prison it has become clear that the Department of the Interior is not the agency best suited to handle the future disposition of the Lorton parcel. Therefore, it has become incumbent upon the Virginia delegation to once again work to establish a Federal mechanism that will properly address the future of the land.

This bill introduced today will create such a mechanism. This legislation is the result of many hours of hard work and negotiation between Congressman MORAN, Congressman, WOLF, Senators WARNER and ROBB, the General Services Administration (GSA), the Departments of Interior and Justice, the Office of Management and Budget, and myself. Under the bill 1) the GSA will assume control of the land; 2) the County of Fairfax will submit an official reuse plan to the GSA delineating preferred permissible or required uses of the land; and 3) the Department of Interior will have the ability to reserve a portion of the land if desired to enhance U.S. Fish and Wildlife Service properties within the Commonwealth of Virginia.

Most importantly, this legislation will allow for the continuance and expansion of park and recreation uses on the parcel. The County of Fairfax, working with GSA, will have the utmost flexibility to preserve the rural character of the land; expand parkland and recreational amenities to better serve the region, and guarantee that all projects on the land do not further burden the I–95 corridor and do serve to enhance the quality of life of Virginia residents.

I look forward to working with Congressman MORAN, Congressman WOLF, Congresswoman NORTON and Senators WARNER and ROBB to achieve quick consideration and passage of this important legislation.

''LORTON TECHNICAL CORRECTIONS ACT OF 1998''

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. MORAN of Virginia. Mr. Speaker, today I join my colleagues Mr. DAVIS and Mr. WOLF to introduce the ''Lorton Technical Corrections Act of 1998.''

As the title implies, this legislation is necessary to correct a few technical issues that have arisen since Congress enacted the ''National Capital Revitalization and Self-Government Improvement Act of 1997.'' One provision in the 1997 law of great interest to the residents of south Fairfax was the closing of Lorton Prison and the transfer of the federal reservation to the Department of the Interior.

I believe the General Services Administration is in a better position to fulfill the 1997 Act's expressed intent of transferring much of the property back to the Commonwealth of Virginia. The General Services Administration retains both the legal authority to administer a transfer and the expertise to coordinate with Fairfax County, other federal agencies and local governments the property's ultimate disposition and use. The General Services Administration also has the capability to see that the property is properly cleaned of any environmental hazards.

The legislation I am introducing today transfers ownership of the property from the Department of the Interior to the General Services Administration. To ensure that future land use is consistent with the wishes of the local residents and the local government, the legislation requires Fairfax County to develop and submit a reuse plan within one year of enactment. The Department of the Interior may, through the Fish and Wildlife Service, exchange surplus land for property that benefits the Fish and Wildlife Service and the Commonwealth of Virginia. The Fish and Wildlife Service, for example, has expressed interest in acquiring some portion of the Meadowood property that would be exchanged for land adjacent the Mason Neck Wildlife Refuge that is now held by the Northern Virginia Regional Park Authority.

While much of the Lorton Property would be reserved for green space and parkland, some portions, particularly those tracks adjacent to the I–95 corridor, could be developed, if such development is called for under Fairfax County's reuse plan. The legislation also establishes a special fund. Proceeds from any land sale for development would be used to cover the cost incurred by the General Services Administration to administer and dispose of the property and finance any environmental cleanup at the Lorton Correctional Complex.

With the enactment of the ''National Capital Revitalization and Self-Government Improvement Act of 1997,'' several competing visions have arisen on the appropriate reuse of this property. By granting the General Services Administration the lead federal role, but ultimately relying on Fairfax County, through the public hearing process, to determine its appropriate reuse, the ''Lorton Technical Corrections

Act of 1998'' should help bring the successful resolution and closure to the Lorton property.

AUTHORIZING THE GSA TO DISPOSE OF THE LORTON CORRECTIONAL COMPLEX IN VIRGINIA, H.R. 4523

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. WOLF. Mr. Speaker, today I rise to join my Virginia colleagues TOM DAVIS and JIM MORAN in sponsoring important legislation which will allow the General Services Administration (GSA) to dispose of the Lorton Correctional Complex in Virginia.

Last month Virginia Governor Jim Gilmore announced that the Commonwealth of Virginia and the District of Columbia had agreed to finally close Lorton and relocate the remaining prisoners to privately run facilities around the state. This, Mr. Speaker, is good news for Virginia and the remaining occupants of the prison.

Mr. Speaker, over the years conditions at Lorton have gone from bad to worse. With chronic overcrowding, inmate idleness, widespread drug use, inadequate education and training programs and increasing violence, Lorton has become a ''finishing school'' for criminals. The situation has grown so bad, Mr. Speaker, that the Federal Bureau of Investigation has agents inside the prison to investigate only the crimes taking place within the prison.

With the closure of Lorton, inmates will be distributed to sites around the state that offer more opportunities such as training and education. An inmate who gains a skill or learns a trade is better prepared to live a life without crime upon his or her release. Recidivism, a major problem at Lorton, will hopefully drop.

At the same time, Mr. Speaker, the neighbors of Lorton will no longer have to sit up nights worrying about escapes. Instead, the Fairfax County Board of Supervisors has unanimously agreed upon a plan that provides for a recreational use on most of the property. This bill establishes the framework by which the process will be undertaken. I lend it my support and urge the House's approval.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

Mr. TORRES. Mr. Chairman, I rise in support of the amendment by Congresswoman JACKSON-LEE to increase funding for the Community Relations Service (CRS).

At a time when our nation continues to see the damaging effects of racial tensions, gang violence and hate crimes, the demand for skilled professionals trained in conflict mediation has reached a new height. We must acknowledge the services this division of the Department of Justice has brought to mayors, chiefs of police, school superintendents and concerned citizens of the community. In my home City of Los Angeles, the Community Relations Service played a vital role in resolving the week-long turmoil of the LA riots in the Spring of 1992. The recent events in Jasper, Texas proved another opportunity to employ these trained professionals to resolve conflict and prevent further tensions from rising. Without their interventions, the unresolved tensions of these conflicts will fester and could continue indefinitely, breeding further hate and violence.

I believe all of my colleagues here can agree that our efforts to alleviate violence in schools and communities is not something we should choose to ignore. This is not an example of a duplicated Federally funded program. This is the only Federal agency working to provide this type of assistance in times of need and attempt to prevent further outbreaks of violence and hate crimes. The demand for these services is growing and the Community Relations Service has proven itself successful in what has been deemed the most efficient and desirable approach to conflict resolution. Yet, at the current funding level CRS is unable to meet the demand for such services. Last year, the CRS was forced to decline 40 percent of all the requests for assistance that they received.

We hear members on the other side of the aisle speaking of a more efficient government. The CRS is an example of not only an efficient agency, but one that is cost effective. We can choose to help resolve conflict or we can pay the price of the crimes and convictions that will inevitably follow. I say we must meet the need for this demand and fully fund the CRS.

Mr. Chairman, I urge my colleagues to vote in favor of the Jackson-Lee amendment.

IN CELEBRATION OF THE 150TH ANNIVERSARY OF THE GRACE EPISCOPAL CHURCH OF MIDDLETOWN, NEW YORK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to call the attention of my colleagues to the 150th anniversary of the Grace Episcopal Church of Middletown, NY.

For one hundred and fifty years the Wardens, Vestry and Parishioners of Grace Episcopal Church have served the community of Middletown, bringing neighbors, friends and the community as a whole together. The church has been instrumental in the development of Middletown, helping to educate and fill the spiritual needs of residents and families throughout the region.

The Grace Episcopal Church is a truly remarkable organization, built in 1847 and consecrated in 1848 by Bishop William Heathcote DeLancey of Western New York. However, it was Elisha Wheeler, who came to Middletown as a result of the Erie Railroad, who was largely responsible for creating Grace Episcopal Church. He was a signer of the Act of Incorporation, the first Junior Warden, then Senior Warden for the rest of his life.

In 1845, after much deliberation, land was purchased to erect a church on North Street, its current location. It is now the second oldest church building still in use in Middletown. The first church service was held on Christmas Eve, 1847.

Grace Church strives to be involved in the life of the community and social outreach, as well as trying to increase and strengthen its inreach to the members of the parish. The diversity of the members of this parish is a source of pride to its members and is one of the reasons that people of varying backgrounds can feel welcome there.

Beyond its normal parish duties, the church provides a soup kitchen, a RENT (Relief from Eviction for Needy Tenants) program, and A Place of Grace, Inc., which was formed to help those living with HIV/AIDS. These are only a few of the programs which has made the Grace Episcopal Church an active part of Middletown's community.

Mr. Speaker, I join our community in extending my congratulations to the church councils, and its congregation for the 150th anniversary of their reputable and noteworthy church. I would also like to take this opportunity to invite my colleagues to join with me in recognizing the great contributions of the Grace Episcopal Church in Middletown, NY.

RETIREMENT OF JUDGE FRANK ARNOLD

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to Judge Frank Arnold. Judge Arnold has served as county judge in Sharp County, Arkansas and will retire this year after two decades.

Judge Arnold is a unique individual who I have had the opportunity to get to know over the last 10 years. He is a wonderful man who would give you the shirt off his back if you asked him to. Judge Arnold is one of those pillars of the community that works hard every day, plays by the rules and does whatever is necessary to make the community successful. He has been a loyal friend and support of me and is a true politician's politician. Judge Arnold has also been a tireless advocate of seniors, education, children, and industrial development in Arkansas. When you come to the Sharp County line, the roads are wider and smoother, the people are happier and life is better because of Frank Arnold.

Judge Arnold is one of those people who never goes back on his word. He has many loyal followers in Sharp County and I know he will be missed as a wonderful public servant. On September 19, Judge Arnold will be joined by family, friends, and community members in honoring him and thanking him for the many contributions he has made to the community and I am sure will continue to make. Judge Arnold, I wish you the best. I am proud to call you my friend.

TRIBUTE TO MOM'S HOUSE IN JOHNSTOWN, PENNSYLVANIA

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. MURTHA. Mr. Speaker, I'm pleased to be able to take this opportunity before my Colleagues in the House of Representatives to pay tribute to a very special organization in the district I represent. Mom's House, located in Johnstown, Pennsylvania, is celebrating its 15th anniversary. I'd like to tell you about this extraordinary organization, founded by an exceptional person who is a longtime friend as well, Peg Luksik.

Mom's House was founded in 1983 to offer young women with unplanned pregnancies an alternative to abortion and welfare. The program was the first of its kind in the nation and has served as a national model of private and public sector cooperation in assisting young, single parents.

It is a non-denominational, non-profit, licensed day care center that provides quality care and educational programs to preschool children as well as supportive services to their parents, allowing them to complete their education.

The way the program works is the parents sign a contract to be full-time students, keep up their grades, attend parenting classes and volunteer three hours a week at the center.

In addition, the Mom's House Memorial Scholarship Fund was established in 1987 to help single parents pay for the increasing costs of tuition while pursuing their education. Two scholarship awards were given in the first year of the program, and twelve awards were given in 1998.

The program has since expanded to other locations in Pennsylvania as well as three other states, with the Johnstown facility serving as the national headquarters.

Staffing needs are met through cooperation with community agencies such as the Foster Grandparent Program, Retired Senior Volunteers, United Way and local colleges, universities and churches. In May of 1992, Mom's House was awarded the 768th ''Daily Point of Light'' by President George Bush for its ''generosity and willingness to serve others.''

To date, Mom's House has helped over 2,500 single parents and cared for their children, enabling these families to have a brighter and happier future.

This is the kind of caring, community-based effort that our country needs many more of. I applaud all the people at Mom's House and congratulate them on 15 years of outstanding community service and thank them for the priceless gift they give to these families.

CODIFICATION OF RECENT LAWS TO BE INCLUDED IN TITLE 36, UNITED STATES CODE, PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. HYDE. Mr. Speaker, today, I am introducing a bill to codify in title 36, United States Code, recent laws related to patriotic and national observances, ceremonies, and organizations not included in title 36 and to make other technical and conforming amendments to the Code. This bill was prepared by the Office of the Law Revision Counsel of the House of Representatives under its statutory mandate (2 U.S.C. 285b) to prepare and submit periodically revisions of positive law titles of the code to keep those titles current.

This bill makes no change in the substance of existing law.

Anyone interested in obtaining a copy of the bill and a section-by-section summary—containing reviser's notes—of the bill should contact John R. Miller, Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, D.C., 20515–6711. The telephone number is (202) 226–2411.

HONORING MR. OSCAR D. CANAS FOR HIS CONTRIBUTIONS TO THE LOUISVILLE, KENTUCKY COMMUNITY

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mrs. NORTHUP. Mr. Speaker, I rise today with respect and admiration for a man of great fortitude and commitment to his community. As a resident of Louisville, Kentucky, Oscar Canas has blessed the city and the surrounding area with his good will and determination to provide health services to those who need it most—those who are unable to afford health services. Oscar has made the Family Health Centers in Louisville, and the 40,000 patients which have been served, his second family.

Starting from humble beginnings, Oscar and his wife Hilda came to the United States in 1962 shortly after Cuba was consumed by Castro and his militants. Leaving their country with no money and only the clothes on their backs, Mr. Canas and his wife came to Louisville to make a new home—and we are so glad that they did. Five years later, Oscar and his wife became proud citizens of the United States. At the same time he was trying to master the English language, Oscar Canas attended school and held full time employment. In 1972 he received a Master's Degree from the University of Louisville and four years later established the Family Health Centers, a network of community health centers to meet the needs of the underserved.

Family Health Centers has five locations to meet the needs of residents in Louisville. I believe Oscar's hard work and dedication to providing health care to underserved is a constant reminder to the local community and to Congress that these services are truly essential. Since I have come to know him, Mr. Canas has been forthright with his concerns about health care policy and he has been an asset to me in providing pertinent local information relevant to federal decision-making. I consider him a colleague and a friend.

Louisville is sad to see a member of our community move away, and I share the sorrow as Oscar make plans for retirement. Always thinking of family, Oscar is leaving his Family Health Centers family to be with his own in Florida. While he may not stay in Louisville forever, his legacy will. I wish him the very best and hope he will always think of Louisville as his home.

TRIBUTE TO K&L ENTERPRISES, INC.

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. STUPAK. Mr. Speaker, there is a unique restaurant story in my 1st Congressional District of Michigan. At the heart of the story is the great American fast food, the hamburger. What makes this story unique, however, are the side orders and the condiments: family and faith, enterprise and a determination to overcome economic adversity, the rewards of hard work, and a 30-year history of partnership and cooperaton that have made friendships firm and fast.

Now that's a meal we'd like to serve up billions of times all over the world.

On Saturday, Sept. 12, K&L Enterprises Inc. celebrates this special combo with a gala gathering in Marquette. The guests will have an opportunity to study the menu for success that has spawned eight Hardee's Restaurants and 14 Subway Restaurants in Michigan's Upper Peninsula and northern Wisconsin.

These businesses generate a total annual payroll of $3.5 million and provide work for 500 employees, 50 of them full time.

The K of K&L is Harry Krebs, who 30 years ago sold his car and, as he says, whatever else he could sell that made sense, to get the funds to buy his first Burger Chef in Escanaba.

The L of K&L is Bill LaVallie, who drove up from Milwaukee, Wis., to see how his sister and her husband Harry were doing with their business.

''It was crazy from the start,'' Bill recalls. ''They were working 15 hours a day, seven days a week, not worrying about inventory, just pumping out those burgers.''

When Harry told Bill there was an opportunity to open a Burger Chef in Marquette, Bill didn't hesitate. Despite a snowstorm that seemed to continue from December 1968 through the 1st of March, 1969, the Marquette restaurant continued in business, and the partnership of Krebs and LaVallie was born.

Bill's brother Terry was in charge of the opening of the Ironwood Burger Chef in 1975, working his way toward ownership and a role as part of the corporate triumvirate.

The company weathered the sometimes painful but ultimately positive conversion of Burger Chef Systems to Hardee's Food Systems. With the inclusion of the Subway franchise, the company's growth in 1989 was a remarkable five new restaurants.

Mr. Speaker, the story of K&L is mirrored across the nation in the growth of food franchises. What is remarkable is the way these partners and extended family members have expressed their esteem for one another and their appreciation for their success.

Listen to the partners on the occasion of their 25th anniversary.

''Uncle Harry'' Krebs says, ''The Lord gave Sandy and I this business—we thank Him for that and for the trust and confidence in K&L.''

''Burger Bill'' LaVallie says, ''I have partners whose honesty, integrity and dedication has never been questioned.''

People are also the key ingredient for Terry LaVallie. ''K&L has been blessed with terrific employees over the years, and that in large part is the reason for our success,'' he says.

From the kitchens of Sandy and Harry Krebs, Bill and Carol LaVallie, and Terry and Jeanine LaVallie, those are recipes for success that everyone can appreciate.

FIFTH ANNUAL GOLD KEY AWARDS DINNER OF THE LOS ANGELES OPPORTUNITIES INDUSTRIALIZATION CENTER

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. DIXON. Mr. Speaker, I rise to commemorate the Fifth Annual Gold Key Awards Dinner of the Los Angeles Opportunities Industrialization Center (LAOIC) and pay tribute to this year's honorees. We often hear people talk about the need to provide job training for those who are unskilled or whose skills have become obsolete. For the past five years, the LAOIC has been doing just that.

Under the progressive leadership of Board Chairman Wally Fassler and President/CEO Bishop Leon Ralph, LAOIC prepares its students to be competitive in job markets with a future—automotive, computer and sales. LAOIC has been on a mission, and it has succeeded over and over. Since 1993, it has graduated nearly 600 students and boasts an outstanding job placement rate.

Job training is only part of the story. LAOIC also includes life skills lessons. It helps its students become stakeholders in their communities with a positive outlook for the future.

On October 7, 1998, LAOIC will host its Fifth Annual Gold Key Awards Dinner at the Hyatt Regency Hotel in downtown Los Angeles. In addition to raising much needed funds for its programs, LAOIC will honor several remarkable individuals who have blazed trails and made outstanding contributions to improving the plight of disadvantaged and disenfranchised people. The 1998 special honorees include: The Honorable Tom Bradley, the former Mayor of Los Angeles; Monsignor Gregory A. Cox, the Executive Director of Catholic Charities; and Dr. Clyde W. Oden, President and Chief Executive Officer of UHP HealthCare.

The dinner chairmen are Kenneth T. Derr, Chairman of the Chevron Corporation, and Rev. Leon Sullivan, Chairman of OIC of America. The keynote speaker is Eli Segal, President of the Welfare to Work Partnership. The Partnership, which is comprised of 3,000 private sector employers, was formed to answer President Clinton's challenge to the business community to open employment opportunities for welfare recipients.

I ask my colleagues to join me in commending the LAOIC for its tenacity, determination and spirit. LAOIC deserves our encouragement, applause and support.

IN HONOR OF ROBERT ''WORT'' REED

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. BERRY. Mr. Speaker, I rise today to honor the memory of my good friend and neighbor, Robert ''Wort'' Reed, who passed away recently. Wort lived in my hometown of Gillett and was the perfect example of a good neighbor and friend. He was a hard worker who never failed to pitch in when a friend or neighbor needed him. Wort was always ready to do his part for the community, school, church, or profession. He had a great sense of fairness and honesty. He was one of those rare people who took care of his own business and only wanted enough. He came from a family that lived the values we talk about every day on the House floor. If the measure of a great man is the children he leaves behind, then he is by all measures great.

Let us today pay tribute to a friend, role model, community leader, and Christian whose standard we should all follow. Wort will be remembered and missed by all of his friends and family in Gillett, AR.

CRIME CONTROL ACT SHOULD INCLUDE ALL YOUTH UNDER 21

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. SOLOMON. Mr. Speaker, I would like to offer my sincerest thoughts and prayers to everyone who has had to endure the extraordinary dreadful experience of having a loved one abruptly disappear. In particular, my deepest sympathy is extended to the family of Suzanne Lyall. Suzanne, a resident of Ballston Spa, NY, vanished from her life as a student at SUNY Albany in March of this year. Campus security, local police, and the FBI have all investigated the matter with no success. In this case, the authorities did not hesitate to report the disappearance to the National Crime Information Center and the State Missing and Exploited Children Clearinghouse. Notification to these agencies automatically alerts and links crucial information to the appropriate authorities nationwide. However, this immediate and vital action is not required by law, and I believe it should be!

Currently, the Crime Control Act of 1990 requires that all state and local law enforcement agencies impose a 24 hour waiting period before accepting reports of missing persons over the age of 17. Mr. Speaker, I have introduced legislation that amends the Crime Control Act to include persons up to 21 years of age. I feel that this legislation is necessary to ensure that all cases dealing with missing youths under the age of 21 are handled without hesitation. When investigating any disappearance, time is of the essence. My bill would allow law enforcement agencies to contact the National Crime Information Center and the State Missing and Exploited Children Clearinghouse immediately. This slight change in the law might make the difference in a missing persons case, and help to reunite a family. I urge all of my colleagues to consider this important bill.

BIPARTISAN EFFORT ON ISSUES RELATING TO THE STARR REPORT EMERGES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. CONYERS. Mr. Speaker, earlier today, I met with Speaker GINGRICH, Minority Leader GEPHARDT, Majority Leader ARMEY, and Judiciary Committee Chairman HYDE to talk about issues relating to the report from Independent Counsel Kenneth Starr.

In the past, I have had concerns about the partisan approach taken by the majority on procedural issues relating to how the Judiciary Committee will handle the Starr report. In particular, I was concerned about the prominent role played by the House Rules Committee in drafting the procedures we will use, and about why Democrats were excluded from the process of drafting those procedures.

While I have learned over the years to be cautious about promises made to me, I must say that I was pleasantly surprised by our meeting. Of course, we did not have time during our meeting to get into the specifics of the procedures that will govern our work, but we were able to agree that our approach must be bipartisan, and that these issues are so serious to the Congress, the President, and the citizens of our country that each of us has a duty to rise above party politics and do what is best for our nation.

During our meeting today, we agreed on a number of things. First, the majority agreed to increase the minority's staffing allowance from 4 investigative slots to 6 investigative slots. This increase means that there will be 12 majority investigators and 6 minority investigators. This increase in the minority staff will allow both parties to consider and analyze the report and its accompanying materials more carefully than would have been possible under the prior allocation.

Second, the report, at some point, is likely to be made available to the public. We still hope that the President's counsel will have an opportunity to review the report before it is made public and submit any additional views that he feels are necessary to a complete understanding of the events. Such a submission is extremely important because, as you already know, the grand jury witnesses were not subject to cross examination and did not have their attorneys present while testifying. As such, the witnesses' testimony was not subject to the rigorous, adversarial process that our legal system mandates for the purpose of eliciting the truth. If the President's counsel were given the chance to review the report and submit his views on the evidence before the report is made public, Congress would have the advantage of hearing both sides of the story and determining the facts based upon all of the evidence.

Third, during our meeting this morning, we decided that the grand jury materials accompanying the report, including all testimony and any physical evidence would, for the foreseeable future, remain sealed and available only to Congress. We agreed that this would be the

best course of action because the materials may include information revealing the private lives of private citizens, people who are involved in this matter only as innocent bystanders.

A number of areas of disagreement remain, but I am pleased that we were able to talk this morning in a bipartisan manner. We look forward to working with our colleagues across the aisle, and I fully intend to hold them to the promises that they have made to us.

ELIMINATE THE FAA'S LIAISON AND FAMILIARIZATION TRAINING PROGRAM

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. LAHOOD. Mr. Speaker, I rise today to bring attention to the frequent flyer program that is currently being run down at the Federal Aviation Administration. But unlike other frequent flyer programs, you don't have to earn your free flight in this program—all you have to do is sign up. What I am referring to, of course, is the FAA's Liaison and Familiarization Training Program (FAM), a program that was originally created to give air traffic controllers an awareness of, and familiarization with, cockpit and pilot procedures by allowing them to ride in the cockpit's jump seat. This program, while laudable in purpose, has unfortunately turned into a ''popular perk'' for FAA employees who are more interested in getting free air travel for vacations and personal reasons than they are in observing and learning about cockpit and safety procedures. The abuses of this program were so bad, in fact, that the Inspector General of the Department of Transportation recently recommended a number of reforms be made to the program. It is, in the words of one airline's slogan, becoming obvious that FAA employees love to fly, and it shows. Today, I am introducing a bill that will implement the Inspector General's reforms in order to curb the rampant and widespread abuse of the FAM program by FAA employees.

In an August, 3, 1998 memo to Jane Garvey, the FAA Administrator, Kenneth Mead, the DOT's Inspector General (IG), reiterated his concern over the ''serious continuing, and widespread lapse of ethics in the Liaison and Familiarization program (FAM).'' This program, which dates back to the 1940's, was originally created in order to allow FAA employees, particularly air traffic controllers, to ride in an airline cockpit's jump seat in order to become familiar with the environment in which pilots operate. However, over the past two decades this program has been increasingly misused by employees. And, I don't think I need to remind you, Mr. Speaker, that accepting gifts of free travel is in direct contravention to a host of laws, regulations, and executive orders.

Among the rampant abuses that were detailed in a February 20, 1996 IG report were the following: an employee that took 12 weekend trips in a 15-month period to visit his family in Tampa, Florida; an employee that took 10 weekend trips in a 9-month period to visit the city where he ultimately retired; an employee that took 7 trips to Fort Myers or Tampa, Florida, and 2 trips to Las Vegas, Nevada, utilizing weekends and regular days off to travel; travel by an employee that utilized annual leave or regular days off to take 7 trips to Los Angeles, California, and 1 trip to Munich, Germany; and employee that took 17 trips to his military reserve duty stations; and 7 couples that took 21 flights for extended weekends and vacations. And, according to an article published in the Washington Post, 247,840 authorizations for travel under the auspices of this program were issued by the FAA between January 1993 and April 1994. Unfortunately, the FAA failed to act on this 1996 report, and that is why I am introducing legislation that will reform this program so that these abuses and ethical violations will not occur in the future.

The Inspector General's August 3 memo makes several recommendations for reform. I believe these recommendations are valid, reasonable, and absolutely necessary in order to curb the ethical lapses that have occurred, while still preserving the program's valuable training and safety benefits. My bill simply adopts the recommendations of the Inspector General and requires the FAA to transmit a report to Congress on the implementation of these reforms. Specifically, the IG's report makes the following recommendations precluding FAM travel that ''(1) involve travel on leave days or days off; (2) involve scheduled leave of days off between the outgoing flight and the return flight when management makes an affirmative documented determination that such is for legitimate purposes and will not create an appearance of impropriety; or (3) involve foreign overseas travel for an employee in a facility that does not work oceanic airspace.'' In addition, the IG report makes the further recommendation that ''appropriate controls must require preapproval of FAM flights by supervisory personnel and only then when the supervisor determines that the specific flight meets official training needs of the FAA.''

It is time that we reform this program. The abuses have gone on for too long, so long, in fact, that the program is considered an entitlement by air traffic controllers in their contract negotiations with the FAA. This program has, according to the IG, become ''what is widely understood to be a popular 'perk' for many FAA employees''—a perk that I believe needs to end.

TRIBUTE TO BUD WILSON OF CHULA VISTA, CALIFORNIA FOR THE COMPLETION OF HIS TERM AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS OF AMERICA

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. BILBRAY. Mr. Speaker, I rise today to commend a fellow Californian and good friend, Bud Wilson of Chula Vista, who last month completed his one-year term as president of the Independent Insurance Agents of America (IIAA), the nation's largest insurance association. Bud's term as president of the IIAA is the crowning accomplishment of his many years of tireless effort and dedication to IIAA, the Insurance Brokers and Agents of the West (IBA West), his 300,000 colleagues across the country, his clients, and his community.

Bud's many years of hard work and leadership as an independent insurance agent have resulted in a distinguished career marked by outstanding service to his colleagues and his profession. On the state level, Bud served IBA West on various committees and as president in 1981. From 1983–1986 he served as the IBA West representative on IIAA's Board of State National Directors. In 1987, Bud received the P.S.W. Ramsden Memorial Award, the highest honor conferred by the California state association.

Later, when elected chairman of IIAA's Government Affairs Committee, Bud's passion for the legislative process resulted in four highly successful years for the organization. In recognition of his exceptional work, Bud was honored with the IIAA's Sydney O. Smith Legislative Award in 1994.

Bud was subsequently elected to IIAA's Executive Committee in 1994 and was selected as IIAA President last year during the Association's 102nd annual convention held in Hawaii. Throughout his time as one of IIAA's top elected officials, he became known for his effectiveness and devotion to the independent agents around the country and for millions of American insurance consumers.

In addition to serving his colleagues and clients, Bud has also been extensively involved in his community. He is past-president of the Chula Vista Rotary Club, the Chula Vista Jaycees, the Chula Vista Community Hospital Board of Trustees, and the Chula Vista Salvation Army. He has also helped with numerous other Chula Vista community projects.

On an interesting aside my colleagues will appreciate, Bud also has the honor of being the nephew of our former colleague the Honorable Bob Wilson of California.

I congratulate my friend and activist citizen for a job extremely well done. Although he is stepping down as IIAA president, I am confident his service to IIAA, his colleagues, and his fellow citizens of Chula Vista will continue for years to come.

THE 75TH ANNIVERSARY OF TEMPLE BETH-EL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. GILMAN. Mr. Speaker, I rise today to note that the Temple Beth-El, in the Town of Bethel, New York, is celebrating its 75th anniversary. From its beginnings in a simple barn, this congregation has grown through many tribulations into a thriving, highly accepted community.

The Beth-El congregation was formed near the turn of the century by a small group of summer residents who vacationed at the shores of North White Lake, which is now called Kauneonga Lake. The congregation was comprised of Jews from New York City whose faith inspired them to organize religious services during their summer vacations. The congregation, then called the Congregation Anchai of North White Lake, met in a hotel owned by Charles Kroner. Because the congregation was Orthodox, and allowed no travel on the Sabbath or holidays, the Kroner family went so far as to donate both meals and lodging to worshipers.

The congregation grew quickly and needed a larger, more permanent space to worship. A small house and barn built the previous century was purchased in 1923. Congregation members took down the house and rebuilt the barn into a more suitable place of worship. Services began the following year and the congregation changed its name to Temple Beth-El. This change symbolized both the beginning of a more permanent congregation, as well as pride in their Town: Bethel, New York. ye their tale goes deeper than the story of how a barn became temple. The story of the Sisterhood of Temple Beth-El is equally inspiring. They began in the 1940's as a small group of women who organized to provide economic support to their temple. Due to the Orthodox nature of the congregation, women and men were not allowed to sit together during worship. The women endured balcony seats during summer services and were subjected to poor ventilation and buzzing hornets for their faith. In the 1970's the congregation turned conservative, and the women were allowed to join the men on the main floor of the temple. They continued to host pancake breakfasts and barbeques to raise money for both their temple and community. They opened a second hand store to both assist the poor and their congregation.

From these humble beginnings in a barn behind a home, this congregation has grown and thrived. It has hosted more than ten rabbis, endured threats from the Ku Klux Klan, and yet perserved and remained true to the Hebrew meaning of its name, House of God.

I am especially moved by the fond memories members had not only of the services themselves. but the card parties and penny socials hosted by those involved with the temple. It is the tales of Bar Mitzvah's and weddings, births and deaths, which touch me the most. They show the extent to which the temple nourished both the spiritual and social needs of the community.

Praise is best expressed by my constituent Edward Brender in his poem, ''The Barn That Became a House of Worship'', which reads as follows:

The temple once a farmer's barn; part of America's rural farm
Furnished with a century-old church's pews, yet filled with devout and dedicated Jews.
At Temple Beth-El, we like to stay with American uplifted heart's we pray.
For 75 years, the temple filled our spiritual needs, while rabbis planted righteous seeds.
The halls resounded with Chief Justice Lawrence H. Cook's praise, reminding us of Hebrew sacrifices during America's revolutionary phase.
During the time of our country's greatest need, recounting tables of Jewish patriots' deeds.
High on a majestic verdant hill stands stately Temple Beth-El; For 75 years a beacon of freedom's faith, spreading boundless love and tales to tell.

I believe that Congregation Temple Beth-El serves as an example to all Americans in our nation hoping for the simple joys of faith and family.

Mr. Speaker, I invite our colleagues to join with me in applauding this congregation for its dedication to both its faith and its community as a whole and extending our best wishes on the occasion of their 75th anniversary and may Temple Beth-Al, enjoy many more years of growth and community service.

PUBLIC EDUCATION FOR THE 21ST CENTURY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. DEUTSCH. Mr. Speaker, today President Clinton visited my home state of Florida to promote the Administration's education initiatives as education policy moves into the 21st Century. While we have made significant progress in recent years, there is a lot of work yet to be done. I rise today to wholeheartedly support the strengthening of public education through these initiatives. In order to meet the high education standards that we are setting for our children today, we need to provide public schools with the tools for preparing our children for the challenges of the next millennium.

Class sizes must be reduced, new teachers must be hired, and new schools must be built. Schools must also be made safer and, therefore, more conducive to learning. I believe that the expansion of charter school programs is a positive trend which will benefit children throughout the United States. Lastly, federal tax credits will be a crucial to support the renovation and modernization of our schools, many of which have become plagued by structural and age-related problems.

Mr. Speaker, I urge my colleagues to support the Administration's program for public education. In so doing, Congress will fulfill its commitment to America's future.

TRIBUTE TO CADMAN TOWERS AT 101 CLARK STREET IN BROOKLYN HEIGHTS BROOKLYN ON THEIR 25TH ANNIVERSARY CELEBRATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to pay special tribute to the residents of Cadman Towers at 101 Clark Street in Brooklyn Heights, Brooklyn on their 25th Anniversary Celebration of the founding of the Towers.

For twenty-five years, families have grown and prospered in this supportive and unique community in Brooklyn Heights. Cadman Towers is the eastern border of Brooklyn's historic Brooklyn Heights neighborhood and its residents have added diversity and vitality to this already thriving area.

I ask that my colleagues join me in congratulating Cadman Towers and its three hundred residents on this milestone and wish you many happy anniversaries to come!

PUNJAB GOVERNMENT TRIES TO SHUT DOWN PEOPLE'S COMMISSION FOR EXPOSING GENOCIDE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. TOWNS. Mr. Speaker, I was disturbed to learn recently that the Chief Minister of Punjab, Parkash Singh Badal, and many political leaders there are trying to outlaw the Punjab People's Commission, which is exposing the genocide against the Sikhs by the police and security forces.

The Punjab government tried to prevent the commission's first meeting by canceling the meeting space that the commission had reserved. However, one of the local Gurdwaras in Chandiagarh offered its meeting space and the meeting was held anyway.

During that meeting the People's Commission issued citations in more than 90 cases against police officers who have committed atrocities against the Sikhs of Punjab, Khalistan. It took up more than 3,000 other cases. This shows the pattern of repression, terror, and genocide against the Sikhs in Punjab, Khalistan. That is why the Badal government and the political leaders there want the commission closed down.

We cannot sit idly by while this vital commission is destroyed. It is the only group within Punjab, Khalistan that is exposing the genocide. The Council of Khalistan has issued an excellent Open Letter on this issue. I urge my colleagues, especially those who are always lecturing us about how wonderful Indian democracy is, to read it carefully.

In light of the facts presented in this letter, I call on my colleagues to maintain sanctions against India and to support an internationally-supervised plebiscite in Punjab, Khalistan so that the Sikhs of that troubled state can vote on whether they should chart their own course separately from Indian tyranny.

I would like to insert that Open Letter into the RECORD.

OPEN LETTER TO THE SIKH NATION

(From Dr. Gurmit Singh Aulakh)

SUPPORT THE PEOPLE'S COMMISSION—ATTACKS ON COMMISSION BY BJP, CONGRESS, AND CPI SHOW WHO IS BEHIND SIKH GENOCIDE AND DEEPEN THE SIKH NATION'S WOUNDS

To the Khalsa Panth:

The BJP, Congress, and CPI have finally exposed themselves. They have revealed their own involvement in the genocide against the Sikh Nation. They don't want the truth to come out because it will show their immoral deeds. That is why they want to shut down the Peoples' Commission. Even the Badal government seems to agree. It made every effort to prevent the commission's first meeting from occurring. It is no wonder. The commission issued 90 citations against police officers and received 3,000 more cases. Evidently it is making the political leaders of all stripes nervous. They are now shivering with fear that their part in supporting the genocide against the Sikh Nation will be exposed.

Do not let these corrupt leaders succeed in their effort to shut down the Peoples' Commission. The work that it is doing is too important to the Sikh Nation and all of humanity. The Armenians will not let the genocide against them 80 years ago be forgotten; the Jews will not let the world forget the Holocaust 50 years after it happened. How can the

genocide against the Sikh Nation, which occurred during the last 15 years, be forgotten, even by so many Sikh leaders? On March 20, the BJP promised a ''transparent'' government. That is not what they have delivered. As Ram Narayan Kumar of the Coordination Committee on Disappearance in Punjab asked, ''How can the Government ignore the necessity to determine the facts?'' The truth will come out; the government's effort to suppress it is futile.

When Badal was running the Punjab state election, he promised to appoint a commission of inquiry into the genocide. He has broken that promise. Not only has he not appointed the commission, he has boasted that his government has taken no action against the police officials who were responsible for the genocide. He has sat idly by while plainclothes police continue to patrol the Golden Temple and thousands of Sikh youth are still sitting in jail. It is no surprise that such a corrupt leader would oppose the Peoples' Commission.

The human-rights community in Punjab, Khalistan tried to give Badal time. They wrote him a letter asking him to keep his promise. When de did not, the Coordination Committee on Disappearance in Punjab, comprised of all the human-rights groups and the World Sikh Council, appointed the People's Commission.

The effort to shut down the Peoples' Commission show that there is no place for Sikhs in Indian democracy. As U.S. Congressman Edolphus Towns (D-N.Y.) has said, ''The mere fact that Sikhs can choose their oppressors does not mean that they live in a democracy.'' Whether the government is run by Congress or by the BJP, Sikhs and other minorities continue to be abducted, tortured, raped, and murdered. How can our Sikh leaders turn a blind eye to the genocide.

We recite every day the words ''Raj Kare Ga Khalsa,'' the Khalsa shall rule. Yet our Sikh leaders join Hindustan in its effort to stop the exposure of the genocide. Yet the Sikh Nation can never forget the genocide that Hindustan has inflicted upon us. It is time for the Sikh Nation to reclaim its freedom.

It is only when Khalistan is free will the Sikh Nation be free of India's genocide and tyranny. The effort to suppress the People's Commission shows that it is time to begin a *Shantmai Morcha* to liberate Khalistan by peaceful, democratic, nonviolent means.

India is destined to break up; their genocide and tyranny will not keep their corrupt, tyrannical empire together. The Sikh leaders who collaborate with their effort to escape the consequences of their actions will be remembered by the Sikh Nation as traitors to the Panth.

The Sikh Nation is disgusted by the continual betrayals of the Khalsa Panth by Indian *chimchas* Badal, Tohra, and their allies. In 1984 Tohra and Badal told us that anyone who attacked the Golden Temple would have to walk over their dead bodies. Yet we saw Tohra with his hands in the air surrendering to the Indian troops. We know whose side these people are on. Even Tohra is now supporting the People's Commission. I hope he realized that the Guru will not forgive him for his betrayal of the Khalsa Panth.

South Africa's Truth Commission exposed the evils of apartheid to the world. We must support the People's Commission to expose the genocide against the Sikh Nation.

The work of the People's Commission must continue so that those who have collaborated with the genocide can be brought to justice. It must continue so that India's genocide against the Sikhs can come to light. It must continue so that our Sikh brothers and sisters can finally live in freedom. The Sikh leaders and grassroots Sikhs must speak and work in support of the commission and its efforts.

The leadership must speak out forthrightly for a free Khalistan. It must commit itself to achieving this most important goal through peaceful resistance to India's brutal tyranny and by means of an internationally-supervised plebiscite so that our future can be determined democratically. That is the only way that the dignity of the Sikh Nation will be restored.

Only in a free Khalistan will the Sikh Nation finally live in peace, freedom, prosperity and dignity. Only when Khalistan is free will the rights of all people be ensured.

In Service to the Panth,
DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 10, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 14

1:00 p.m.
Special on Aging
To hold hearings to examine criminal background checks for nursing home employees.
SD–628

SEPTEMBER 15

9:30 a.m.
Small Business
Business meeting, to consider pending calendar business.
SR–428A

10:00 a.m.
Armed Services
To hold hearings on the nominations of Bernard D. Rostker, of Virginia, to be Under Secretary of the Army, James M. Bodner, of Virginia, to be Deputy Under Secretary of Defense for Policy, and Vice Adm. Dennis C. Blair, USN, for appointment to the grade of Admiral, and to be Commander-in- Chief of United States Pacific Command.
SR–222

Commerce, Science, and Transportation
To hold hearings on the nominations of Robert Clarke Brown, of Ohio, John Paul Hammerschmidt, of Arkansas, and Norman Y. Mineta, of California, each to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority, Eugene A. Conti, Jr., of Maryland, to be Assistant Secretary of Transportation for Transportation Policy, and Peter J. Basso, Jr., of Maryland, to be Assistant Secretary of Transportation for Budget and Programs.
SR–253

Foreign Relations
To hold hearings on certain extradition and mutual legal assistance treaties.
SD–419

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine consolidation issues within the telecommunications industry.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on S. 2390, to permit ships built in foreign countries to engage in coastwise in the transport of certain products.
SR–253

SEPTEMBER 16

9:00 a.m.
Environment and Public Works
To hold hearings on S. 1576, to permit the exclusive application of California State regulations regarding reformulated gasoline in certain areas within the State, focusing on the use of methyl tertiary-butyl ether in gasoline.
SD–406

9:30 a.m.
Foreign Relations
Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee
To hold joint hearings with the United States Senate Caucus on International Narcotics Control to examine anti-drug interdiction efforts.
SH–216

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine the National Cancer Institute's management of radiation studies.
SD–342

United States Senate Caucus on International Narcotics Control
To hold joint hearings with the Committee on Foreign Relations' Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism to examine anti-drug interdiction efforts.
SH–216

10:00 a.m.
Indian Affairs
Business meeting, to consider pending calendar business; to be followed by a hearing on the nomination of Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission, Department of the Interior.
SR–485

2:00 p.m.
Judiciary
Immigration Subcommittee
To hold oversight hearings on the implementation of the Immigration and Naturalization Service and proposed reform issues.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine the extent of fatigue of transportation operators in the trucking and rail industries.
SR–253

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

SEPTEMBER 17

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the Department of Commerce involvement in the transfer of satellite technology to China.
SR–253

Energy and Natural Resources
To hold hearings on the nominations of Gregory H. Friedman, of Colorado, to be Inspector General, Department of Energy, Charles G. Groat, of Texas, to be Director of the United States Geological Survey, Department of the Interior, and other pending nominations.
SD–366

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on miscellaneous bills, including S. 1175, S. 1641, S. 1960, S. 2086, S. 2133, S. 2239, S. 2240, S. 2241, S. 2246, S. 2247, S. 2248, S. 2285, S. 2297, S. 2309, S. 2401, and H.R. 2411.
SD–366

SEPTEMBER 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Sylvia De Leon, of Texas, Linwood Holton, of Virginia, and Amy M. Rosen, of New Jersey, each to be a Member of the Reform Board (AMTRAK).
SR–253

10:00 a.m.
Veterans' Affairs
To hold hearings
To examine the quality of care in the VA health care system.
SR–418

SEPTEMBER 23

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine public and private forestry issues.
SR–328A

Indian Affairs
Business meeting, to consider pending calendar business; to be followed by a hearing on H.R. 1833, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes.
SD–562

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

SEPTEMBER 24

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.
SD–342

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings to examine recent Midwest electricity price spikes.
SD–366

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 1372, to provide for the protection of farmland at the Point Reyes National Seashore in California.
SD–366

SEPTEMBER 25

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To continue hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.

SD–342

SEPTEMBER 30

9:00 a.m.

Indian Affairs

To hold hearings on H.R. 1805, to amend the Auburn Indian Resoration act to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and S. 2010, to provide for business development and trade promotion for Native Americans.

SR–485

OCTOBER 6

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.

345 Cannon Building

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10045–S10142

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 2450–2454 and S. Res. 273 and 274. **Page S10118**

Measures Reported: Reports were made as follows:

S. 1736, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel BETTY JANE. (S. Rept. No. 105–314)

S. 1802, to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, and 2001, with an amendment in the nature of a substitute. (S. Rept. No. 105–315)

S. 2096, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FOILCAT, with an amendment. (S. Rept. No. 105–316)

S. 2124, to authorize appropriations for fiscal year 1999 for the Maritime Administration, with amendments. (S. Rept. No. 105–317)

S. 2139, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel YESTERDAYS DREAM. (S. Rept. No. 105-318)

S. 1770, to elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, with an amendment in the nature of a substitute. (S. Rept. No. 105–319)

S. 469, to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic River System, with an amendment. (S. Rept. No. 105–320)

H.R. 1663, to clarify the intent of the Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated as wilderness in that Public Law. (S. Rept. No. 105–321)

S. 1998, to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park. (S. Rept. No. 105–322)

H.R. 2186, to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming. (S. Rept. No. 105–323)

S. 2272, to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana. (S. Rept. No. 105–324) **Page S10118**

Measures Passed:

Congratulating Mark McGwire: Senate agreed to S. Res. 273, recognizing the historic home run record set by Mark McGwire of the St. Louis Cardinals on September 8, 1998. **Pages S10082–84**

Interior Appropriations, 1999: Senate resumed consideration of S. 2237, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, taking action on amendments proposed thereto, as follows: **Pages S10060–82, S10084–90**

Pending:

McCain/Feingold Amendment No. 3554, to reform the financing of Federal elections. **Page S10060**

A unanimous-consent agreement was reached providing for further consideration of the pending amendment on Thursday, September 10, 1998. **Page S10101**

Consumer Bankruptcy Reform Act: Senate began consideration of the motion to proceed to consideration of S. 1301, to amend title 11, United States Code, to provide for consumer bankruptcy protection. **Pages S10059, S10090–99, S10101–09**

During consideration of this measure today, Senate took the following action:

By 99 yeas to 1 nays (Vote No. 263), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agree to close further debate on the motion to proceed to consideration of the bill. **Page S10093**

Subsequently, the motion to proceed to consideration of the bill was agreed to, and the following amendment was proposed thereto: **Page S10101**

Pending:

Lott (for Grassley/Hatch) Amendment No. 3559, in the nature of a substitute. **Page S10109**

A motion was entered to close further debate on the pending amendment and, in accordance with the

provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Friday, September 11, 1998. **Page S10109**

American Missile Protection Act—Cloture Vote: By 59 yeas to 41 nays (Vote No. 262), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to close further debate on the motion to proceed to consideration of S. 1873, to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack. **Pages S10045–59**

Child Custody Protection Act—Cloture Filed: A motion was entered to close further debate on the motion to proceed to consideration of S. 1645, to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Friday, September 11, 1998. **Pages S10141–42**

Nominations Received: Senate received the following nominations:

David G. Carpenter, of Virginia, to be an Assistant Secretary of State.

David G. Carpenter, of Virginia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.

William Lacy Swing, of North Carolina, to be Ambassador to the Democratic Republic of the Congo.

Margaret B. Seymour, of South Carolina, to be United States District Judge for the District of South Carolina. **Page S10142**

Messages From the House: **Page S10114**

Measures Placed on Calendar: **Page S10114**

Communications: **Pages S10114–18**

Statements on Introduced Bills: **Pages S10118–20**

Additional Cosponsors: **Pages S10120–21**

Amendments Submitted: **Pages S10121–36**

Notices of Hearings: **Page S10136**

Authority for Committees: **Pages S10136–37**

Additional Statements: **Pages S10137–41**

Record Votes: Two record votes were taken today. (Total–263) **Pages S10059, S10093**

Adjournment: Senate convened at 9 a.m., and adjourned at 7:38 p.m., until 9:30 a.m., on Thursday, September 10, 1998. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S10142.)

Committee Meetings

(Committees not listed did not meet)

AUTO CHOICE REFORM

Committee on Commerce, Science, and Transportation: Committee concluded hearings on S. 625, to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, and to provide for more adequate and timely compensation for accident victims, after receiving testimony from Nebraska Governor E. Benjamin Nelson, Lincoln; former Massachusetts Governor Michael S. Dukakis, Northeastern University, Boston; Arizona State Senator Gary Richardson, on behalf of the National Conference of Insurance Legislators, and Michael R. Perry, Carnahan & Perry, on behalf of the Defense Research Institute, both of Phoenix, Arizona; Mayor Wellington E. Webb, Denver, Colorado; Fulton County Commissioner Michael Hightower, Atlanta, Georgia; Robert J. Demichelis, on behalf of the Brain Injury Association, and Peter Kinzler, Coalition for Auto-Insurance Reform, both of Alexandria, Virginia; Mark S. Mandel, Providence, Rhode, Island, on behalf of the Association of Trial Lawyers of America; Robert Lee Maril, Oklahoma State University, Stillwater; and Tim Ryles, Ryles Resource Group, Newborn, Georgia, former Georgia State Commissioner of Insurance.

RETIREMENT SECURITY POLICY

Committee on Finance: Committee held hearings to examine retirement security policy, focusing on proposals to reform the social security system, including S. 2313, to amend title II of the Social Security Act to provide for individual security accounts funded by employee and employer social security payroll deductions, and to extend the solvency of the old-age, survivors, and disability insurance program, receiving testimony from Senators Moynihan, Kerrey, Beaux, Gregg, Gramm, and Dominic; Edward M. Gramlich, Member, Board of Governors of the Federal Reserve System, on behalf of the Advisory Council on Social Security; Alicia H. Munnell, Boston College Carroll School of Management, Chestnut, Massachusetts, former Assistant Secretary of the Treasury for Economic Policy and former Member of the Council of Economic Advisers; Robert Myers, Silver Spring, Maryland, former Chief Actuary and former Deputy Commissioner of the Social Security Administration and former Executive Director of the National Commission on Social Security Reform; Andrew A. Samwick, Dartmouth College, Hanover, New Hampshire; and Carolyn L. Weaver, American Enterprise Institute, Washington, D.C., former Member of the Social Security Advisory Council and the U.S. Social Security Advisory Board.

Hearings were recessed subject to call.

IRAQ

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs held hearings to examine United States policy in Iraq, receiving testimony from Martin S. Indyk, Assistant Secretary of State for Near Eastern Affairs; and R. James Woolsey, former Director, Central Intelligence Agency, Richard W. Murphy, former Assistant Secretary of State for Near Eastern and South Asian Affairs, Lawrence S. Eagleburger, former Secretary of State, and Jeane J. Kirkpatrick, American Enterprise Institute, former U.S. Permanent Representative to the United Nations, all of Washington, D.C.

Hearings were recessed subject to call.

INSPECTOR GENERAL ACT

Committee on Governmental Affairs: Committee concluded hearings to examine the state of the Inspector General community on the 20th anniversary of the Inspector General Act, and S. 2167, to increase the efficiency and accountability of Offices of Inspector General within Federal departments, after receiving testimony from June Gibbs Brown, Inspector General, Department of Health and Human Services; Susan Gaffney, Inspector General, Department of Housing and Urban Development; and G. Edward DeSeve, Acting Deputy Director for Management, Office of Management and Budget.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Robert Bruce King, of West Virginia, and William B. Traxler, Jr., of South Carolina, each to be a United States Circuit Judge for the Fourth Circuit, H. Dean Buttram, Jr. and Inge Prytz Johnson, each to be a United States District Judge for the Northern District of Alabama, and Thomas J. Whelan, to be United States District Judge for the Southern District of California, after the nominees testified and answered questions in their own behalf. Mr. King was introduced by Senators Byrd and Rockefeller, Mr. Traxler was introduced by Senators Thurmond and Hollings, Messrs. Buttram and Johnson were introduced by Senators Sessions and Shelby, and Mr. Whelan was introduced by Senator Feinstein.

PRESIDENCY AND THE CRIMINAL PROCESS

Committee on the Judiciary: Subcommittee on the Constitution, Federalism, and Property Rights concluded hearings to examine the extent to which a sitting president should be subject to indictment or other compulsory criminal process, after receiving testimony from Eric M. Freedman, Hofstra University School of Law, Hempstead, New York; Akhil Reed Amar, Yale University Law School, New Haven, Connecticut; Frank Teurkheimer, University of Wisconsin School of Law, Madison; and Jonathan Turley, George Washington University Law School, Susan Low Bloch, Georgetown University Law Center, Peter F. Rient, Gainer, Rient and Hotis, and Douglas R. Cox, Gibson, Dunn & Crutcher, all of Washington, D.C.

BUSINESS MEETING

Committee on Labor and Human Resources: Committee ordered favorably reported S. 2432, to support programs of grants to States to address the assistive technology needs of individuals with disabilities, with an amendment.

Also, committee began consideration of proposed legislation to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, but did not complete action thereon, and recessed subject to call.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again on Wednesday, September 16.

House of Representatives

Chamber Action

Bills Introduced: 15 public bills, H.R. 4522–4536; and 3 resolutions, H. Res. 520, 523–524, were introduced. **Pages H7493–94**

Reports Filed: Reports were filed today as follows:

Filed on August 21: H.R. 4393, to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts (H. Rept. 105–688 Part 1);

Filed on August 21: H.R. 4321, to protect consumers and financial institutions by preventing personal financial information from being obtained from financial institutions under false pretenses (H. Rept. 105–701 Part 1);

H.R. 1794, a private bill for the relief of Mai Hoa ''Jasmine'' Salehi. (H. Rept. 105–689);

H.R. 1834, a private bill for the relief of Mercedes Del Carmen Quiroz Martinez Cruz (H. Rept. 105–690);

H.R. 1110, to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System (H. Rept. 105–691);

H.R. 1983, to amend the Rhode Island Indian Claims Settlement Act to conform that Act with the judgments of the United States Federal Courts regarding the rights and sovereign status of certain Indian Tribes, including the Narragansett Tribe, (H. Rept. 105–692);

H.R. 2223, to amend the Act popularly known as the Recreation and Public Purposes Act to authorize transfers of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, amended (H. Rept. 105–693);

H.R. 2776, to amend the Act entitled ''An Act to provide for the establishment of the Morristown National Historical Park in the State of New Jersey, and for other purposes'' to authorize the acquisition of property known as the Warren property (H. Rept. 105–694);

H.R. 3109, to establish the Thomas Cole National Historic Site in the State of New York, amended (H. Rept. 105–695);

H.R. 3797, to compensate the Wyandotte Tribe of Oklahoma for the taking of certain rights by the Federal Government, (H. Rept. 105–696);

S. 1695, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System, (H. Rept. 105–697);

H. Res. 521, providing for consideration of H.R. 2863, to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat (H. Rept. 105–698);

H. Res. 522, providing for consideration of H.R. 2538, to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty (H. Rept. 105–699); and

H.R. 4259, to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures (H. Rept. 105–700 Part 1). **Page H7493**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Gillmor to act as Speaker pro tempore for today. **Page H7433**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Thomas Cole National Historic Site Act: H.R. 3109, amended, to establish the Thomas Cole National Historic Site in the State of New York. Agreed to amend the title; **Pages H7435–37**

Conveyance of Fish Hatchery to Alabama: S. 1883, to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama—clearing the measure for the President; **Pages H7437–38**

Lake Chelan National Recreation Area: S. 1683, to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest—clearing the measure for the President; **Page H7438**

Public Safety Officer Medal of Valor Act: H.R. 4090, amended, to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty; **Pages H7439–40**

Thomas Alva Edison Sesquicentennial Commemorative Coin Act: H.R. 678, amended, to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison, to redesign the half dollar circulating coin for 1999 to commemorate Thomas Edison (agreed to by a yea and nay vote of 397 yeas with 1 voting ''nay'', Roll No. 417). Agreed to amend the title; **Pages H7440–44, H7466**

Lewis and Clark Expedition Bicentennial Commemorative Coin Act: H.R. 1560, amended, to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition (agreed to by a yea and nay vote of 398 yeas to 2 nays, Roll No. 418); **Pages H7444–46, H7466–67**

Designating Lloyd D. George Federal Building and Courthouse: H.R. 2225, to designate the Federal building and United States courthouse to be constructed on Las Vegas Boulevard between Bridger Avenue and Clark Avenue in Las Vegas, Nevada, as the ''Lloyd D. George Federal Building and United States Courthouse''; **Pages H7446–48**

Designating Ronald V. Dellums Federal Building: H.R. 3295, to designate the Federal building located at 1301 Clay Street in Oakland, California, as the ''Ronald V. Dellums Federal Building''; **Pages H7448–51**

Commemorating 50 Years of Relations Between the U.S. and Korea: H. Res. 459, amended, commemorating 50 years of relations between the United States and the Republic of Korea (agreed to by a yea and nay vote of 400 yeas with none voting ''nay'', Roll No. 419); **Pages H7451–53, H7467–68**

Expressing Sense of the House Deploring the Murder of Bishop Juan Jose Gerardi: H. Res. 421, expressing the sense of the House of Representatives deploring the tragic and senseless murder of Bishop Juan Jose Gerardi, calling on the Government of

Guatemala to expeditiously bring those responsible for the crime to justice, and calling on the people of Guatemala to reaffirm their commitment to continue to implement the peace accords without interruption; **Pages H7453–57**

Concerning New Tribes Mission Hostage Crisis: H. Con. Res. 277, concerning the New Tribes Mission hostage crisis; **Pages H7457–59**

Calling for End to Recent Conflict Between Eritrea and Ethiopia: H. Con. Res. 292, amended, calling for an end to the recent conflict between Eritrea and Ethiopia; **Pages H7459–62**

Designating James T. Leonard, Sr. Post Office Building: H.R. 3810, to designate the United States Post Office located at 202 Center Street in Garwood, New Jersey, as the ''James T. Leonard, Sr. Post Office''; **Page H7462**

Designating Ray J. Favre Post Office Building: H.R. 2623, to designate the United States Post Office located at 16250 Highway 603 in Kiln, Mississippi, as the ''Ray J. Favre Post Office Building''; **Pages H7462–63**

Designating Jerome Anthony Ambro, Jr. Post Office Building: H.R. 3167, to designate the United States Post Office located at 297 Larkfield Road in East Northport, New York, as the ''Jerome Anthony Ambro, Jr. Post Office Building''; **Pages H7463–64**

Designating Edgar C. Campbell, Sr. Post Office Building: H.R. 3939, to designate the United States Postal Service building located at 658 63rd Street, Philadelphia, Pennsylvania, as the ''Edgar C. Campbell, Sr., Post Office Building''; **Pages H7464–65**

Designating David P. Richardson, Jr. Post Office Building: H.R. 3999, to designate the United States Postal Service building located at 5209 Greene Street, Philadelphia, Pennsylvania, as the ''David P. Richardson, Jr., Post Office Building''; **Pages H7465–66**

Recess: The House recessed at 3:03 p.m. and reconvened at 5:00 p.m. **Page H7466**

Communication from the Independent Counsel: The House received a communication from Independent Counsel Kenneth W. Starr which notified the House that his office delivered 36 sealed boxes containing two complete copies of a Referral to the House of Representatives. **Page H7468**

National Skill Standards Board: The Chair announced the Speaker's appointment of the following Member on the part of the House to the National Skill Standards Board for a four-year term: William E. Weisgerber of Michigan. **Page H7469**

Coordinating Council on Juvenile Justice and Delinquency Prevention: The Chair announced the Speaker's appointment of the following Member on the part of the House to the Coordinating Council on Juvenile Justice and Delinquency Prevention for a two-year term: Gordon A. Martin of Massachusetts. **Page H7469**

Senate Messages: Message received from the Senate appears on page H7433.

Amendments: Amendments ordered printed pursuant to the rule appear on page H7495.

Quorum Calls—Votes: Three yea and nay votes developed during the proceedings of the House today and appear on pages H7466, H7467, and H7667–68. There were no quorum calls.

Adjournment: The House met at 12:00 noon and at 8:34 p.m.

Committee Meetings

OVERSIGHT 2000 CENSUS

Committee on Government Reform and Oversight: Subcommittee on the Census held a hearing on ''Oversight of the 2000 Census: Review of Census Bureau Planning and Preparations in Response to the Federal Court Ruling that Sampling is Illegal''. Testimony was heard from the following officials of the Department of Commerce: James F. Holmes, Acting Director, Bureau of the Census; and Robert J. Shapiro, Under Secretary, Economic Affairs.

NATIONAL CAPITAL REVITALIZATION ACT TECHNICAL CORRECTIONS

Committee on Government Reform and Oversight: Subcommittee on the District of Columbia approved for full Committee action the following: a measure that would make technical corrections to the National Capital Revitalization Act of 1997, specifically naming the GSA as the landholding agency for the Federal government of the Lorton Project; and a measure that would make technical corrections to the criminal justice section of the National Capital Revitalization and Self-Government Improvement Act of 1997.

BLOOD SAFETY

Committee on Government Reform and Oversight: Subcommittee on Human Resources held an oversight hearing on the Blood Safety: Minimizing Plasma Product Risks. Testimony was heard from Bernice Steinhardt, Director, Health Services Quality and Public Health Issues, Health, Education and Human Services Division, GAO; Michael Friedman, M.D., Lead Deputy Commissioner, FDA, Department of Health and Human Services; and public witnesses.

PACIFIC ISLAND NATIONS RESOLUTION

Committee on International Relations, Subcommittee on Asia and the Pacific approved for full Committee action H. Res. 505, expressing the sense of the House of Representatives with respect to the importance of diplomatic relations with the Pacific Island nations.

GUADALUPE-HIDALGO TREATY LAND CLAIMS ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2538, Guadalupe-Hidalgo Treaty Land Claims Act of 1998. The rule waives points of order against consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974 (prohibiting consideration of legislation, as reported, providing new budget authority, changes in revenues, or changes in the public debt for a fiscal year until the budget resolution for that year has been agreed to). The rule makes in order as an original bill for purposes of amending the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill, as modified, and considers it as read. The rule permits the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record and considers them as read. The rule allows the Chairman of the Committee of the Whole to postpone recorded votes and reduce to five minutes the minimum time for electronic voting on any postponed votes, provided that the voting time on the first series of questions shall not be less than 15 minutes. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representative Hansen.

MIGRATORY BIRD TREATY REFORM ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2863, Migratory Bird Treaty Reform Act of 1998. The rule makes in order for the purpose of amending the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. The rule permits the Chair to accord priority in recognition to members who have pre-printed their amendments in the Congressional Record and considers them as read. The rule allows the Chairman of the Committee of the Whole to postpone recorded votes and reduce to five minutes the minimum time for electronic voting on any postponed votes, provided that the voting time on the first series of questions shall not be less than 15 minutes. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representative Saxton.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 10, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to hold hearings on the nomination of Michael M. Reyna, of California, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, 9 a.m., SR–328A.

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine the status of organ donations, 10 a.m., SD–138.

Committee on Commerce, Science, and Transportation, Subcommittee on Communications, to hold hearings on S. 2365, to promote competition and privatization in satellite communications, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources, Subcommittee on Forests and Public Land Management, to hold hearings on S. 2385, to establish the San Rafael Swell National Heritage Area and the San Rafael National Conservation Area in the State of Utah, 2 p.m., SD–366.

Committee on Environment and Public Works, to hold hearings on the nominations of Terrence L. Bracy, of Virginia, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy, and Norine E. Noonan, of Florida, to be Assistant Administrator for Research and Development of the Environmental Protection Agency, 9 a.m., SD–406.

Committee on Finance, business meeting, to mark up proposed legislation authorizing funds for the United States Customs Service, H.R. 4342, to make miscellaneous and technical changes to various trade laws, and to consider the nomination of Susan G. Esserman, of Maryland, to be Deputy United States Trade Representative, with the rank of Ambassador, 10 a.m., SD–215.

Committee on Foreign Relations, to hold hearings on the World Intellectual Property Organization Copyright Treaty and the World Intellectual Property Organization Performances and Phonograms Treaty, done at Geneva on December 20, 1996, and signed by the United States on April 12, 1997 (Treaty Doc. 105–17), 10 a.m., SD–419.

Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine recent developments with regard to North Korea, 2 p.m., SD–419.

Committee on Governmental Affairs, Permanent Subcommittee on Investigations, to resume hearings to examine the safety of food imports, focusing on certain fraud and deceptive techniques used by individuals to import food products illegally into the United States, 9:30 a.m., SD–342.

Committee on the Judiciary, business meeting, to consider pending calendar business, 9:30 a.m., SD–226.

Subcommittee on Administrative Oversight and the Courts, business meeting, to consider pending calendar business, 2 p.m., SD–226.

Committee on Rules and Administration, business meeting, to mark up 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, 9:30 a.m., SR–301.

Special Committee on Aging, to hold hearings to examine how to strengthen and increase programs for family caregivers, 9:30 a.m., SD–628.

Special Committee on the Year 2000 Technology Problem, to hold hearings to examine the Year 2000 computer conversion as related to the transportation industry, 9:30 a.m., SD–192.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see pages E1681–82 in today's record.

House

Committee on Appropriations, to mark up the Foreign Operations, Export Financing and Related Programs appropriations for fiscal year 1999, 10 a.m., 2359 Rayburn.

Committee on Banking and Financial Services, Subcommittee on General Oversight and Investigations, hearing to examine the Russian Economic Crisis and the IMF Aid Package, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Finance and Hazardous Materials, hearing on H.R. 4353, International Anti-Bribery and Fair Competition Act of 1998, 10:30 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, to continue hearings on the circumstances surrounding the FCC's planned relocation to the Portals, including the efforts of Franklin L. Haney and his representatives with respect to this matter and the circumstances surrounding the payments of fees to those representatives, 10:30 a.m., 2322 Rayburn.

Committee on Education and the Workforce, Subcommittee on Oversight and Investigations, hearing on American Worker Project: Regulatory Affairs at the Department of Labor—Garment Industry Trendsetters, 10 a.m., 2175 Rayburn.

Committee on International Relations, to mark up the following measures: H. Con. Res. 304, expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia; H. Con. Res. 315, expressing the sense of the Congress condemning the atrocities by Serbian police and military forces against Albanians in Kosovo and urging that blocked assets of the Federal Republic of Yugoslavia (Serbia and Montenegro) under control of the United States and other governments be used to compensate the Albanians in Kosovo for losses suffered through Serbian police and military action; H. Res. 381, expressing the sense of the Congress that the President should renegotiate the extradition treaty with Mexico so that the possibility of capital punishment will not interfere with the timely extradition of criminal suspects from Mexico to the United States; and H. Res. 505, expressing the sense of the House of Representatives with respect to the importance of diplomatic relations with the Pacific Island nations, 10 a.m., 2172 Rayburn.

Subcommittee on International Economic Policy and Trade, hearing on Sanctions Revisited, 2 p.m., 2172 Rayburn.

Committee on Science, Subcommittee on Space and Aeronautics, oversight hearing on Delays in NASA's Earth Science Enterprise, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on issues of concern to the Travel Agent Community, focusing on the following: H.R. 3704, Consumer Access to Travel Information Act of 1998; changes to the preemption provision in Section 10 of H.R. 3160, Airline Competition and Lower Fares Act; the contention that airlines have engaged in an unfair competitive practice by lowering their standard commission rates for all travel agents except for the Scheduled Airline Traffic Office (SATO); and Commission overrides, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Embassy Bombings in Africa, 2 p.m., H–405 Capital.

Next Meeting of the SENATE

9:30 a.m., Thursday, September 10

Senate Chamber

Program for Thursday: After the recognition of one Senator for a speech (not to extend beyond 10 a.m.), Senate will resume consideration of S. 2237, Interior Appropriations, 1999, with a vote on a motion to table McCain/Feingold Amendment, to reform the financing of Federal elections, to occur at 12 noon, and if the amendment is not tabled, Senate will vote on a motion to close further debate on the Amendment at 1:45 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, September 10

House Chamber

Program for Thursday: Consideration of H.R. 2863, Migratory Bird Treaty Reform Act (open rule, one hour of general debate);

Consideration of H.R. 3892, English Language Fluency Act (modified open rule, one hour of general debate); and

Consideration of H.R. 2538, Guadalupe-Hidalgo Treaty Land Claims Act (open rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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