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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 28, 1998.

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

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

LIVABLE COMMUNITIES

Mr. BLUMENAUER. Mr. Speaker, 10 days ago our community in Portland, Oregon celebrated an opening of a new light rail line, but what brought together the Vice President of the United States, numerous administration officials and over a quarter million Oregonians was not just an engineering achievement but it was, indeed, to celebrate another chapter in Oregon's success story of livable communities.

It showed the power of careful investments in transportation and land use planning. For less than the cost of an additional freeway lane, which would have been very hard to build even if we had the extra money, we have been able to move over 25,000 people per day on the new line and, indeed, have the potential to double that capacity for the relatively modest additional investment of buying more rail cars.

The investment has also sparked 6,000 new housing units that have been built, that are under construction or through the permit process along the light rail line and, indeed, has strengthened our downtowns, not just in the city of Portland but smaller communities along the line.

This billion dollar investment in light rail by integrating engineering and artists into the planning process also provided fascinating public art which will enrich the community for decades to come. Vice President GORE clearly articulated the administration's commitment to protect our environment, avoiding sprawl, and giving more choices to families.

That is an important part of why I am in Congress, so that we can deal with what America's families really care about, making sure that children are safe when they go out the door to school in the morning, that the families are economically secure and healthy, physically and environmentally.

It is not too late for this Congress to address ways to promote more livable communities. We can begin by implementing the transit pass rule change that has been finally approved by the House so that we do not just give free parking to our employees, encouraging them to clog our already congested highways and pollute the air, but maybe an incentive to use the $10 billion transportation system that the Federal Government has helped invest in. The Federal Government can also lead by example, by having higher standards of building design. Maybe even the House will approve my legislation with an amendment in the Treasury, Postal bill that would require the post office to not build in floodplains, that it would not violate local regional transportation plans, and to work with citizens in the downtowns of our cities, large and small.

Perhaps the national park system could be a laboratory in Yellowstone or Yosemite for how to plan the transportation and land use. Or I would hope that perhaps the Federal Government could address the foolish use of taxpayer dollars like the $114,000 home in metropolitan Houston that we have already spent over $800,000 repairing flood damage over the last 20 years.

Every year we make huge expenditures for economic development, crime and education, which are in fact merely spending to fight the symptoms of dysfunctional communities. Last week in Portland we celebrated smart growth of a livable community. My hope is that we in Congress will do everything in our power to give every American community those tools.

TAX CUTS

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

Mr. WELLER. Mr. Speaker, we have two weeks left on this legislative calendar this year. I just wanted to report that I am glad to see that we are focusing on doing the people's business.

This last Friday and Saturday the taxpayers of Illinois, the south suburbs, south side of Chicago that I have the privilege of representing, celebrated a great victory when this House adopted the 90–10 plan, a plan that is a twofer, a big win for the folks who pay the bills back home in Illinois.

I am proud that we set aside $1.4 trillion in extra tax revenue, money that

is part of the surplus that resulted from the first balanced budget in 28 years, that we are setting aside $1.4 trillion to save Social Security.

I am also proud that in the 90–10 plan that we eliminate the marriage tax penalty for the majority of those who suffer it. In fact, 28 million married working couples will benefit. When you think about it, $1.4 trillion is twice what the President asked for last January when we all stood up and applauded the President in his great speech talking about saving Social Security first. There was $600 billion available in surplus tax revenue at that time. We have given the American people more than twice what the President asked for, $1.4 trillion, and we also eliminate the marriage tax penalty for the majority of those who suffer it.

I have often asked over the past year, is it right, is it fair that 28 million married working couples pay higher taxes under our current tax code just because they are married? Is it right, is it fair that a working couple that is married pays higher taxes than an identical couple with identical income that lives together outside of marriage? No, that is wrong.

Last Friday and Saturday, not only did we begin an effort to save Social Security, but we eliminated the marriage tax penalty for the majority of those who suffer it.

Just to give an idea of how this will impact the people of the south suburbs of Illinois, we will take a couple in Joliet, a machinist and a school teacher. They have a combined adjusted gross income of $50,000. They are middle class. Under our current tax code, after you subtract personal exemptions, use the current standard deduction for those who file jointly of $6,900, of course they pay about $5,700 in taxes.

But under the 90–10 plan we double the standard deduction for married working couples to twice what a single person obtains by raising it to $8,500. This machinist and this school teacher in Joliet, Illinois will see an extra $240 in higher take-home pay. We eliminate the marriage penalty for the majority of those who suffer it. And not only is this a big victory for married working couples, but I also want to point out, as a result of doubling the standard deduction, that we simplify the tax code for 6 million married working couples, 6 million married working couples who will no longer have to itemize. They will no longer need to use the schedule A. They will only need to use the 1040–EZ.

That is a big victory, when you can help bring fairness to the tax code as well as simplify the tax code. And those who voted against it, of course it is a political season, will say just about anything. We are just a few short weeks from election. They were somehow claiming that our efforts to eliminate the marriage tax penalty and to help 28 million married working couples, that somehow hurts the Social Security Trust Fund. Wait a second. We just set aside $1.4 trillion for Social Security in surplus tax revenue.

So we asked in the Committee on Ways and Means, which I am proud to be a member of, the gentleman from Texas (Mr. ARCHER) asked the representative, the Deputy Commissioner of the Social Security Administration, Judith Chesser, the chairman said, ''As a result of the tax bill,'' which I pointed out eliminates the marriage tax penalty for the majority of those who suffer it, ''being considered by the Committee on Ways and Means, will there be any impact on the monies in the Social Security Trust Fund?''

Judith Chesser, Deputy Commissioner, Social Security Administration, had a very simple answer, something unusual for somebody who represents a bureaucracy. Usually they talk a lot. Her answer was simple: No, the tax cut has absolutely no impact on the Social Security trust fund.

So we had a big victory, working on our effort to save Social Security and, of course, to eliminate the marriage tax penalty for the majority of those who suffer it.

If we look back over the last several years, I am one of those who came to Washington to change how Washington works. That is why I am so proud that we balanced the budget, first time in 28 years, and cut taxes for the middle class for the first time in 16 years.

In 1996 this House made a commitment, and it became law, to help loving families who would like to provide a home for a child in need of adoption, an adoption tax credit. That is now law, a key part of the Contract with America.

In 1997 another key part of the Contract with America became law as well. That is a $500 per child tax credit which will benefit 3 million Illinois children, $1.5 billion in higher take-home pay that will stay home in Illinois rather than going to Washington.

We had a big victory this past weekend. We have a great opportunity as we focus on doing the people's business. Let us save Social Security. Let us eliminate the marriage tax penalty. I hope that the Senate will give the same level of bipartisan support on saving Social Security, eliminating the marriage tax penalty that we gave it in the House.

MANAGED CARE FLIGHT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California (Mrs. CAPPS) is recognized during morning hour debates for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise today to bring to the attention of the House a crisis that is looming throughout the country and is happening right now in my district, the central coast of California.

In the past several weeks, many of the managed care companies, primarily in San Luis Obispo County, have announced that they will no longer be offering seniors the option of Medicare HMOs. This pullout could begin as early as January.

Mr. Speaker, these actions are causing tremendous turmoil in my district. Thousands of senior citizens will face extreme hardship, including large increases in out-of-pocket expenses, confusion over benefits and other transition complications. It is estimated that over 50,000 seniors will lose access to Medicare HMOs in San Luis Obispo County and perhaps thousands more in Santa Barbara County. By early next year, only one HMO option may be available for seniors in San Luis Obispo.

Why is this happening? There seem to be two reasons. First and most critically, reimbursement rates for HMOs in my district have historically been among the lowest in California and the country. To be precise, Santa Barbara and San Luis Obispo Counties are the third and fourth lowest in the State. In both counties, HMOs receive less than $400 per beneficiary per month. However, just next door in Ventura County to the south, managed care companies receive more than $500. And in Los Angeles County, a few miles away, the reimbursement rate is almost $650.

While the reimbursement rates are low in my district, the cost of living is anything but. Anyone who has visited the central coast of California knows that housing prices are high, rents are high, and health care costs reflect that reality. We have excellent health care, but it is not cheap.

The second reason for the HMO pullout are the recent rulings by the Health Care Financing Administration which may be exacerbating an already bad situation in my district and across the country, especially in rural and underserved areas. New administrative burdens, higher-than-expected health care inflation, and smaller annual reimbursement increases may be adding to the reasons managed care companies across the country are withdrawing Medicare products from the market.

To address this crisis, I have recently written to the chairman of the Subcommittee on Health. I know that this subcommittee is looking into the nationwide flight of managed care companies from Medicare products. I want the Chair to hear firsthand how this is occurring in my district and to urge the adoption of bipartisan legislation to address this issue.

The bipartisan Medicare Health Plan Fair Payment Act, of which I am proud to be a cosponsor, will address the chronic underpayment of health plans in rural areas.

Low reimbursement rates discourage companies from offering their products in rural areas. That means fewer health care options for seniors and sometimes no options at all. We need to make sure we are paying these companies enough to get them to offer products our seniors clearly want. That is the first step.

Next I have written to HCFA to alert them to the seriousness of this situation for my constituents. I want HCFA to wake up and see what is happening on the central coast of California.

What I see are seniors frightened that their health plans are being taken from them and frustrated that they have to switch plans or go back to basic Medicare with all its high costs and confusing rules. I join the Senate Finance Committee Chairman, BILL ROTH, in urging HCFA to look at its recent actions that may be adding to this crisis in rural America. HCFA needs to be flexible in how these new rules are implemented.

Finally, I have called on the governor of our great State to advise him of the powers of his office in this matter. Many Members may not be aware of a little-known provision in the Balanced Budget Act of 1997. It allows a governor to request that HCFA redefine the service areas that managed care companies must cover within their State. While service areas are now county by county, they could encompass several counties over the entire State.

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What that means is that the governor could require that managed care companies cover low-reimbursement, low-profit areas along with the high-reimbursement, high-profit areas. This simple tool, if wielded properly, could provide an incentive for managed care companies to increase coverage throughout States like California that have some high-profit areas and some low-profit areas.

Mr. Speaker, this Congress has made a lot of noise about increasing senior citizens' access to managed care and about controlling Medicare costs through increased use of managed care. Seniors in my district have expressed a desire to join HMOs, and we should make it easier for them to do so. And yet managed care companies are pulling out of my district, and others across the country, like rats deserting a sinking ship, and they are leaving frightened, frustrated and stranded seniors in their wake. This is simply wrong.

We must take action. The actions I have outlined above would ensure that seniors in my district and seniors across the country have access to reliable, quality and affordable health care. There is no excuse for not acting now, before this Congress goes home to campaign, before this Congress renames another post office, before we disintegrate into yet another partisan fight about this issue or that. We need to consider now this bipartisan issue facing seniors with Medicare and HMOs.

PURPOSE OF IMPEACHMENT PROCEEDINGS IN HOUSE

The SPEAKER pro tempore (Mr. PETRI). Under the Speaker's announced policy of January 21, 1997, the gentleman from Arkansas (Mr. HUTCHINSON) is recognized during morning hour debates for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, for the last 2 weeks, the House Committee on the Judiciary has worked diligently to review the referral of the Independent Counsel, as directed by the resolution of this House and adopted by a bipartisan majority. Now, after completion of that important task, the committee can focus on its second responsibility: To determine whether there is reasonable cause to believe that impeachable offenses may have been committed.

If the committee, and later the House, says yes, there is reasonable cause to believe, that does not mean there should be an impeachment or that anyone is guilty. It simply says there is enough merit to have a formal inquiry and hearings. That is an effort to get all the facts from all the parties in an attempt to get at the truth. These steps should not be taken lightly, because they have serious ramifications, but it does not represent the final conclusion nor does it indicate the outcome of this constitutional process.

As the committee considers this issue, it is important to make three points.

First of all, there are those that say we need to define what is an impeachable offense before we even consider the referral of the Independent Counsel. But I would say it is not our responsibility to define the term ''high crimes and misdemeanors'' set forth in our Constitution. Our founding fathers did not define it, previous Congresses did not define it, and it is not our duty to define it for the uncertain future. Indeed, to get some kind of narrow restrictive standard would be an unwise precedent that could hamstring future Congresses from doing their duty.

It is our responsibility not to define it but to reach a conclusion; to conclude whether the allegations and the facts presented to us may constitute impeachable offenses. This point was made very clearly by the staff report of the House Committee on the Judiciary in 1974, prior to the Watergate impeachment hearings. The staff said, ''This memorandum offers no fixed standards for determining whether grounds for impeachment exists. The framers did not write a fixed standard. Instead, they adopted from English history a standard sufficiently general and flexible to meet future circumstances and events, the nature and character of which they could not foresee.''

That leads me to the second point. Even though we cannot define impeachable offenses to a greater degree than the Constitution, we should recognize the uniqueness of the language ''high crimes and misdemeanors''. While criminal conduct may constitute an impeachable offense, every crime may not rise to that level. The framers of the Constitution focused on the public trust at stake, and impeachment is designed to address conduct that violates that high trust. If the House considers the report from the Independent Counsel in that way, we distinguish the important Constitutional concern from that of conduct which may be personal in character and not violative of the public trust.

Our founding fathers illustrated their intent that ''high crimes and misdemeanors'' embrace a breach of the public duty. The Constitution itself describes officeholders under the Constitution as those who hold an office of trust or profit, directly associating public office with a notion of trust. In the federalist papers, Alexander Hamilton was quoted as saying, ''The subject of its impeachment jurisdiction are those offenses which proceed from the misconduct of public officers.''

The third point I would emphasize is that the constitutional idea of impeachment is not about punishment. There are those, including some of my colleagues on the other side of the aisle, who say that impeachment is to punish officers for misconduct, if established. The purpose of an impeachment proceeding is not to punish, but the purpose is to repair the breach. This would occur either from the conclusion that the facts do not merit further inquiry, from an acquittal in the Senate, or from a conviction that may result from removal from office. Certainly there must be consequences to a finding that there has been a breach of the public trust, but pursuit of punishment should not be our motive.

In the end, the question we must ask ourselves is whether we are willing to close down the Constitutional process or whether we will seek out all the facts and bring this matter to a close. It is certainly a difficult time for our country, but if we remind ourselves of the principles established by the drafters of our Constitution, then we will keep our feet on solid ground throughout this proceeding and we will be judged well by history.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the galleries that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings from the gallery is a violation of the rules of the House.

CONGRESS SHOULD PASS D.C. APPROPRIATION BILL SO CAPITAL CAN CONTINUE TO MAKE PROGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Mr. Speaker, October 1st is fast approaching, this Thursday,

and we will be at the end of the fiscal year, with miles to go and much to do in order to fulfill our most basic responsibility, and that is to pass 13 appropriations bills.

As co-chair of the Women's Caucus, along with the gentlewoman from Connecticut (Mrs. NANCY JOHNSON), I am pleased that the House has gotten through four of the seven priority bills chosen by the Women's Caucus. That brings credit to this House. I hope that the House also will bring itself credit by the way its treats the capital of the United States.

The District's appropriation is one of those left hanging and unresolved. The city is not a Federal agency, and when it is on tenterhooks wondering whether its appropriation will go through or, as in the case of the CR, held to last year's spending limits, a living, breathing city suffers.

The problem with our bill comes from 10 hours during which attachments of every kind were put on our bill, attachments at war with the democratically voiced views of the residents of the District of Columbia: Adoption forbidden for unmarried couples, even though we have children languishing in foster care; vouchers once again put on our appropriation, although the President had not 3 months prior vetoed such a bill; a police helicopter of the Park Service funded out of D.C. funds; advisory neighborhood commissions defunded entirely, though they are the lifeline of neighborhood life in the District of Columbia to keep the services coming at the neighborhood level. The District deserves better.

This Friday, the District is about to break ground on a new convention center funded entirely by the private sector. Most such centers in this country are funded with public funds.

The schools have shown enormous progress. We now have perhaps more charter schools per capita than any other jurisdiction in the United States. We had a magnificent summer school called Summer Stars. To make sure that we eliminate social promotion, children went not only to catch up but to get ahead. Test scores were up significantly on the Stanford 9 even before summer school—scores up in every grade.

We have a new vigorous control board that is keeping the District's feet to the fire and preparing the District for the return of home rule. This is a city that has come back. We have just had an election with fresh leadership promised next year, vigorous new leadership committed to getting the city's House in total order, even more than is being done now.

This is the kind of progress that one would think that the Congress would want to encourage. Ten hours of attachments to our appropriation did just the opposite. It dispirited residents who have suffered greatly in the past few years and have taken great pride that their city is coming up and coming alive.

This is a time for the House and the Senate to encourage the capital, it is not the time to punish the residents of the Nation's capital. By October 1st we hope that this body will have shown that it does indeed take pride in the progress the Nation's capital is beginning to make.

ISSUES THAT CONCERN AND SOMETIMES CONFUSE THE AMERICAN PUBLIC

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

Mr. EWING. Mr. Speaker, I come here today with some concerns. We all, over the weekend, had maybe time to watch the reporting of political events in America, and I come here, I guess, to speak to the people of this great country and to the people in my district about things that concern me; things that are going on in America today that concern all Americans.

There is in the political system today the effort by many, on both sides of the aisle, to put their spin out on what is happening in America. I guess the first point that bothers me is the spinning of all these issues. We want the American people to understand that we are here to do their business and to uphold the law. The American people, I believe, want justice and fairness. They want the laws of this country to be applied to all of us, equally. And sometimes, with all that is going on, we might find that the American public is confused about whether that is happening and whether, in fact, it will happen.

Our system works. We must give it time to work. I would like to say to people that I am talking about the debate here on the House floor, and the political rancor that sometimes seizes the Capitol and the parties. This is where we make our decision. This is where we decide where the compromise is. This is where we decide what is fair. We do not, any of us in this body, worry that we have to look down Pennsylvania Avenue and see tanks rolling up the street because someone in power decides that they are being unfairly treated by this body. This is where our system works.

The bottom line on the first point I want to make is, too much spin from any source, on any side, of what is going on in America today is wrong, and I believe and hope that the American people can see that.

The second point that I thought was brought up a lot on the Sunday talk shows dealt with attacks on the Congress. Some of those attacks came from the First Couple, attacks made mostly at fund-raising events around the country.

A little aside. My wife traveled to Washington on Friday evening, because we were in session, and her plane was delayed for several hours because of the arrival in Chicago of Air Force One. That is disconcerting. This is one of the major airports in America, and we appear to have an imperialism that affects the chief executive. The rest of the country can cool their heels and wait while the First Family or the President comes in for a fundraiser. I think we should watch that in America.

We do not want an imperial presidency, we do not want maybe 1200 people going to China at the cost of $40 million or more. We have to watch that. And it is very easy to get into a pattern where that becomes more and more the norm instead of the exception.

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But some of the criticisms leveled at the Republican Congress dealt with education, improving education, affordable child care, expanding health care, protecting the environment, stabilizing the international economy.

I would just like to talk about each of those points for just a minute, to answer the criticism of the administration in regard to that.

Improving education. I would like to know what Dollars to the Classroom is, if that is not a big improvement to education. I can imagine that almost every teacher in America will be glad to see $400 average go to their classroom for education. What we are doing with the reenactment and the renewal of the higher education bill is indeed very important. What we are doing with the $500 child tax credit certainly makes child care more affordable.

Expanded health care. We passed a bill out of this House that provides more health care for more Americans than ever before, and we hope the Senate will soon move on that.

In closing, there is much been said about attacks on this Congress. I think there is much to be said for what we have done, and I appreciate the time to come here and speak about it.

HIGH CRIMES AND MISDEMEANORS

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

Mr. STEARNS. Mr. Speaker, I come here on the floor today to talk about the definition and the meaning of ''high crimes and misdemeanors.'' The Constitution states that the ''President and all civil officers of the United States shall be removed from office on impeachment for conviction of treason, bribery, or other high crimes and misdemeanors.''

This is the standard under which the House Judiciary Committee is currently evaluating Judge Starr's report. But Mr. Speaker, what exactly are high crimes and misdemeanors? To define ''high crimes and misdemeanors'' is to

get to the heart of the task of the Committee on the Judiciary. Constitutional provisions related to impeachment arise from English practice, wherein impeachment was employed to remove an official who had abused his office but was under the protection of the crown.

To answer that question, I looked to the intent of the framers of the Constitution. They envisioned a government where the only type of person who could achieve the office of the President would, by definition, be a virtuous person. Should a lack of virtue result, the impeachment process was designed to remedy resulting serious offenses against the public trust and our system of government.

In fact, James Madison said that the aim of the Constitution was to ''prevent the degeneracy of our leaders. The method of this prevention is the impeachment process.''

Our Founding Fathers adopted this view of impeachment from English law. In English law, the phrase ''high crimes and misdemeanors'' was used since the 14th century to address political crimes. This is over 600 years of history. Thus, the phrase ''high crimes and misdemeanors'' actually had nothing to do with criminal law. In the Federalist Papers, Hamilton described impeachment crimes as ''those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust.''

The report of the Committee on the Judiciary in the Nixon impeachment proceedings in 1974 rejected criminality as a necessary element of impeachment. Thus, impeachment is not a criminal proceeding. It charges only ''political'' crimes and imposes purely political punishments. Thus, one not need commit a crime to have committed an impeachable offense.

In defending the President, some say that the ''treason, bribery, or other high crimes and misdemeanors'' language in Article II, Section 4 of the Constitution has a very narrow and precise meaning. And Democrats warn us that the framers of the Constitution would be appalled today if Americans deviated from the meaning they had in mind and impeached a President over something as minor, in their opinion, as sex and lies.

The reality is that the definition of ''high crimes and misdemeanors'' is a term which is open to significant interpretation in light of 600 years of history. So, eventually, the American people had the responsibility to ask themselves whether they are witnessing behavior unbecoming an American President and whether the law and simple decency have rightful places in the conduct of our leaders and public officials.

We work very hard to teach our children the difference between right and wrong. We must, therefore, insist on the same from our leaders. In this case, if impeachable offenses were committed, the President must be held accountable.

Furthermore, Congress has a constitutional duty to the public to investigate and remedy breaches of the public trust. Mr. Speaker, holding the President accountable would ensure that future holders of the office would also be held accountable. To neglect to do so would debase our Constitution.

In America, no one is above the law. As former Representative Peter Rodino, a Democrat from New Jersey, a House Judiciary Committee chairman during the Watergate hearings, said, ''We cannot turn away, out of partisanship or convenience, from problems that are now our responsibility to consider.''

Has the President demeaned the Office of the presidency? That is the question. If so, then we must consider impeachment. Let the courts decide after the impeachment process what punishment should apply thereafter.

SEEKING A NEW STRATEGY IN AMERICA'S WAR ON POVERTY

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

Mr. SCARBOROUGH. Mr. Speaker, in listening to those who have discussed the matters before Congress regarding the President, I agree these are very pressing constitutional issues before us. Regrettably, the Presidential crisis has magnified the extremes in our political culture.

I have received troubling phone calls from both sides of the political spectrum. Those supporting the President suggest that Congress drop this matter immediately. And on the other side, detractors of the President demand that we force him immediately from office without receiving due process.

Like so many others across American, I believe there is a more reasonable approach that emphasizes the importance of following the Constitution. We must do our job, and at the end of the process, we must prove two things:

First, for the sake of all Americans, we must show that no man is above the law. Secondly, we must show for the sake of the President and the public servants that work in Washington, D.C., no public servant will be held ''below the law.'' We must not hold the President or any official to a legally higher standard than any of us would face. Those are our challenges.

I wanted to come to this chamber today, though, to speak briefly about another Democrat, the gentleman from Ohio (Mr. HALL) who today is holding meetings and going throughout the city of Washington, D.C., to address a crisis that is still press 35 years after the advent of the great society. That crisis is poverty, and that crisis of poverty still exists in Washington, D.C., and still exists across this country.

Sadly, it still is shocking to some people that poverty still exists. Reports suggests that poverty is eradicated, that it has been miraculously wiped away from the face of American civilization. Regrettably, this is not true.

Two forms of poverty still exist today. One is the poverty that we are familiar with, the poverty that we have grown up hearing about, about children living in squalor, experiencing hunger. But a second poverty exists that is a far more dangerous poverty. That is the poverty of indifference.

The situation in Washington, D.C., remains dire. The first time I came to this city I was shocked to see people living in the shadow of the United States Capitol living in poverty, crime-riddled neighborhoods. We were warned not to stray too far from the Capitol or the Mall after dusk. How did we get to such a place in the United States of America, within the shadow of our Nation's Capitol? Such a situation is not acceptable.

Washington has repeated its mistakes over the past 35 years by refusing to dare to make a difference. If inner cities faced a social ill, Washington tried to micromanage each such problem by creating huge, hulking bureaucracies. By taking money from Americans from Maine over to Hawaii, and by bringing that money to Washington, D.C., Congress has long suggested that it knows better than communities how to end the scourge of poverty. The war on poverty has almost exclusively been waged from inside the walls of federal bureaucracies.

Sadly, the centralized, bureaucratic approach has not worked for the past 40 years. It will not work for the next 40 years. Therefore, we have no other choice but to dare to create a new approach for the war on poverty.

''Insanity'' is defined as doing the same thing over and over again and expecting a different result. That is what we have been doing in Washington, D.C. We continue to take money from across America, funnel it to bureaucracies, allow bureaucracies to singularly wage the war on poverty, and ignore the failings we have fostered.

Drive through the South Bronx and decide for yourself whether we are better off today than we were 40 years ago. Drive through South Central Los Angeles or Gary, Indiana, and ask that same question. Or drive 5 minutes from the Nation's Capitol and go through Anacostia, and then decide whether Anacostia is better off today than when we started our bureaucratic war on poverty 35 years ago. I would suggest to my colleagues things are not better today.

Bobby Kennedy once said, ''This is the violence of institutions: indifference and inaction and slow decay. This is the violence that afflicts the poor, that poisons relations between men because their skins have different colors. This is the slow destruction of a child by hunger, and schools without books

and homes without heat in the winter.'' And yet, 30 years after Senator Kennedy's death the poverty of indifference still afflicts our institutions.

Last week a small, incremental approach was suggested in a tax bill that passed our House of Representatives. It was a tax incentive-based approach that provided tax incentives for twenty defined renewal communities. While the family development accounts, the commercial revitalization credit and the work opportunity tax credits suggest a hopeful beginning, these tax incentives by themselves are far too incremental to make a difference.

Still, it is a beginning. Congress must be willing to begin the unbridling of the free enterprise system in our center cities, and provide businesses incentives to beat back the effects of poverty.

Waging and winning such a war is good for all Americans, save drug dealers and demagogues. It is good for our soul and good for our economy. Imagine moving through the next century with our center cities emerging as economic engines instead of economic drains. It is a possibility we must consider. Repeating the mistakes of the past 35 years is not an option.

We must seek a new strategy in our war against poverty.

RECESS

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

Accordingly (at 11 o'clock and 12 minutes a.m.), the House stood in recess until 12 noon.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SUNUNU) at 12 noon.

PRAYER

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

The scriptures exhort us to begin each day with joyful singing and with gladness of heart. The scriptures further proclaim that we should enter God's gates with thanksgiving and his courts with praise. Yet, we know, O loving and gracious God, that for some people there is no singing a new song, nor is there thanksgiving or gladness. Remind each of us, O God, what we can do to alleviate the hurt of others or cause their pain to diminish. May the hungry find food, the lonely know friendship, and those who experience the ravages of war find peace and rest. And may Your blessing, O God, that surrounds us and gives us hope be with us and all Your people now and evermore. 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 of rule 1, the Journal stands approved.

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT 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 amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4057. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4057) ''An Act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCAIN, Mr. STEVENS, Mr. GORTON, Mr. HOLLINGS, and Mr. FORD, to be the conferees on the part of the Senate.

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

S. 2511. An act to authorize the Secretary of Agriculture to pay employees of the Food Safety and Inspection Service working in establishments subject to the Federal Meat Inspection Act and the Poultry Products Inspection Act for overtime and holiday work performed by the employees.

A TAX CUT, SOCIAL SECURITY COMPROMISE

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

Mr. GUTKNECHT. Mr. Speaker, on Saturday, I was forced to choose between keeping my promise to provide additional tax relief to working families and my pledge that every penny of Social Security taxes should go only to Social Security.

The Democrats' demagoguery rings hollow. For 40 years they raided the trust fund. All of this year's $80 billion surplus will go towards debt, not new programs. But there was a grain of truth to the arguments that they raised. Ending the marriage penalty and making Social Security solvent are not mutually exclusive. A compromise can be reached so that tax cuts can be phased in after our obligations to Social Security have been met. This could begin as early as next March.

When Americans allowed Washington to take money from their paychecks to fund Social Security, they never told Washington to keep the change.

PAYING TRIBUTE TO FORGOTTEN BASEBALL HEROES

(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, congratulations to ''Big Mac McGwire'' and ''Slamming Sammy Sosa.'' Their achievements and their character are in fact role models for all of America's youth.

Today I rise, however, to pay tribute to 2 sort of forgotten past baseball heroes. Josh Gibson of the old Negro leagues hit 85 home runs in the early 1930s. Thank God it was recognized and he was placed into the Hall of Fame. The other forgotten man is the kid from Fargo. He stood right next to Babe Ruth for 37 years. Two-time MVP, home run king, and a good person, Roger Maris.

I say to my colleagues, it is time for baseball to do the right thing like they did with Josh Gibson; it is time to put the kid from Fargo, Roger Maris, in the Hall of Fame. Sammy and Big Mac showed just what a tremendous achievement Roger Maris and Josh Gibson had, in fact, achieved.

CHINA'S FUNDAMENTAL RIGHT TO RELIGIOUS FREEDOM

(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, I rise today to speak on behalf of the imprisoned religious believers in China.

Chinese officials imprisoned Pastor Xu Yongze for setting up a house church and for working with overseas organizations. Reports suggest that since his arrest on March 16, 1997, authorities have beaten and tortured Pasture Xu and prevented his family from seeing him.

Further, the government rearrested 65-year-old Bishop Su Zhimin for sending a letter to Chinese authorities protesting religious freedom violations. Bishop Su spent 20 years in prison for the crime of respecting the authority of the Vatican and refusing to join China's State-sponsored church, the Catholic Patriotic Association.

Mr. Speaker, I urge the Chinese government to release Pastor Xu and Bishop Su, and begin to protect the Chinese people's fundamental right to religious liberty.

DO NOT PROMISE TO BUILD A BRIDGE WHEN THERE IS NO RIVER TO CROSS

(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, the Democrats and President Clinton have repeatedly stated that every penny of the surplus should be saved for Social Security, every penny. What the Democrats are not saying is that President Clinton is already spending the surplus. That is right. He has already spent $2.9 billion on our mission in Bosnia, and this fall the Clinton administration is proposing to spend billions more from the surplus.

Bosnia or America? Well, as important as Bosnia may be, the Democrats and the President cannot have it both ways. While the President and his Democratic leadership want to spend the surplus on the people of Bosnia, Republicans want it to be used for taxpayers of America.

Mr. Speaker, I urge the Democratic leadership to come clean, to tell the American people why they do not want hard-working Americans to keep more of their hard-earned money, how they want higher taxes and how they want to spend the resources of hard-working men and women on more and more, bigger and wasteful, unnecessary bureaucracy and government.

I do not doubt for a minute that Americans will see through the illusions of the Democratic rhetoric and demagoguery. Before the November 3 elections, Democrats and the President may want to remember this: Do not promise to build a bridge when there is no river to cross.

DEMOCRATS DISREGARD TRUTH AND ACCURACY

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

Mr. KNOLLENBERG. Mr. Speaker, let us examine for a moment the Republican charge that Democrats had 40 years to do something about Social Security, but did not set aside one dime in all of that time.

Well, the charge is quite true, the proof being, of course, that if they had, where is the money that they put aside? As everyone who knows how Social Security works would attest, there is no real Social Security Trust Fund. And funds that come in for Social Security are paid out as soon as they come in for the reasons that the previous speaker mentioned.

Is there a Democrat that can deny that? Is there a Democrat that can deny that the Democrats controlled this body for 40 years? How truly ironic that the very same Democrats that are attacking Republicans for setting aside over $1 trillion for Social Security put aside exactly zero when they were in the majority.

This I think is an excellent example of the other side's disregard for the truth and the accuracy. Do not seniors deserve better?

CORPS OF ENGINEERS WORK FOR THE PEOPLE

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

Mr. NORWOOD. Mr. Speaker, I am sure my colleagues can remember the unfortunate boating death that claimed the lives of a couple of Cleveland Indian players a few years ago. One of the contributing factors to their deaths were the guide wires that are used to keep docks in place.

Guide wires are the only authorized method for keeping docks in place at Thurmond Lake in Georgia. Why? Because the Corps of Engineers' Savannah office said so. Spud polls, a much safer and more practical action because of their effectiveness at adjusting to the water fluctuations from Thurmond Dam's releases, are not politically correct. The only thing wrong with spud polls is that some tree-hugging bureaucrats do not like them.

''Do as I say, not as I do.'' That is the motto of the Corps' Savannah office.

Mr. Speaker, I think it is time the Corps understood that they work for the people and not the other way around. It is also time for the Corps to start obeying Federal laws like the Clean Water Act before it bullies any more of my constituents for being out of compliance.

ETHICAL MELTDOWN IN AMERICA

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

Mr. STEARNS. Mr. Speaker, every day across America patriotic Americans feel frustrated by what they see on the news about White House scandals and the media's reaction to them. These same people who have worked to bring sexual harassment to our attention now say with a straight face that how women are treated in the workplace is a private matter.

Nightly, we are treated to commentaries which seem to suggest that character does not matter, that we must adhere to two different standards, ethical standards for our public officials, one when the Dow is above 9,000, and the other when the economy is in a slump.

The majority of Americans today know the truth and can see through the spin, retractions and the legalisms. Many in my district believe that we are witnessing a moral Chernobyl right before our eyes, an ethical meltdown that sends a message to every child in America that some people do not have to take responsibility for their actions.

A healthy democracy requires not only that leaders take responsibility for their actions, but a Nation of citizens who demand that they do.

TRIBUTE TO LEE HAMILTON

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

Mr. HOUGHTON. Mr. Speaker, the gentleman from Indiana (Mr. HAMILTON) is retiring from this House at the end of this year. LEE has represented the ninth district of Indiana for 17 terms, 34 years. He is an extraordinary man. I happen to think that the idea of curtailing terms is a good idea, but if there ever is an excuse for not doing it, for not having term limits, it is LEE HAMILTON.

This is a man who has all the characteristics that we want here. He has extraordinary judgment. Whenever I have a problem, he is the first person I like to talk to. He has a sense of history. He has a sense of this place. He has a sense of what service versus self-service is.

Also, he really believes in the Arthur Vandenberg School of Government, which is partisanship stops at the water's edge. In all of the things he has done, he has always reached for bipartisanship. This is a fine man. He is now going to the Woodrow Wilson school, and his goal there will be to try to bridge the gap between the academic and the political policy of the schools of thought.

Mr. Speaker, he is an extraordinary man for an extraordinary time, and we will miss the gentleman from Indiana (Mr. HAMILTON). I say that as a Republican to a Democrat who I admire so much.

ISSUE OF HOSTILE TAKEOVERS NEEDS TO BE EXAMINED

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

Mr. GEKAS. Mr. Speaker, the issue of hostile takeovers has risen in resonance over the last several years whereby one company seeks, by methods that are sometimes not clear to everyone, to take over another entity.

In our own district in Pennsylvania, Amp, Incorporated, which employs thousands of people in our area and which has a tremendous, widely accepted reputation internationally for commercial activity, is now the target of such a hostile takeover. The results of such a move could result in the loss of jobs and in the loss from our community of an entity which has always been community-minded, and which has helped in a thousand different ways the stability, both economic and social, of our area.

We in the Congress owe it to ourselves and to the American public to examine this issue of hostile takeovers, to see how in the long run it can be removed from the scene and normal commercial activity take its place.

WE CAN SAVE SOCIAL SECURITY AND ELIMINATE THE MARRIAGE TAX PENALTY

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

Mr. WELLER. Mr. Speaker, in the next 2 weeks, we have a lot to do, and of course we want to do the people's business.

This past weekend this House of Representatives did the right thing. We set aside $1.4 trillion in surplus tax revenue for the effort to save Social Security, and we passed legislation which will eliminate the marriage tax personality.

I have often asked in the well of this House over the last year, is it right, is it fair that under our current Tax Code, 28 million married working couples pay higher taxes, just because they are married.

Well, we have addressed that. On Saturday we passed and sent to the Senate legislation whose centerpiece eliminates the marriage tax penalty for the majority of those who suffer. In fact, for 28 million couples they will see an extra $240, enough money for a car payment in extra take-home pay because of lower taxes.

Now, those who opposed it, particularly those on the Democratic side of the aisle, claim somehow that our effort to eliminate the marriage tax penalty hurts the Social Security trust fund.

Now, on the Committee on Ways and Means, which I am proud to be a member of, we asked a representative of the Social Security Administration, Judy Chesser, the Deputy Commissioner of the Office of Legislation and Congressional Affairs, if this tax cut to eliminate the marriage tax penalty impacts Social Security. She gave us a simple answer: No.

Let us save Social Security. Let us eliminate the marriage tax penalty.

□ 1215

HOSTILE TAKEOVERS WITH A POSITIVE IMPACT

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

Mr. BOEHLERT. Mr. Speaker, a previous speaker talked about a hostile takeover with negative impact. I would like to talk about a hostile takeover with a very positive impact.

Yesterday the New York Yankees won their 114th game, to set an all-time record for an American League club. In addition to that, Bernie Williams won the American League batting championship with a .339 average. In addition to that, David Cone, after 10 years without winning 20 games, won his 20th game.

In addition to that, the wonder boy, Shane Spencer, who came up from the minor leagues and captivated the hearts of all America, he has more home runs per game at bat ratio than Mark McGuire. He got number 10 yesterday, his third grand slam in 9 days. Joe Torre, that magnificent manager, brought them all together under the leadership of George Steinbrenner.

All America is smiling today. Mark McGuire has his 70 home runs, the New York Yankees are the American League all-time champion, and I invite all the Members to come witness what baseball has to offer America in Cooperstown, New York, that mecca of baseball. Come see it.

TAX CUT PACKAGE UNDER VICIOUS ATTACK BY LIBERALS

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

Mr. SHIMKUS. Mr. Speaker, the House of Representatives passed a tax cut package this past Saturday that, not surprisingly, is under vicious attack by liberals.

Think about that for a second. The very idea that government could get by with a little less so that families could have a little more is so offensive to liberals who worship at the alter of big government, no matter how much it wastes and no matter how dismal its results.

We have heard over and over again that tax cuts are an election year gimmick. This is quite revealing about the different attitudes of conservatives and liberals when it comes to the relationship between the governed and their Washington masters.

Conservatives have a respect for work. They believe that it is a fundamental principal of freedom to have the right to the fruits of your labor. Liberals act like people who work extra hard, who go the extra mile to get extra education and are thereby rewarded for those efforts with a higher income, have something to apologize for.

In their view tax cuts are not even legitimate. They are nothing more than an election year gimmick. Liberalism speaks for itself.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SUNUNU). 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.

NUTRIA ERADICATION AND CONTROL PILOT PROGRAM

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4337) to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria.

The Clerk read as follows:

H.R. 4337

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

SECTION 1. NUTRIA ERADICATION AND CONTROL PILOT PROGRAM.

(a) GRANT AUTHORITY.—The Secretary of the Interior (in this section referred to as the ''Secretary''), subject to the availability of appropriations, may provide financial assistance to the State of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria.

(b) GOALS.—The pilot program shall develop methods to—

(1) eradicate nutria in Maryland;

(2) eradicate or control nutria in other States; and

(3) develop methods to restore marshland damaged by nutria.

(c) ACTIVITIES.—The Secretary shall require that the pilot program consist of management, research, and public education activities carried out in accordance with the document entitled ''Marsh Restoration: Nutria Control in Maryland Pilot Program Proposal'', dated July 10, 1998.

(d) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the pilot program may not exceed 75 percent of the total costs of the pilot program.

(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of the pilot program may be provided in the form of in-kind contributions of materials or services.

(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of financial assistance provided by the Secretary under this section may be used for administrative expenses.

(f) AUTHORIZATION OF APPROPRIATIONS.—For financial assistance under this section, there are authorized to be appropriated to the Secretary $2,900,000 for fiscal years 2000, 2001, and 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) 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 rise in strong support of H.R. 4337, a bill that implements the nutria eradication and control pilot program for the State of Maryland. This legislation was introduced by the gentleman from Maryland (Mr. GILCHREST), from Kennedyville, a small town on the eastern shore. This bill was the subject of a subcommittee hearing on July 16.

At that time, the subcommittee received testimony from a diverse group of witnesses who strongly supported immediate action. In fact, H.R. 4337 incorporates the recommendations of a

comprehensive report entitled ''Marsh Restoration: Nutria Control in Maryland.'' This report was a consensus document approved by the U.S. Fish and Wildlife Service, the Maryland Department of Natural Resources, the University of Maryland, the Salisbury Zoological Park, and Ducks, Unlimited.

By way of background, nutria are large, semi-aquatic rodents that are native to South America. Nutria may weigh up to 20 pounds and live along the banks of lakes, marshes, ponds, and rivers. These large water rats are surface-feeding mammals that are extremely destructive to marsh vegetation.

Nutria were introduced in Maryland in the 1950s to assist with the clothing industry. Today, there is no market for that fur and no natural predators to control them. As a result, the nutria population has skyrocketed. It has been estimated that there are now between 35,000 and 50,000 nutria living at the Blackwater National Wildlife Refuge in Maryland.

This refuge has 17,000 acres of marsh that are essential habitat to thousands of nesting and migratory birds. Regrettably, this habitat is being systematically destroyed because of the appetites of these South American rodents. This is causing serious problems for native wildlife, fish, plants, and marsh ecosystems.

H.R. 4337 authorizes $2.9 million over 3 years to help alleviate the nutria problem. While this may not solve the problem entirely, it is a positive step in the right direction. In fact, the refuge manager of Blackwater National Wildlife Refuge testified that ''These wetlands, which provide significant ecological, cultural, and economic benefits, will continue to disappear at an increasing rate unless prompt action is taken.''

Mr. Speaker, I urge an aye vote on H.R. 4337, and I want to pay special compliments to the gentleman from Kennedyville, Maryland (Mr. GILCHREST) for his leadership in this matter.

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 certainly would like to commend the gentleman from New Jersey (Mr. SAXTON), the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans, for bringing this legislation to the floor. I also want to commend my good friend, the gentleman from Maryland (Mr. GILCHREST) for his sponsorship of this legislation.

Mr. Speaker, this bill authorizes Federal financial assistance to the State of Maryland to develop methods to eradicate or at least control nutria. These submarine rodents were accidentally released into the wild, and have wreaked havoc with wetlands in Louisiana, Maryland, and elsewhere.

The foraging habits of nutria are especially destructive to marsh grasses. Nutria have thrived in their newfound homes in our North American swamps and marshes. Given all the other threats to wetlands these days, nutria must be brought under control.

The State of Maryland has developed a comprehensive plan for nutria eradication, and Federal support will greatly expedite its implementation. If we can come up with a method to control these destructive rodents, the plan can be modified and used in other places where nutria are a problem.

Mr. Speaker, this is sound public policy to deal with a strange yet important threat to our vanishing wetlands. I urge my colleagues to support this measure.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Kennedyville, Maryland (Mr. GILCHREST), the author of the bill.

Mr. GILCHREST. Mr. Speaker, I thank the chairman for yielding time to me, and for his generous help on this legislation.

This bill will go far to preserve and restore Blackwater Refuge on the Eastern Shore of Maryland, and to provide a base of information and experience to help other States devise ways to deal with this little critter we call nutria.

The Blackwater National Wildlife Refuge was established in 1933 to protect habitat for migrating and wintering birds. The refuge is currently home to more than 250 species of birds, including bald and golden eagles, cormorants, great blue herons, northern loons, ospreys, and 20 different varieties of ducks.

It is also home to the Delmarva fox squirrel, a critically endangered species that is found almost exclusively in only 4 counties in my district.

Of the 20,000 acres protected by the refuge, almost 17,000 acres are or were marshland. Seven thousand of those marshland acres have been lost to erosion. One of the reasons for the loss is the reason for the bill we are discussing today, the rabid appetite of this little critter from South America known as the nutria.

Nutria are large, semi-aquatic rodents native to South America, and were introduced to Maryland in the 1950s to support the fur industry. As demand for nutria fur dropped off, and with no natural predators, nutria populations took off. From far less than 150 animals in 1968, today we have between 35,000 and 50,000 of them.

Nutria are surface-feeding herbivores that can be extremely destructive to marsh vegetation. They forage directly on the vegetative root mat, leaving the marsh pitted with digging sites, riddled swim canals, and extremely susceptible to erosion associated with tidal currents, wave action, and sea level rise.

While it is impossible to quantify exactly what percentage of marsh loss is due to nutria, recent studies have shown that excluding or controlling nutria substantially slows the rate of erosion. In Louisiana, for example, where there is still some market for nutria, the Department of Wildlife and Fisheries has documented substantial habitat damage in coastal wetlands for every year that the annual harvest falls below 500,000, as it has every year since 1988.

The bill will authorize the Fish and Wildlife Service to work with the State of Maryland and other partners to extensively trap nutria, to develop methods to eradicate or control nutria that may be applied in other affected States, and to begin to restore marshland damaged by the nutria.

The proposal, which is the centerpiece of this bill, was developed jointly by Federal, State, and local and private partners. This bill authorizes $2.9 million over the next 3 years to implement a pilot program, and requires that nonfederal partners bear 25 percent of the cost of the program. It also includes a limitation that administrative expenses may not be used for more than 10 percent of the Federal share.

This is an important piece of legislation, not only that it is going to reduce the problems nutria have caused in the State of Maryland, and extend some of that information to the State of Louisiana, but we certainly do not want nutria to extend their way up to the State of New Jersey. I am sure the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans would go along with that, along with a brother that I have in the pine barrens up there.

Unless action is taken, seriously, Mr. Speaker, this will only get worse, and the marsh habitat that is so critical to migratory waterfowl will disappear. We know while people need a certain area, a certain habitat, and sometimes suburbs to live in, the migrating waterfowl need a habitat that is not being destroyed.

Again, I would like to thank the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) for all of their good work on this legislation, and I urge the support of my colleagues to pass the nutria eradication and control program bill.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and 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 bill, H.R. 4337.

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. SAXTON. 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. 4337, the bill just passed.

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

There was no objection.

MIGRATORY BIRD HUNTING AND CONSERVATION STAMP PROMOTION ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4248) to authorize the use of receipts from the sale of the Migratory Bird Hunting and Conservation Stamps to promote additional stamp purchases, as amended.

The Clerk read as follows:

H.R. 4248

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 ''Migratory Bird Hunting and Conservation Stamp Promotion Act''.

SEC. 2. PROMOTION OF STAMP SALES.

(a) IN GENERAL.—Section 4 of the Act of March 16, 1934 (chapter 71; 16 U.S.C. 718d), popularly known as the Migratory Bird Hunting Stamp Act, is amended—

(1) in subsection (b) by striking ''subsection (c)'' and inserting ''subsections (c) and (d)''; and

(2) by adding at the end the following:

''(d) PROMOTION OF STAMP SALES.—(1) The Secretary of the Interior may utilize funds from the sale of migratory-bird hunting and conservation stamps, not to exceed $1,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003, for the promotion of additional sales of those stamps, in accordance with a Migratory Bird Conservation Commission-approved annual marketing plan. Such promotion shall include the preparation of reports, brochures, or other appropriate materials to be made available to the public that describe the benefits to wildlife derived from stamp sales.

''(2) The Secretary of the Interior shall include in each annual report of the Commission under section 3 of the Migratory Bird Conservation Act (16 U.S.C. 715b) a description of activities conducted under this subsection in the year covered by the report.''.

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

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

□ 1230

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

Mr. Speaker, I rise in strong support of H.R. 4248, the Migratory Bird Hunting and Conservation Stamp Promotion Act. This bill was introduced primarily by our colleague the gentleman from California (Mr. CUNNINGHAM), who has done such a great job and has been such a great advocate of the bill. He is the primary reason that we are here today.

Joining him is of course the gentleman from Michigan (Mr. DINGELL), the gentleman from Tennessee (Mr. TANNER), and the gentleman from Pennsylvania (Mr. WELDON), who also were very, very hard workers on the bill.

The bill was the subject of a subcommittee hearing on July 16th. At that time, every witness testified in strong support of trying to promote additional duck stamp purchases. In fact, the U.S. Fish and Wildlife Service, which has endorsed the bill, testified that additional opportunities to increase revenues to the Migratory Bird Conservation Fund from increased duck stamp sales do exist, and this bill is a good route to get that done.

Since Congress approved the Migratory Bird Hunting Stamp Act of 1934, every waterfowl hunter 16 years and older has been required to purchase a valid Federal duck stamp. The cost of the stamp has increased from $1 to its present cost of $15. These funds, which exceed a total of $500 million, have been used to purchase some 5 million acres of prime wildlife habitat. This habitat is essential to literally millions of migratory birds.

Unfortunately, the sale of duck stamps has declined in recent years. In fact, nearly 1 million less duck stamps were sold last year than two decades ago.

H.R. 4248 is designed to reverse that trend. Under the terms of this legislation, up to $1 million per year in duck stamp receipts would be spent to create a promotional program to increase the sale of duck stamps. This promotional program would be crafted to appeal to a growing number of bird watchers, wildlife artists, stamp collectors, and those Americans who simply enjoy wildlife.

If successful, this program will generate millions of dollars in new revenues which would be used to buy additional waterfowl habitat in the United States.

Mr. Speaker, this bill is strongly supported by many conservation organizations, including Ducks Unlimited, the Izaak Walton League, and the Wildlife Legislative Fund of America.

I urge an ''aye'' vote on the bill.

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, again, my sincere thanks and appreciation to the chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, the gentleman from New Jersey (Mr. SAXTON) for bringing this legislation to the floor. I also want to commend my good friend the gentleman from California (Mr. CUNNINGHAM) for his primary sponsorship of this legislation.

Mr. Speaker, I might add, this does have bipartisan support, especially friends from this side of the aisle, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Tennessee (Mr. TANNER).

Mr. Speaker, the Migratory Bird Hunting and Conservation Stamp Promotion Act is a sound piece of legislation. This bill will allow the Fish and Wildlife Service to spend $1 million a year in revenues from the migratory bird hunting stamp to promote sales of those stamps to a broader range of users, including bird watchers, photographers, and other conservationists.

It is estimated that as many as 25 million Americans enjoy observing birds and spend as much as $20 billion a year to do so. They travel to see over 800 species of birds that reside in the United States. I might add, Mr. Speaker, I invite all my fellow Americans and bird watchers of America to come and observe the only bat that flies during the day like a bird, and it is the flying fox in the Samoan Islands.

Many of these birds are undergoing serious conservation problems. These problems are no less serious than the declines of game birds in the 1920s which inspired hunters, conservationists and Federal lawmakers to pass the Migratory Bird Conservation Act of 1929. That act, Mr. Speaker, authorized the duck stamp program.

Since that time, Mr. Speaker, the program has been enormously successful and has helped protect some 5 million acres of land for habitat. Many waterfowl populations have recovered tremendously. Millions of acres of habitat have been protected. But even as duck stamp sales to hunters have began to level off, the need to continue to acquire and protect habitat for wildlife has increased tremendously.

Mr. Speaker, an amendment in this bill would encourage the Fish and Wildlife Service to describe the benefits to wildlife which are derived from the sales of these stamps. By demonstrating to bird watchers and conservationists just how these funds contribute to the recovery and relief of some of the many species of wildlife which continue to decline, the Service can be assured of finding a growing number of Americans who are willing to contribute to the protection of habitat for their future.

I am confident that the Fish and Wildlife Service, Mr. Speaker, and the conservation community can work together to make this bill a success and continue to protect valuable habitat for all of those who enjoy this Nation's natural resources.

Mr. Speaker, I urge my colleagues to support this legislation, and, again, I commend my good friend, the gentleman from California, for his prime sponsorship of this bill.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from San Diego, California (Mr. CUNNINGHAM) who has worked so hard and in such a dedicated way to

sponsor this bill and bring it to the floor.

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

Mr. CUNNINGHAM. Mr. Speaker, I think if you take a look at what this entire subcommittee and committee has done this year, it is very, very noteworthy; from a disabled bill, to a tuna-dolphin bill, as well as future legislation, in a bipartisan way. It is gratifying when we have so many bad days, ''bad hair'' days here in Congress, that this subcommittee and committee has ''good hair'' days for us, and I appreciate it.

The gentleman from American Samoa (Mr. FALEOMAVAEGA), see, that is not bad for an Irish kid from northern L.A., but I would like to thank him for his support for this.

Who I would really like to thank is a staffer named Tim Charters. Tim has poured his life and his lifeblood into this. Here is a young man that knew very little about conservation and the outdoors; and in the last 2 years, I cannot keep him out of the woods, and I cannot keep him out from looking and working in conservation programs. So I would like to thank Tim Charters.

I thank the gentleman from Tennessee (Mr. TANNER), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Pennsylvania (Mr. WELDON), that have helped make this possible, and the gentleman from Maryland (Mr. GILCHREST) in the full committee, along with the gentleman from New Jersey (Mr. PALLONE). It is gratifying.

But I will not reiterate some of the things that my colleague, the gentleman from New Jersey (Mr. SAXTON), chairman of the committee, has said, but this money used from the duck stamp is basically used to buy property for conservation.

In every State, we have lands where there is MSP or whether we are trying to connect lands so that critters can grow and have a quarter to prosper, there is never enough funds. With a dwindling of the duck stamp, we are looking for new ways to generate revenue.

The duck stamp group had, there is precedence for this because what they have done in the past is even made quilts and got a contract to make quilts with the duck stamp on it and other images of it, and we sell that to earn money to buy property for the environment and conservation programs like this one.

So it is a good bill, and it is bipartisan. Very few people know that this entire program started in 1934, the duck stamp. It has been immensely popular and it has been successful and at the same time responsible.

One supporter of this plan is Mr. James Mosher, a conservation director for the Izaak Walton League, who says this legislation will significantly increase revenue from duck sales, consequently leading to the enhancement of habitat acquisition and migratory bird conservation.

We have some tremendous problems with migratory birds, for example, the Salton Sea in which the gentlewoman from California (Mrs. BONO) is trying to save.

Migratory birds are at risk. We need to protect them. Some of our wetlands are at risk. This bill helps that.

I would like to submit the rest of my statement for the RECORD, and it is with gratification and much happiness that I support this bill, ask my colleagues to support it and want to personally thank them for all their help.

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

Mr. CUNNINGHAM. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to again thank the gentleman for his eloquent statement. Maybe something that our colleagues here in the House and even the American public do not know, but the fact is that watching birds is a $20 billion industry here in America.

I want to say to my good friend, the gentleman from California (Mr. CUNNINGHAM), for myself, who actually experienced seeing these terns who come all the way from Alaska to Hawaii and even to my islands in Samoa, just to watch these little birds, it is amazing how these little birds can fly for such a tremendous distance.

I am sure that my good friend, who is an excellent jet fighter pilot, can attest to the fact that it is amazing how nature and how these migratory birds can fly for so far and yet be so small in form. It is just amazing.

I think it is an excellent way to promote that we need more funds, and I sincerely hope that this legislation will pass. Again, I want to commend the gentleman for yielding to me.

Mr. CUNNINGHAM. Mr. Speaker, this is a private/public partnership in which we engage, and I thank the gentleman.

Mr. Speaker, I rise today in support of the Migratory Bird Hunting and Conservation Stamp Promotion Act (H.R. 4248). I am proud to be joined in this effort by my fellow Sportsmen's Caucus Co-Chairman JOHN TANNER and Migratory Bird Conservation Committee members, Representative JOHN DINGELL and Representative CURT WELDON.

This legislation will allow the Federal Duck Stamp office to use money from the Migratory Bird Conservation Fund (MBCF) to create an advertising program for the promotion of the federal duck stamp. This promotional program will be similar to the program used by the Postal Service to promote its stamp sales and stamp collecting.

Since Congress created the Federal Duck Stamp in 1934, it has been one of America's most successful conservation initiatives. It has generated more than $500 million for the conservation of wildlife habitat. This money has permanently protected more than 5 million acres of prime wildlife habitat. This program is successful. It is also responsible, because it focuses 98 percent of the program's revenue to purchase habitat.

H.R. 4248 is important because in recent years duck stamp sales have leveled off. Unless we find new ways to promote the Duck Stamp and generate additional revenues, the MBCF will be unable to keep pace with the increasing costs of purchasing land for conservation. By passing this legislation, the Migratory Bird Conservation Commission will be able to promote the benefits of the Federal Duck Stamp. In doing so, they will sell more stamps and generate more funds for habitat conservation.

One supporter of this plan is Mr. James Mosher, Conservation Director for the Izaak Walton League, says this ''legislation will significantly increase revenue from stamp sales, consequently leading to enhancement of habitat acquisition and migratory bird conservation efforts.''

This legislation has some precedence. In 1984, Congress allowed the Migratory Bird Conservation Committee to use MBCF funds to administer a program to license the image of the Duck Stamp. Today the Duck Stamp image is printed on products like throw rugs, T-shirts, ties, and other items. These licensing agreements generated $65 thousand in 1997, and more than $770 thousand since 1984. This additional funding has been added to the MBCF and useed to protect and preserve habitat.

Mr. Chairman, one may ask whether money we use for the Duck Stamp promotion program wouldn't be better invested in habitat conservation. In fact, Ducks Unlimited, one of America's most prominent conservation organizations, addressed that exact issue in its letter of support for this legislation.

Quoting from Mr. Scott Sutherland and Mr. Fred Abraham's letter, ''While Ducks Unlimited is always concerned that the maximum amount of funds raised actually go into protecting habitat in the refuge system, we believe that this temporary set-aside for marketing will eventually lead to more funds being available for the refuge system.''

This legislation is supported by the U.S. Fish and Wildlife Service Federal Duck Stamp Office, Ducks Unlimited, the Wildlife Legislative Fund of America, and the Izaak Walton League.

I urge my colleagues to join me and pass this legislation and preserve more of our nation's wildlife habitat.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I also have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 4248, 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.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to

revise and extend their remarks on H.R. 4248, the bill just passed.

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

There was no objection.

ENERGY CONSERVATION REAUTHORIZATION ACT OF 1998

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4017) to extend certain programs under the Energy Policy and Conservation Act and the Energy Conservation and Production Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4017

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 ''Energy Conservation Reauthorization Act of 1998''.

SEC. 2. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

(a) STATE ENERGY CONSERVATION PROGRAM.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended to read as follows:

''(f) For the purpose of carrying out this part, there are authorized to be appropriated for fiscal years 1999 through 2003 such sums as may be necessary.''.

(b) SCHOOLS AND HOSPITALS.—Section 397 the Energy Policy and Conservation Act (42 U.S.C. 6371f) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 397. For the purpose of carrying out this part, there are authorized to be appropriated for fiscal years 1999 through 2003 such sums as may be necessary.''.

SEC. 3. ENERGY CONSERVATION AND PRODUCTION ACT AMENDMENT.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 422. For the purpose of carrying out the weatherization program under this part, there are authorized to be appropriated for fiscal years 1999 through 2003 such sums as may be necessary.''.

SEC. 4. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) SUNSET.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking ''five years after'' and all that follows through ''subsection (b)'' and inserting ''on October 1, 2003''.

(b) DEFINITION.—Section 804(1) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(1)) is amended to read as follows:

''(1) The term 'Federal agency' means each authority of the Government of the United States, whether or not it is within or subject to review by another agency.''.

SEC. 5. TECHNICAL AMENDMENTS.

(a) ENERGY POLICY AND CONSERVATION ACT.—The Energy Policy and Conservation Act is amended—

(1) in the table of contents—

(A) by striking ''Sec. 301.'' and all that follows through ''Reports to Congress.'.'';

(B) by striking ''efficiency'' and inserting ''conservation'' in the item relating to section 325;

(C) by striking ''and private labelers'' in the item relating to section 326;

(D) by striking the items relating to part E of title III;

(E) by inserting after the items relating to part I of title III the following:

''PART J—ENCOURAGING THE USE OF ALTERNATIVE FUELS

''Sec. 400AA. Alternative fuel use by light duty Federal vehicles.

''Sec. 400BB. Alternative fuels truck commercial application program.

''Sec. 400CC. Alternative fuels bus program.

''Sec. 400DD. Interagency Commission on Alternative Motor Fuels.

''Sec. 400EE. Studies and reports.'';

(F) by inserting ''Environmental'' after ''Energy Supply and'' in the item relating to section 505; and

(G) by striking the item relating to section 527;

(2) in section 321(1) (42 U.S.C. 6291(1))—

(A) by striking ''section 501(1) of the Motor Vehicle Information and Cost Savings Act'' and inserting ''section 32901(a)(3) of title 49, United States Code''; and

(B) by striking the second period at the end thereof;

(3) in section 322(b)(2)(A) (42 U.S.C. 6292(b)(2)(A)) by inserting close quotation marks after ''type of product'';

(4) in section 324(a)(2)(C)(ii) (42 U.S.C. 6294(a)(2)(C)(ii)) by striking ''section 325(j)'' and inserting ''section 325(i)'';

(5) in section 325 (42 U.S.C. 6295)—

(A) by striking ''paragraphs'' in subsection (e)(4)(A) and inserting ''paragraph''; and

(B) by striking ''BALLASTS;'' in the heading of subsection (g) and inserting ''BALLASTS'';

(6) in section 336(c)(2) (42 U.S.C. 6306(c)(2)) by striking ''section 325(k)'' and inserting ''section 325(n)'';

(7) in section 345(c) (42 U.S.C. 6316(c)) by inserting ''standard'' after ''meets the applicable'';

(8) in section 362 (42 U.S.C. 6322)—

(A) by inserting ''of'' after ''of the implementation'' in subsection (a)(1); and

(B) by striking ''subsection (g)'' and inserting ''subsection (f)(2)'' in subsection (d)(12);

(9) in section 391(2)(B) (42 U.S.C. 6371(2)(B)) by striking the period at the end and inserting a semicolon;

(10) in section 394(a) (42 U.S.C. 6371c(a))—

(A) by striking the commas at the end of paragraphs (1), (3), and (5) and inserting semicolons;

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

(C) by striking the colon at the end of paragraph (6) and inserting a semicolon;

(11) in section 400 (42 U.S.C. 6371i) by striking ''(a)'';

(12) in section 400D(a) (42 U.S.C. 6372c(a)) by striking the commas at the end of paragraphs (1), (2), and (3) and inserting semicolons;

(13) in section 400I(b) (42 U.S.C. 6372h(b)) by striking ''Secretary shall,'' and inserting ''Secretary shall'';

(14) in section 400AA (42 U.S.C. 6374) by redesignating subsection (i) as subsection (h);

(15) in section 503 (42 U.S.C. 6383)—

(A) by striking ''with repect to'' and inserting ''with respect to'' in subsection (b); and

(B) by striking ''controlling'' and inserting '', controlling,'' in subsection (c)(1); and

(16) in section 552(d)(5)(A) (42 U.S.C. 6422(d)(5)(A)) by striking ''notion'' and inserting ''motion''.

(b) ENERGY CONSERVATION AND PRODUCTION ACT.—The Energy Conservation and Production Act is amended—

(1) in the table of contents—

(A) by striking ''rules and regulations'' and inserting ''regulations and rulings'' in the item relating to section 106; and

(B) by striking the item relating to section 207 and inserting the following:

''Sec. 207. State utility regulatory assistance.

''Sec. 208. Authorization of appropriations.''; and

(2) in section 202 (42 U.S.C. 6802) by striking ''(b) DEFINITIONS.—''.

(c) NATIONAL ENERGY CONSERVATION POLICY ACT.—The National Energy Conservation Policy Act is amended—

(1) in the table of contents—

(A) by striking '', installation, and financing'' and inserting ''and installation'' in the item relating to section 216;

(B) by striking ''Ratings'' and inserting ''Rating Guidelines'' in the item relating to part 6 of title II;

(C) by striking the item relating to section 304; and

(D) by striking ''goals'' and inserting ''requirements'' in the item relating to section 543;

(2) in section 216(d)(1)(C) (42 U.S.C. 8217(d)(1)(C)) by striking ''explictly'' and inserting ''explicitly'';

(3) in section 251(b)(1) (42 U.S.C. 8231(b)(1))—

(A) by striking ''National Housing Act to projects'' and inserting ''National Housing Act) to projects''; and

(B) by striking ''accure'' and inserting ''accrue'';

(4) in section 266 (42 U.S.C. 8235e) by striking ''(17 U.S.C.'' and inserting ''(15 U.S.C.''; and

(5) in section 551(8) (42 U.S.C. 8259(8)) by striking ''goethermal'' and inserting ''geothermal''.

SEC. 6. MATERIALS ALLOCATION AUTHORITY EXTENSION.

Section 104(b) of the Energy Policy and Conservation Act is amended by striking ''(1) The authority'' and all that follows through ''(2)''.

SEC. 7. BIODIESEL FUEL USE CREDITS.

(a) AMENDMENT.—Title III of the Energy Policy Act of 1992 (42 U.S.C. 13211–13219) is amended by adding at the end the following new section:

''SEC. 312. BIODIESEL FUEL USE CREDITS.

''(a) ALLOCATION OF CREDITS.—

''(1) IN GENERAL.—The Secretary shall allocate one credit under this section to a fleet or covered person for each qualifying volume of the biodiesel component of fuel containing at least 20 percent biodiesel by volume purchased after the date of the enactment of this section for use by the fleet or covered person in vehicles owned or operated by the fleet or covered person that weigh more than 8,500 pounds gross vehicle weight rating.

''(2) EXCEPTIONS.—No credits shall be allocated under paragraph (1) for a purchase of biodiesel—

''(A) for use in alternative fueled vehicles; or

''(B) that is required by Federal or State law.

''(3) AUTHORITY TO MODIFY PERCENTAGE.—The Secretary may, by rule, lower the 20 percent biodiesel volume requirement in paragraph (1) for reasons related to cold start, safety, or vehicle function considerations.

''(4) DOCUMENTATION.—A fleet or covered person seeking a credit under this section shall provide written documentation to the Secretary supporting the allocation of a credit to such fleet or covered person under paragraph (1).

''(b) USE OF CREDITS.—

''(1) IN GENERAL.—At the request of a fleet or covered person allocated a credit under subsection (a), the Secretary shall, for the year in which the purchase of a qualifying volume is made, treat that purchase as the acquisition of one alternative fueled vehicle the fleet or covered person is required to acquire under this title, title IV, or title V.

''(2) LIMITATION.—Credits allocated under subsection (a) may not be used to satisfy

more than 50 percent of the alternative fueled vehicle requirements of a fleet or covered person under this title, title IV, and title V. This paragraph shall not apply to a fleet or covered person that is a biodiesel alternative fuel provider described in section 501(a)(2)(A).

''(c) CREDIT NOT A SECTION 508 CREDIT.—A credit under this section shall not be considered a credit under section 508.

''(d) ISSUANCE OF RULE.—The Secretary shall, before January 1, 1999, issue a rule establishing procedures for the implementation of this section.

''(e) COLLECTION OF DATA.—The Secretary shall collect such data as are required to make a determination described in subsection (f)(2)(B).

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'biodiesel' means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act; and

''(2) the term 'qualifying volume' means—

''(A) 450 gallons; or

''(B) if the Secretary determines by rule that the average annual alternative fuel use in light duty vehicles by fleets and covered persons exceeds 450 gallons or gallon equivalents, the amount of such average annual alternative fuel use.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy Act of 1992 is amended by adding at the end of the items relating to title III the following new item:

''Sec. 312. Biodiesel fuel use credits.''.

SEC. 8. REPORT CONCERNING COMPLIANCE WITH ALTERNATIVE FUEL VEHICLE PURCHASING REQUIREMENTS.

(a) IN GENERAL.—Section 310 of the Energy Policy Act of 1992 (42 U.S.C. 13218) is amended—

(1) by striking the heading and inserting the following:

''SEC. 310. REPORTS.'';

(2) by inserting ''(a) GENERAL SERVICE ADMINISTRATION PROGRAM REPORT.—'' before ''Not later than''; and

(3) by adding at the end the following:

''(b) COMPLIANCE REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter for the next 14 years, the head of each Federal agency which is subject to this Act and Executive Order No. 13031 shall prepare, and submit to Congress, a report that—

''(A) summarizes the compliance by such Federal agency with the alternative fuel purchasing requirements for Federal fleets under this Act and Executive Order No. 13031; and

''(B) includes a plan of compliance that contains specific dates for achieving compliance using reasonable means.

''(2) CONTENTS.—

''(A) IN GENERAL.—Each report submitted under paragraph (1) shall include—

''(i) any information on any failure to meet statutory requirements or requirements under Executive Order No. 13031;

''(ii)(I) any plan of compliance that the agency head is required to submit under Executive Order No. 13031; or

''(II) if a plan of compliance referred to in subclause (I) does not contain specific dates by which the Federal agency is to achieve compliance, a revised plan of compliance that contains specific dates for achieving compliance; and

''(iii) any related information the agency head is required to submit to the Director of the Office of Management and Budget under Executive Order 13031.

''(B) PENULTIMATE REPORT.—The penultimate report submitted under paragraph (1) shall include an announcement that the report for the next year shall be the final report submitted under paragraph (1).

''(3) PUBLIC DISSEMINATION OF REPORT.—Each report submitted under paragraph (1) shall be made public, including—

''(A) placing such report on a publicly available website on the Internet; and

''(B) publishing the availability of the report, including such website address, in the Federal Register.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Energy Policy Act of 1992 contained in section 1(b) of that Act (106 Stat. 2776 et. seq.) is amended by striking the item relating to section 310 and inserting the following:

''Sec. 310. Reports.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. DAN SCHAEFER) and the gentlewoman from Missouri (Ms. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. DAN SCHAEFER).

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on the bill under consideration.

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

There was no objection.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers H.R. 4017, the Energy Conservation Reauthorization Act of 1998. The bill reauthorizes various conservation programs authorized by the Energy Policy and Conservation Act of 1975 and the Energy Conservation Production Act of 1976. It reduces the energy bills paid by low income consumers, cuts the energy bills paid by the taxpayers by improving the energy efficiency of Federal legislative and judicial facilities, and promotes energy security by encouraging the use of biodiesel fuel to reduce dependence on petroleum motor fuels.

H.R. 4017 has three main parts. First, the bill reauthorizes three conservation programs through the fiscal year of 2003. The bill reauthorizes two Energy Policy and Conservation Act conservation programs, the State Energy Conservation Program and Institutional Conservation Program, and an Energy Conservation and Production Act conservation program, the weatherization assistance program.

These are real vital programs. The weatherization assistance program reduces the burden of energy costs to low income families, particularly the elderly, persons with disabilities and families with children. Weatherization grant awards are provided to all States, the District of Columbia and, under certain circumstances, the Indian tribal organizations.

Between 60,000 and 70,000 households are served every year. There are about 750 local community action agencies participating in this weatherization program. Based on priorities established through energy audits, the program provides for installation of cost-effective weatherization measures such as caulking and weather-stripping, wall and attic insulation and heating system improvements.

The Subcommittee on Energy and Power of the Committee on Commerce held a hearing on reauthorization of these programs on September 16, 1997. That hearing demonstrated broad public support for reauthorization of these programs. The weatherization program is particularly important to low income consumers in the Northeast and the Midwest. There is a need for the House to act, since authorization for all these programs has long since expired, in some cases as long ago as fiscal year 1993.

Second, H.R. 4017 permits greater use of energy savings performance contracts under the National Energy Conservation Policy Act. NECPA, which we call it, authorizes Federal agencies to enter into energy savings performance contracts with energy service companies to improve the energy efficiency of Federal facilities.

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These contracts allow contractors to pay for the cost of acquiring and installing energy efficient equipment at Federal facilities, services which are being paid for through shared energy savings. However, authority to enter into these contracts is limited to Federal executive branch agencies. The bill amends the definition of Federal agency. In this particular legislation, it includes the legislative and the judicial branches. That change could result in significant energy savings at legislative and judicial agency facilities and further cut the Federal energy bills paid by our American taxpayers.

Third, the bill promotes energy security by encouraging the use of biodiesel fuel to displace reliance on petroleum motor fuel. The DOE alternative fuels program was established by the Energy Policy Act of 1992 in order to displace petroleum motor fuels and reduce U.S. dependence on motor oil. Under the act, the Federal Government, State governments, and alternative fuel providers were required to purchase alternative fueled vehicles. That was the hope, that these alternative fueled vehicles would use alternative fuels and displace petroleum fuels.

The act directed DOE to develop a program to replace 10 percent of our petroleum motor fuels by the year 2000, and 30 percent by the year 2010. However, alternative fuels currently account for only .2 percent of motor fuel usage. DOE is nowhere near achieving the goals established by the Energy Policy Act for the alternative fuels program.

One reason alternative fuels represent such a small share of motor fuel

use is that many alternative fueled vehicles do not run on alternative fuels. Two-thirds of alternative fuels can use either petroleum motor fuels or alternative fuels, and it is apparent that many of these vehicles run largely on petroleum fuels. This bill is an important step in the right direction. It introduces incentives for replacement fuel use by providing credits for use of biodiesel.

I want to take a moment to commend the authors of the biodiesel provisions, the gentleman from Illinois (Mr. SHIMKUS) and the gentlewoman from Missouri (Ms. MCCARTHY), for their leadership and determination on this issue. They have pushed hard for action to help the biodiesel industry and soybean farmers. The gentleman from Illinois (Mr. SHIMKUS) and the gentlewoman from Missouri (Ms. MCCARTHY) have also heard the concerns of their colleagues who had problems with an earlier version of this legislation and have developed an approach that represents a consensus opinion. They deserve very much credit for going the extra mile to build a broad support.

H.R. 4017 was introduced jointly by myself and the ranking member of the Subcommittee on Energy and Power the gentleman from Texas (Mr. HALL). The bill was drafted jointly by majority and minority committee staff. This legislation is also supported by the Department of Energy, energy efficiency and consumer organizations, and the biodiesel and natural gas vehicle industry. The bill includes an amendment that reflects an understanding with the Committee on Science.

The bill reported by the committee would have reauthorized two export promotion programs. The Committee on Renewable Energy Commerce and Trade, and the Committee on Energy Efficiency Commerce and Trade.

CORECT is an interagency working group chaired by DOE, composed of representatives of 14 agencies, whose mission is to promote the export of U.S. renewable energy technology. CORECT is also an interagency working group whose mission is to promote the export of energy efficiency.

I will enter into the RECORD the exchange of letters between the Committee on Commerce and the Committee on Science on this particular issue.

H.R. 4017 is not controversial and was proved by the Committee on Commerce by a voice vote. I urge my colleagues to support this very important legislation.

COMMITTEE ON COMMERCE
Washington, DC, September 28, 1998.

Hon. F. JAMES SENSENBRENNER,
Chairman, Committee on Science,
Washington, DC.

DEAR JIM: Thank you for your September 17, 1998 letter concerning H.R. 4017, the Energy Conservation Reauthorization Act of 1998.

As your letter indicates, in response to some concerns of you and your Members, we have agreed to delete certain provisions of the bill relating to export promotion programs.

Again, thank you for your interest in H.R. 4017. As requested, I will ensure that a copy of this exchange of letters is inserted into the Record during the consideration of the legislation.

Sincerely,

TOM BLILEY,
Chairman.

COMMITTEE ON SCIENCE,
Washington, DC, September 17, 1998.

Hon. THOMAS BLILEY,
Chairman, Committee on Commerce,
House of Representatives, Washington, DC.

DEAR CHAIRMAN BLILEY: After our phone conversation staff was able to work out an agreement on H.R. 4017, the Energy Conservation Reauthorization Act of 1998.

The Committee on Science will not seek a referral on the bill. By doing so we are not waiving any of our jurisdictional claims and reserve the right to seek conferees on this legislation for provisions which may fall within the jurisdiction of the Science Committee should the House passage of H.R. 4017 result in a House-Senate Conference.

I would ask that this letter be placed in the Record at the appropriate place during the consideration of H.R. 4017.

I look forward to working with you on this and other legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

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

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Speaker, I yield myself such time as I may consume.

I rise today to join in support of H.R. 4017, the Energy Conservation and Reauthorization Act. The act contains an amendment which I have sponsored along with the gentleman from Illinois (Mr. SHIMKUS).

I want to thank the chairman of the subcommittee, the gentleman from Colorado (Mr. DAN SCHAEFER) who is retiring after long and distinguished service to this body and to this Nation and who will be sorely missed by those on the subcommittee, and the ranking member of the subcommittee, the gentleman from Texas (Mr. HALL) for all of their assistance in perfecting this legislation.

H.R. 4017, as amended, would change the Energy Policy Act of 1992, by allowing covered fleets to meet a portion of their annual vehicle acquisition requirements under the act through the purchase and use of a 20/80 blend of biodiesel fuel, usually called B–20, that is produced from domestic renewable resources such as soybean oil, rapeseed, cottonseed, sunflower oil, beef tallow, pork lard, yellow grease and corn oil.

The amendment incorporated into the bill establishes this as a pilot program that can be used to evaluate new means to meet those standards in the EPACT program that our Nation seeks in order to reduce our dependence on imported petroleum and improve our air quality.

This amendment provides more choice and greater flexibility to fleet operators throughout this Nation, and I wanted to talk a little about my community of Kansas City because we are now in our own pilot program to try to see how biodiesel will work and whether indeed it will help us reduce our air emissions so that we meet those quality standards we seek.

This year in Kansas City we have had 5 instances of air quality rising above Federal pollution limits of 125 parts per billion. Any more occurrences and stricter air pollution limits for Kansas City businesses will trigger sanctions, and this is certainly something that no one in our community seeks.

We know that biodiesel is an alternative, along with the others in the national act, that can help us meet those goals. An ozone red alert is issued when ozone levels are expected to rise above 110 parts per billion. Those are the alerts that we seek to avoid in Kansas City.

Mr. Robert Sellers, who maintains our Kansas City Area Transportation Authority fleet, testified before the Subcommittee on Energy and Power meetings and told us that in our efforts in Kansas City to meet these environmental goals, we have put four buses in use in a 10-month test using B–20 biodiesel. They have traveled over 90,000 miles and consumed over 28,000 gallons of B–20. And we made a comparison with those using regular diesel fuel, and the results were outstanding.

One important point to note for other communities as they seek this alternative is that no modifications are necessary to tanks or pumps or other fueling infrastructure in order to use B–20 fuel. No changes needed to be made to the engines of the buses or their refueling systems. No additional maintenance or service requirements are necessary for B–20 buses. The fuel economy we found in our pilot program in Kansas City of the B–20 buses was similar to the pure diesel buses.

Further, I observed this myself firsthand, black exhaust smoke was visibly reduced. I did not see any in the buses that I traveled on, and exhaust odor was noticeably improved in the B–20 buses. Most importantly, I think, Mr. Speaker, the project generated a really positive response from the citizens in the area and the local media.

Therefore, I really do appreciate the good work of all individuals in reaching a compromise so that B–20 fuel can be used throughout this Nation in a pilot program to help all of us meet the broader goals that H.R. 4017 seeks; again, cleaning up our environment, getting creative solutions to that difficult problem, and also making sure that we are reducing our import of foreign oil.

The market that will be created, by the way, in Missouri alone, when we move to B–20 throughout our urban areas, is a very positive one, and I know others will speak to that today. Our top cash crop is soybean, and that is a major use for B–20 fuels in the State and throughout the Midwest. The market that will be created for all agricultural waste produced on soybean

farms and all of our farms can be put to good use, B–20 fuel, and will really create jobs and a stronger economy for our agriculture communities throughout the Midwest and the Nation.

I urge everyone to support 4017, show their commitment to clean air and a strong economy.

As amended, HR 4017 provides more choice and greater flexibility for fleet operators who want to comply with the requirements of EPACT but may find this compliance difficult. HR 4017 is a ''win-win'' solution to the problem of compliance for communities like my own all over America.

B20 biodiesel fuel substantially reduces air emissions from motor vehicles. Testing results reported in March 1998, but the United States Environmental Protection Agency show that the use of biodiesel fuel reduces particulate matter emissions by 30%, hydrocarbon emissions by 95%, and carbon monoxide emissions by 50%, when compared to normal diesel fuel.

According to this study, the overall ozone-, or smog-forming potential of exhaust emissions from biodiesel is one-half that of conventional diesel fuel. The air quality of benefits of biodiesel are especially relevant for my hometown, Kansas City, Missouri. This year alone, Kansas City has had five instances of air quality rising above federal pollution limits of 125 part-per-billion. Any more occurrences and stricter air pollution limits on Kansas City businesses will be triggered. For example, public utilities in the area may have to increase rates on customers to clean up their generation process.

Biodiesel is going to improve air quality in our city. An ozone ''Red Alert'' is issued when ozone levels are expected to rise above 100 parts-per-billion in a one-hour time period. Red Alerts are a cautionary measure, intended to warn people with lung conditions to avoid heavy outdoor activities. In Kansas City, ozone levels have topped 110 parts-per-billion on nine days this summer. Using biodiesel fuel can greatly reduce ozone levels and thus improve our air quality.

Biodiesel fuel is biodegradable and nontoxic, and it is a renewable fuel, which makes it an option for long-term use. The blending of diesel and biodiesel fuel does not affect the performance or emissions of the fuel, and economic research conducted both by Booz-Allen and Hamilton and the University of Georgia indicates that when all capital, operating, and maintenance costs are considered, a 20% blend of biodiesel—B20—has the lowest annualized cost on a ''per gallon consumed'' basis versus other alternative fuels.

The Clean Air Act sets standards to move toward a healthier and more aesthetically pleasing environment. However, as our nation moves toward these admirable goals, we must recognize that some areas of the country—because of population density, geographic characteristics, and industrial concentrations—will find it more difficult to meet the new standards. We must look for creative solutions to the difficult problem of cleaning up our environment. HR 4017 provides such a solution.

Because Missouri's top cash crop is soybeans, the use of B20 fuel in this state would not only help to meet the Clean Air Act standards, but it would also positively impact the state's economy, by creating a market for the agricultural waste. This market would create opportunities for agriculture, industry, and government to work together toward a sustainable future.

I urge my colleagues to join me in voting for HR 4017, and to show their commitment to clean air and a strong economy. Thank you. I yield back the balance of my time.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. SHIMKUS), key sponsor of the bill, who has worked so hard on this, along with the gentlewoman from Missouri (Ms. MCCARTHY).

Mr. SHIMKUS. Mr. Speaker, I rise today in support of H.R. 4017, because there is a very important policy change that will benefit the soybean farmers in my district and across the Nation.

This legislation allows biodiesel to participate in the energy markets of this oil addicted Nation. To begin, biodiesel is a renewable alternative fuel, primarily derived from agricultural feedstock such as soybeans, conola, rapeseed, and can even be made out of used deep fryer fat from fast food restaurants. In fact, already Columbus Foods in Chicago, a fuel supplier of biodiesel, processes used restaurant grease to make this fuel.

This is grease that would otherwise be sent to the local land fill. The Shimkus-McCarthy biodiesel provision of H.R. 4017 would amend the Energy Policy Act of 1992 and would allow fleet managers to purchase and use biodiesel in vehicles that are owned and operated by their fleets.

This legislation is significant, because EPACT is a failure and for the first time we are providing a strong incentive for fleet managers to actually use alternative fuel rather than simply acquire additional alternative fueled vehicles which may never run on the alternative fuel they were designed for.

This legislation provides fleet managers the flexibility to operate their heavy-duty diesel vehicles on blends of biodiesel, where the biodiesel component of the blend is at least 20 percent of the volume of the fuel. Fleets may count the biodiesel portion of that blend toward a portion of their annual vehicle purchase requirement.

A minimum of 450 gallons of biodiesel must be purchased and consumed by a covered fleet to qualify the use of fuel as a substitute for one vehicle acquisition. No credit is given for the nonbiodiesel portion of the fuel blend. No credit is given for the vehicles operating on the biodiesel blended full. Only the purchase and consumption of biodiesel is rewarded.

This bill contains several safeguards to protect the integrity of the existing EPACT alternative fuel vehicle program and to assure full compliance with the fuel purchase provisions of the amendment. Fleets seeking to substitute their biodiesel fuel use for vehicle purchases must provide written documentation to the secretary establishing the total volume of biodiesel blended fuel consumed in fleet vehicles.

No credits will be given for biodiesel used in vehicles that have already been counted by a fleet toward its alternative fuel vehicle acquisition requirements in that or any previous year. In addition, no credits will be given for use of biodiesel in any vehicles where the use of that fuel is otherwise required by any other State or Federal laws. Finally to maintain a diversified market for alternative fuel vehicles, fleets may only substitute their accumulated annual biodiesel fuel consumption for up to one half of their total annual alternative fueled vehicle fuel purchases requirements.

It is intention of this legislation to establish this program as a pilot that can be used to evaluate new means to utilize the EPACT program to meet its goals of helping our Nation reduce its dependence on imported petroleum.

This bill does not create any new mandates or impose any new requirements on covered fleets. Instead it provides more choice and greater flexibility for fleet operators who already are burdened with the responsibility of complying with the requirements of EPACT. It simply rearranges the existing EPACT purchase requirement program to directly reward the use of alternative fuels.

With that, Mr. Speaker, I will conclude by thanking the coach, the gentleman from Colorado (Mr. DAN SCHAEFER) and the gentleman from Virginia (Mr. BLILEY) for their support and encouragement, and my colleagues, the gentleman from Texas (Mr. BARTON) and the gentlewoman from Missouri (Ms. MCCARTHY), for helping me craft this bipartisan common sense legislation, and to my staff, Dan Blankenburst and Matt Johnson.

As a former high school teacher, I have found that teaching how a bill becomes law is a little more tricky than I could have ever guessed. They helped steer me through the political and governmental mind fields. They deserve enormous credit and thanks.

I ask all my colleagues to vote yes.

Ms. MCCARTHY of Missouri. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Ms. DANNER).

Ms. DANNER. Mr. Speaker, I rise today to speak in favor of the Energy Conservation Reauthorization Act. I am particularly pleased that this bill contains the biodiesel provision sponsored by the gentleman from Illinois (Mr. SHIMKUS) and the gentlewoman from Missouri (Ms. MCCARTHY).

Under the 1992 Energy Policy Act, Federal, State and local government automobile fleets are required to purchase alternatively fueled vehicles in order to reduce both American dependence on foreign oil and reduce harmful automobile emissions. The Shimkus-McCarthy provision will accomplish these goals while also providing America's soybean farmers with a new market.

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This will be accomplished without any new Federal mandates and at no

expense to the Federal Treasury. In fact, the Congressional Budget Office estimates that it will save $40 million over the next 5 years. These savings result from the fact that bio-diesel can be used in vehicles designed to run on standard diesel fuel produced solely from petroleum, while most other alternative fuels require fleets to purchase new vehicles specifically designed to burn an alternative fuel.

As previous speakers have indicated, the Shimkus-McCarthy language will amend the Energy Policy Act to include bio-diesel as an approved alternative fuel. Because bio-diesel burns more cleanly than traditional diesel fuel, its use will reduce emissions of particulate matter, carbon monoxide, hydrocarbons, and sulfur oxides. At the same time, because the fuel is derived in part from soybeans, it creates a new market for farmers who are suffering through a period of extremely low prices.

In short, Mr. Speaker, this provision advances the national security and environmental goals of the Energy Policy Act, helps our farmers, and saves the government millions of dollars. Clearly, this is a change much to be desired.

In closing, I wish to commend my friends and colleagues who introduced and promoted this legislation and I look forward to having it become law.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I thank the chairman for yielding me this time, and I want to wish him well in his plans after he leaves this House. It has been a real pleasure to serve with him.

And I also want to salute my colleagues, one of our new members of the Illinois delegation, the gentleman from Illinois (Mr. JOHN SHIMKUS), and his partner in this process, the gentlewoman from Missouri (Ms. KAREN MCCARTHY), for their leadership on an important issue.

It is not often that we have an initiative that is before the House that is a two-fer and even a three-fer, and today we have an issue before the House that is good for the environment and good for Illinois farmers. That is why I think this legislation is so very, very important, because we have an opportunity to help Illinois agriculture, we have an opportunity to help air in Illinois, and to help our environment, whether we live in the city, the suburbs, or the country, and I represent all three.

Today we have an opportunity to promote something called bio-diesel. And the definition of bio-diesel is that it is a renewable alternative fuel, primarily derived from agricultural feedstock, such as soybeans, canola, rapeseed and even deep fryer fat. Well, the big winners, clearly, in this legislation are Illinois farmers who grow soybeans.

As we look back over the last year, I remember almost a year ago that we had $6 soybeans at the local grain elevator in Illinois. Today the cash price for soybeans is $4.78. Farm prices have plummeted, as we have lost the Asian market, and we need markets back.

It is initiatives like this, thanks to the initiative of the gentleman from Illinois (Mr. JOHN SHIMKUS) and the gentlewoman from Missouri (Ms. MCCARTHY) that we will help Illinois farmers. It is estimated this legislation will help raise the price of Illinois soybeans from 7 to 14 cents because of the market this legislation will create for Illinois soybeans. Greater demand raises prices. This will not only be good for those on the farm, but those in town, where farmers spend their money.

I also want to point out the other benefit of this legislation. This legislation will help clear the air. All of us have followed a city bus and smelled the air. And this, of course, will help clear the air. It is good for the environment, it is good for Illinois farmers, and I ask for an ''aye'' vote.

Ms. MCCARTHY of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I also join the preceding speakers in strongly supporting this legislation.

Those of us representing farm country know we are in the middle of a deep crisis, because commodity prices have collapsed. We need to pass disaster relief responding to the production and price collapse that we see throughout farm country. In addition, though, we need to work on structural issues that build markets for the long haul, and certainly increasing our effort at renewable fuels, such as bio-diesel, is a step in that right direction.

By allowing vehicle fleet managers that use diesel the ability to use bio-diesel in their fleets and earn the required credits under EPACT, we clean the air and we bolster prices. It is a very good move, and my congratulations to the sponsors of this legislation. Please vote for it.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Mr. Speaker, I stand in strong support as cosponsor of this legislation.

Ms. MCCARTHY of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank my colleague from Missouri for yielding me this time and I wish to compliment the gentleman from Illinois on the bio-diesel provision to H.R. 4017.

Let us do something that really makes sense, and this bill, this effort does just that. Among other things, it helps increase the market for farmers for soybeans. We need to do this as part of the Freedom to Farm Act, which phases out, as my colleagues know, the Federal payment to farmers. It helps expand and develop our rural economies.

I ask my colleagues to please come with me in their mind's eye to the 4th Congressional District of Missouri and look at the acres and acres and fields and fields of soybeans. It adds as much as 7 cents to the value of a bushel of soybeans. But more than that, as the gentlewoman from Kansas City, Missouri, pointed out, the fact that there have been some environmental problems in the city that she represents, it helps clean the environment. Using bio-diesel can cut emissions of particulate matter and hydrocarbons in half.

It provides fleet managers, as has already been mentioned by the gentleman from Illinois, with the flexibility to comply with Federal mandates and reduces their natural reliance on foreign oil. That is most important. Our addiction to foreign oil must be reduced.

According to a 1996 Department of Agriculture study, a modest national market for bio-diesel of 50 to 100 million gallons a year could increase soybean producers' incomes in the State that I represent, the State of Missouri, by over $15 million annually.

Since 1992, soybean producers have spent over $20 million in research and education to develop a bio-diesel industry. It is here, it makes sense, it makes absolute sense to adopt this, and I urge that this be a union unanimous vote in favor of this provision.

Ms. MCCARTHY of Missouri. Mr. Speaker, I yield myself the balance of my time to close.

I rise once again, Mr. Speaker, to urge my colleagues to vote for H.R. 4017, because it represents a bipartisan agreement that helps our environment, is good for our economy, aids our farmers and our metropolitan areas in their quest to meet Federal air quality standards, improve the quality of life for their residents and keep our agriculture strong in this country.

H.R. 4017 reauthorizes several small but important energy conservation and export promotion programs for 5 years. I worked on these programs, Mr. Speaker, before coming to this august body as a member of the State Legislature in Missouri, so I know of their worth and their value to communities and States throughout the Nation.

The State Energy Conservation Program and Institutional Conservation Program is one such component. The programs to enhance renewable energy, commerce and trade, as well as programs on energy efficiency, and weatherization conservation reauthorized in this Energy Conservation and Production Act are all valuable components to meeting those goals set forth in the national policy that we are reauthorizing today.

Mr. Speaker, it also makes congressional and judicial branch agencies eligible to enter into energy saving performance contracts. That is good for

our national budget. That is good for America. Mr. Speaker, bio-diesel presents a chance for us to make a choice that is good for our country and good for our environment. I urge all my colleagues to vote for H.R. 4017.

Biodiesel makes sense. Allowing biodiesel to be used to meet up to 50 percent of the alternative fueled vehicle requirements under EPAct will help metropolitan areas to meet the goals outlined in EPAct. According to the Department of Energy's own analysis from July 1997, our Nation will not reach the petroleum displacement goals as outlined in EPAct—10 percent by 2000 and 30 percent by 2010. The Department's latest numbers indicate that since 1992 only about 3.1 percent displacement has occurred. Most of this, 2.9 percent was due to oxygenates which were required by the Clean Air Act. Only about 0.2 percent was due to alternative fuel use by Alternatively Fueled Vehicles. Further, the Natural Gas Vehicle Coalition supports this legislation.

Biodiesel is good for the environment. Biodiesel has been tested by the Department of Energy, the United States Department of Agriculture, and the Environmental Protection Agency, and they have all found that biodiesel provides substantial energy benefits. If I may quote from the lifecycle analysis conducted by the EPA:

> Biodiesel can play a role in reducing emissions of many air pollutants, especially those targeted by the EPA in urban areas. These include particulate matter, carbon monoxide, hydrocarbons, sulfur oxides . . . and air toxics.

Biodiesel is economically feasible. Not only will using biodiesel reduce our dependence on foreign petroleum supplies, it will also create new domestic markets for agricultural waste products.

This Act is significant for our country. Improving on the Energy Policy Act is critical for energy efficiency, clean air and trade through promoting agribusiness. Throughout my career in public service I have championed initiatives which strike a balance between industry and the environment.

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

Mr. DAN SCHAEFER of Colorado. May I ask the Speaker how much time I have remaining?

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from Colorado has 6½ minutes remaining.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, I rise today in strong support of H.R. 4017, the Energy Conservation Reauthorization Act, and I especially want to commend the distinguished chairman, the gentleman from Colorado (Mr. DAN SCHAEFER), and the ranking member, the gentleman from Texas (Mr. HALL), for their bipartisan cooperation in bringing this bill to the floor.

We have heard this bill reauthorizes a number of important programs, two I want to focus on just briefly. One of those important programs is the weatherization assistance. This program really helps families with lower incomes, particularly the elderly.

Don Patrick, the director of the Northeast Community Action Center in Missouri, in the 9th congressional district, allowed me to tag along to see firsthand some of the weatherization projects that they were actually doing for some of the elderly citizens in the 9th Congressional District. This clearly is a program that needs to be continued, and I give it my full support.

But, secondly, this bill, and a lot of the discussion, has focused on the alternative fuel of bio-diesel. And as the Speaker knows, I have tried to be a champion on alternative fuels in this body, and so I am proud to lend my support to bio-diesel. It is environmentally friendly and something that not only, as has been talked about, helps clear the air but helps promote our agriculture products.

The thing that is especially good about this bill, Mr. Speaker, if we look back in 1992, the Energy Policy Act actually imposed requirements on the managers of motor vehicle fleets that before they could make new vehicle acquisitions, that they would have to go through certain requirements each year. And what this bill does is strongly encourage those fleet managers to include the purchase or use of bio-diesel in those cars and trucks.

One reason that I think this is so good is we are using the carrot rather than the stick approach. We are rewarding the use of alternative fuels to achieve the goals of EPACT to displace imported petroleum rather than the stick approach. This is not a Federal mandate. We are not creating or complicating the Tax Code with new tax breaks, nor are we increasing Federal spending.

As has been touched on before, by increasing markets, in fact, the gentleman from North Dakota who was here to speak talked about in this difficult time for America's farmers and ranchers that if we can not only strengthen our export markets, but if we can look within our own borders and try to strengthen domestic markets, and this bill does that, by increasing markets for soybeans, we are directly helping each and every soybean producer across the country.

Now, in the State of Missouri, we have over 32,000 soybean producers that plant 4.9 million acres of soybeans in fields all across the State. And by inclusion of bio-diesel, we could see as much as 7 cents a bushel added to the value of soybeans that they are selling at the grain elevator.

I had occasion just this morning to speak with a soybean producer on the phone from Missouri, my father, who was extremely excited that we are looking for ways to expand markets, because clearly farmers and ranchers across the country are having a difficult time.

Mr. Speaker, in conclusion, at a time when American agriculture, where our critically important foreign markets are sagging, there can be no clearer reason for moving forward in the expansion of markets. We should do that in any way we can. And I think due credit should go not only to my freshman colleague, the gentleman from Illinois (Mr. SHIMKUS), but also the gentlewoman from Missouri (Ms. MCCARTHY), a neighbor; and I wish to thank them for their work in bringing this bill together.

Let us pass this bill, because it is right for the environment and it is right for our farmers. I urge every Member of this body to vote ''aye'' on H.R. 4017.

Mr. MARKEY. Mr. Speaker, I rise in opposition to H.R. 4017.

While all of us would support a clean reauthorization of the Energy Policy and Conservation Act, I must reluctantly oppose this bill because of the serious concerns I have regarding the Shimkus amendment that was adopted during the Commerce Committee's markup of this legislation. In its present form, this provision would have a negative impact on efforts to promote development of cleaner alternative fueled vehicles and reduce our nation's dependence on imported oil. For this reason, I, along with the gentleman from California (Mr. WAXMAN), the gentleman from New Jersey (Mr. PALLONE), the gentlelady from Oregon (Ms. FURSE) and the gentlelady from Colorado (Ms. DEGETTE) all were opposed to the Shimkus amendment when it was considered in the Committee.

One of the primary goals of the Energy Policy Act of 1992 (or ''EPAct'') was to enact a comprehensive national energy policy that strengthens U.S. energy security by reducing dependence on imported oil. Currently, the United States consumes seven million barrels of oil more per day than it produces. EPAct establishes goals of a 10 percent displacement in U.S. motor fuel consumption by the year 2000 and a 30 percent displacement in U.S. motor fuel consumption by the year 2010 through the production and increased use of replacement fuels. The Act also allows the Secretary to revise these goals downward. According to the latest projections by the Energy Information Administration, the transportation sector will consume 15.8 million barrels per day of petroleum in 2010. Of this total, about 9.2 million barrels per day of petroleum are projected to be used by light duty vehicles. The Energy Information Administration also estimates that 60 percent of our total petroleum demand will be imported in 2010.

Significant gains in displacing petroleum motor fuel consumption by the year 2010 are expected to occur by replacing gasoline with alternative fuels such as electricity, ethanol, hydrogen, methanol, natural gas and propane, in a portion of the U.S. car and truck population, which is projected to be in excess of 200 million vehicles in the year 2010. Currently, alternative fueled vehicles comprise a small fraction of the total U.S. vehicle stock. To enable the Act's displacement goals to be met, alternative fuels must be readily accessible and motor vehicles that operate on these alternative fuels must be available for purchase. Thus, two important elements of reducing petroleum motor fuel consumption are: a nationwide alternative fuels infrastructure and the availability of alternative fueled vehicles for purchase at a reasonable cost by the general public in a wide variety of vehicle types and fueling options. Under EPAct, a motor fuel

must meet three requirements to be considered to be an alternative fuel. First, it must foster substantial environmental benefits. Second, it must be substantially non-petroleum. Third, it must promote energy security goals of the Act.

While I share the stated concern of some supporters of the Shimkus amendment that many alternative fueled vehicles acquired in response to EPAct do not actually operate on alternative fuels, the Shimkus amendment doesn't even adopt this shortcoming in current law. The amendment would allow the Secretary of Energy to allocate credits for each qualifying volume of the biodiesel fuel purchased for heavy vehicles to satisfy EPAct requirements imposed on certain covered persons and fleets. The sponsors of the Shimkus amendment agreed to make certain modifications in this amendment prior to the Committee markup, such as striking the transferability of these credits, making certain modifications in the definition of biodiesel that clarifies that it covers only fuel substitutes produced from non-petroleum renewable resources, and making certain clarifications in the DOE authority to lower the percentage of qualifying biodiesel volume for reasons relating to cold start, safety and vehicle function considerations. While these changes have helped to improve the amendment, and I commend the gentleman from Illinois (Mr. SHIMKUS) and the gentlelady from Missouri (Ms. MCCARTHY) for agreeing to make them I still have significant concerns about the language adopted by the Committee.

First, I question whether it makes sense to allow biodiesel fuel to be used to meet up to 50 percent of the alternative fueled vehicle requirements under EPAct. The purpose of the alternative fuels program was to create incentives for private sector investments in new and more environmentally benign technologies which could meet our nation's long term energy and transportation needs without reliance on imported oil—much of which comes from the Middle East. The Shimkus amendment could undermine this important energy security goal by reducing by up to half the number of alternative fueled vehicles acquired in this country each year. Congress decided in 1992 to encourage the shift from petroleum by first getting alternative fueled vehicles on the road so that the infrastructure for alternative fuels could be supported. Allowing use of a fuel which is 80% petroleum to displace the acquisition of vehicles which don't rely on petroleum-based fuels will do little to help the U.S. achieve energy independence from oil imports. In fact, according to DOE staff, switching every single diesel vehicle in the United States to B–20 would only displace 4.2% of petroleum usage.

Second, alternative fuels under EPAct are required to foster substantial environmental benefits. It is my understanding that NO_x emissions, a leading source of health-threatening smog, are not reduced in biodiesel blends with less than 35 percent bio-mass derived fuel. Moreover, I note that diesel-fueled vehicles are the source of more than 40 percent of the pollutants from motor vehicles and are also the primary transportation source of fine particulate matter (PM), which has been determined to be a major public health problem. Additionally, in August 1998 the California Air Resources Board designated diesel particulates as carcinogenic toxic air contaminants. The decision means that California state regulators must examine strategies to limit human exposure to the chemicals and illustrates the growing consensus on the need to further reduce dangerous diesel emissions.

Allowing a fuel which is largely petroleum-based to receive credits to meet up to 50 percent of the alternative fuels requirements of EPAct will complicate efforts to achieve the fundamental purposes of the alternative fuels program. Therefore, if this legislation moves forward, I and others on this side of the aisle would be far more comfortable if biodiesel credits were limited to a much lower level of between 20 to 30 percent.

Third, I have concerns about the definition of ''qualifying volume'' of biodiesel fuel. Under the amendment, a minimum of 450 gallons of biodiesel fuel qualifies for one credit. I think this quantity is far too low. Under current law, the purchase of an alternative fueled vehicle—which may serve in a fleet for an average of 5 or 6 years—is worth one credit. Under the Shimkus amendment, a vehicle which burns 450 gallons of biodiesel per year would receive one credit for every year it is in service, or 5–6 credits.

Mr. ABERCROMBIE. I would like to express my strong support for the Shimkus-McCarthy Biodiesel Provision in H.R. 4017.

Biodiesel fuel is a renewable alternative fuel primarily derived from agricultural feedstock such as soybeans, canola, rapeseed, and even deep fryer fat. Biodiesel has many advantages as a renewable fuel resource. It reduces tailpipe emissions, visible smoke, and noxious odors and can be operated in conventional diesel engines with no engine modifications. Biodiesel can be blended with conventional diesel fuel and still achieve substantial emission reductions. Another advantage is that the primary by product of biodiesel is glycerine, which has numerous commercial applications from toothpaste to cough syrup.

One example of the utility of biodiesel can be seen on the island of Maui, Hawaii. Maui was faced with used cooking oil disposal problems because of the shortage of landfill space. Pacific Biodiesel, a fuel manufacturing company on Maui, worked with island officials to identify ways to meet this challenge.

Pacific Biodiesel processes recycled cooking oil into cleaner, safer diesel fuel. The Pacific Biodiesel plant has a production capability of 200,000 gallons of premium biodiesel fuel per year. All the fuel they process is derived from recycled vegetable oil and is biodegradable. On Maui, this fuel is used for transportation, heating, and air-conditioning. Boats and tourist hotel buses on the island use biodiesel as their fuel.

The success of Pacific Biodiesel has potential as a model for other islands. It also shows that, by using biodiesel, we can reduce the environmental impact of diesel-powered vehicles, provide new outlets for agriculture, and create new jobs. Produced and used throughout Europe and in parts of Japan, this renewable energy source offers a host of environmental advantages that are gaining worldwide attention.

I urge the House to pass H.R. 4017 and recommend it for quick consideration in the Senate.

Mr. GUTKNECHT. Mr. Speaker, I strongly support H.R. 4017 because it is a win win-win proposition. Americans win with cleaner air. We win with greater energy independence. And, we win with higher farm income and a stronger rural economy.

As one who fought for the 5.4 cent ethanol blenders' tax credit and as one who originally cosponsored H.R. 4017, I want to commend my colleagues in the 105th Congress for their outstanding record of achievement in the advancement of renewable fuels. It was the 105th Congress that extended the critical ethanol blenders' tax credit to the year 2007, and it is this Congress which now proposes to formally recognize biodiesel as an alternative fuel.

Biodiesel is proven to reduce harmful air pollutants—and does it without imposing costly and burdensome regulations. Biodiesel will build on ethanol's success by further reducing our dependence on foreign energy making America's future more secure. And, biodiesel promises to add between seven and ten cents per bushel to the price of soybeans. That's good news if you come from Mankato, Minnesota where we crush more beans each day than anywhere else on Earth.

Mr. Speaker, this is an especially good day for Minnesota farmers and I want to compliment my good friend and colleague, Congressman JOHN SHIMKUS, for his leadership throughout the 105th Congress in making it possible. I am proud to be an original sponsor of this legislation and I urge its adoption.

Mr. DREIER. Mr. Speaker, it's no secret that air quality has long been a major problem in Los Angeles. We've attempted to fight the problem in a variety of ways, including construction of a metrorail system, improvements in bus transportation through the region, reduction in pollutants emitted by cars and business, and other methods. While we have made progress, there is no question that it remains a challenge in need of innovative, market-based solutions.

One such approach is to encourage the increased use of cleaner-burning fuels like biodiesel, as Congress sought to do when it passed the Energy Policy Act of 1992 (EPACT). As compared to conventional fuels, biodiesel can cut emissions of particulate matter and hydrocarbons in half. But while the Act prompted fleet managers to purchase alternative-fuel vehicles, it did not provide meaningful incentives to actually use cleaner fuels, such as biodiesel. As a result, fleet managers currently must purchase vehicles that are designed to run on alternative fuels, but have no reason to actually use alternative fuels in them.

H.R. 4017, the Energy Conservation Reauthorization Act, addresses that problem, providing that the purchase and consumption of biodiesel fuel counts toward fulfilling EPACT requirements. By making it sensible to actually use clean-burning fuels, this legislation will make it possible to realize the most important goal of EPACT—cleaner air.

Besides its value as a relatively clean-burning fuel, an important advantage of biodiesel fuel is that it is renewable. It can be made from agricultural feedstock, such as soybean and canola, and even from used deep-fryer fat from fast-food restaurants. As a substitute for gasoline or petroleum-based diesel fuel, the increased use of this type of renewable fuel not only contributes to cleaner air, it also reduces U.S. dependence on imported oil.

As an early cosponsor of Mr. SHIMKUS' legislation to amend the Energy Policy Act, I want to commend both him and Ms. MCCARTHY, the

original authors of the legislation, as well as Mr. SCHAEFER, the Chairman of the Energy and Power Subcommittee, for bringing this commonsense bipartisan legislation to the House floor. I encourage all Members to support its adoption.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. DAN SCHAEFER) that the House suspend the rules and pass the bill, H.R. 4017, 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.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 417) to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 417

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

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) at the end of section 154 by adding the following new subsection:

''(f) No later than October 1, 1997, the Secretary shall prepare a statement of policy on Strategic Petroleum Reserve development, maintenance and drawdown. The statement of policy shall evaluate the effect of sales of petroleum from the Strategic Petroleum Reserve under authorities other than those provided by this Act on the ability of the United States to fulfill its obligations under the international energy program. The statement of policy shall evaluate the effectiveness of the Strategic petroleum Reserve at reducing the impact of severe energy supply interruptions, in light of existing quantities of petroleum in the Strategic Petroleum Reserve, and the likelihood of purchases of additional petroleum for storage. The statement of policy shall set forth alternative strategies for drawdown and the criteria to be employed at the time of drawdown to select among such strategies. The statement of policy shall be published in the Federal Register and be subject to public comment, and may be prepared without regard to the requirements of section 553 of title 5, United States Code, section 501 of the Department of Energy Organization Act (42 U.S.C. 7191), and section 523 of this Act.'';

(2) by amending section 166 (42 U.S.C. 6246) to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 166. There are authorized to be appropriated for each of fiscal years 1998 through 2000 such sums as may be necessary to implement this part.'';

(3) at the end of part B of title I by adding the following new section:

''USE OF UNDERUTILIZED FACILITIES

''SEC. 168. (a) Notwithstanding section 649(b) of the Department of Energy Organization Act (42 U.S.C. 7259(b)), the Secretary is authorized to store in underutilized Strategic Petroleum Reserve facilities, by lease or otherwise, petroleum product owned by a foreign government or its representatives. Petroleum product stored under this section is not part of the Strategic Petroleum Reserve, is not subject to part C of this title, and notwithstanding any provision of this Act, may be exported from the United States.

''(b) Beginning on October 1, 2002, funds resulting from the leasing or other use of a Reserve facility under subsection (a) shall be available to the Secretary, without further appropriation, for the purchase of petroleum products for the Reserve.'';

(4) in section 181 (42 U.S.C. 6251) by striking ''1997'' other places it appears and inserting in lieu thereof ''2000'';

(5) by striking ''section 252(l)(1)'' in section 251(e)(1) (42 U.S.C. 6271(e)(1)) and inserting ''section 252(k)(1)'';

(6) in section 252 (42 U.S.C. 6272)—

(A) in subsections (a)(1) and (b), by striking ''allocation and information provisions of the international energy program'' and inserting ''international emergency response provisions'';

(B) in subsection (d)(3), by striking ''known'' and inserting after ''circumstances'' ''known at the time of approval'';

(C) in subsection (e)(2) by striking ''shall'' and inserting ''may'';

(D) in subsection (f)(2) by inserting ''voluntary agreement or'' after ''approved'';

(E) by amending subsection (h) to read as follows:

''(h) Section 708 of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out—

''(1) the international energy program, or

''(2) any allocation, price control, or similar program with respect to petroleum products under this Act.'';

(F) in subsection (k) by amending paragraph (2) to read as follows:

''(2) The term 'international emergency response provisions' means—

''(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program, and

''(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July 11, 1984, decision by the Governing Board on 'Stocks and Supply Disruptions') for—

''(i) the coordinated drawdown of stocks of petroleum products held or controlled by governments; and

''(ii) complementary actions taken by governments during an existing or impending international oil supply disruption''; and

(G) by amending subsection (l) to read as follows:

''(l) The antitrust defense under subsection (f) shall not extend to the international allocation of petroleum products unless allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.'';

(7) by amending the last sentence of section 256(h) (42 U.S.C. 6276(h)) to read as follows: ''There are authorized to be appropriated for each of fiscal years 1998 through 2002 such sums as may be necessary to carry out this part.'';

(8) in section 281 (42 U.S.C. 6285) by striking ''1997'' both places it appears and inserting in lieu thereof ''2002''.;

(9) in section 365(f)(1) (42 U.S.C. 6325(f)(1)) by striking ''not to exceed'' and all that follows through ''fiscal year 1993'' and inserting in lieu thereof ''for each of fiscal years 1998 through 2002 such sums as may be necessary'';

(10) by amending section 397 (42 U.S.C. 6371f) to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 397. For the purpose of carrying out this part, there are authorized to be appropriated for each of fiscal years 1998 through 2002 such sums as may be necessary.''; and

(11) in section 400BB(b) (42 U.S.C. 6374a(b)) by amending paragraph (1) to read as follows:

''(1) There are authorized to be appropriated to the Secretary for carrying out this section such sums as may be necessary for each of fiscal years 1998 through 2002, to remain available until expended.''.

SEC. 2. PURCHASES FROM STRATEGIC PETROLEUM RESERVE BY ENTITIES IN INSULAR AREAS OF UNITED STATES AND FREELY ASSOCIATED STATES.

(a) Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following:

''(j) PURCHASES FROM STRATEGIC PETROLEUM RESERVE BY ENTITIES IN INSULAR AREAS OF UNITED STATES AND FREELY ASSOCIATED STATES.—

''(1) DEFINITIONS.—In this subsection:

''(A) BINDING OFFER.—The term 'binding offer' means a bid submitted by the State of Hawaii for an assured award of a specific quantity of petroleum product, with a price to be calculated pursuant to paragraph (2) of this subsection, that obligates the offeror to take title to the petroleum product without further negotiation or recourse to withdraw the offer.

''(B) CATEGORY OF PETROLEUM PRODUCT.—The term 'category of petroleum product' means a master line item within a notice of sale.

''(C) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that owns or controls a refinery that is located within the State of Hawaii.

''(D) FULL TANKER LOAD.—The term 'full tanker load' means a tanker of approximately 700,000 barrels of capacity, or such lesser tanker capacity as may be designated by the State of Hawaii.

''(E) INSULAR AREA.—The term 'insular area' means the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and the Freely Associated States of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(F) OFFERING.—The term 'offering' means a solicitation for bids for a quantity or quantities of petroleum product from the Strategic Petroleum Reserve as specified in the notice of sale.

''(G) NOTICE OF SALE.—The term 'notice of sale' means the document that announces—

''(i) the sale of Strategic Petroleum Reserve products;

''(ii) the quantity, characteristics, and location of the petroleum product being sold;

''(iii) the delivery period for the sale; and

''(iv) the procedures for submitting offers.

''(2) IN GENERAL.—In the case of an offering of a quantity of petroleum product during a drawdown of the Strategic Petroleum Reserve—

''(A) the State of Hawaii, in addition to having the opportunity to submit a competitive bid, may—

''(i) submit a binding offer, and shall on submission of the offer, be entitled to purchase a category of a petroleum product specified in a notice of sale at a price equal to the volumetrically weighted average of the successful bids made for the remaining quantity of the petroleum product within the category that is the subject of the offering; and

''(ii) submit 1 or more alternative offers, for other categories of the petroleum product, that will be binding if no price competitive contract is awarded for the category of petroleum product on which a binding offer is submitted under clause (i); and

''(B) at the request of the Governor of the State of Hawaii, a petroleum product purchased by the State of Hawaii at a competitive sale or through a binding offer shall have first preference in scheduling for lifting.

''(3) LIMITATION ON QUANTITY.—

''(A) IN GENERAL.—In administering this subsection, in the case of each offering, the Secretary may impose the limitation described in subparagraph (B) or (C) that result in the purchase of the lesser quantity of petroleum product.

''(B) PORTION OF QUANTITY OF PREVIOUS IMPORTS.—The Secretary may limit the quantity of a petroleum product that the State of Hawaii may purchase through a binding offer at any offering to 1/12 of the total quantity of imports of the petroleum product brought into the State during the previous year (or other period determined by the Secretary to be representative).

''(C) PERCENTAGE OF OFFERING.—The Secretary may limit the quantity that may be purchased through binding offers at any offering to 3 percent of the offering.

''(4) ADJUSTMENTS.—

''(A) IN GENERAL.—Notwithstanding any limitation imposed under paragraph (3), in administering this subsection, in the case of each offering, the Secretary shall, at the request of the Governor of the State of Hawaii, or an eligible entity certified under paragraph (7), adjust the quantity to be sold to the State of Hawaii in accordance with this paragraph.

''(B) UPWARD ADJUSTMENT.—The Secretary shall adjust upward to the next whole number increment of a full tanker load if the quantity to be sold is—

''(i) less than 1 full tanker load; or

''(ii) greater than or equal to 50 percent of a full tanker load more than a whole number increment of a full tanker load.

''(C) DOWNWARD ADJUSTMENT.—The Secretary shall adjust downward to the next whole number increment of a full tanker load if the quantity to be sold is less than 50 percent of a full tanker load more than a whole number increment of a full tanker load.

''(5) DELIVERY TO OTHER LOCATIONS.—The State of Hawaii may enter into an exchange or a processing agreement that requires delivery to other locations, if a petroleum product of similar value or quantity is delivered to the State of Hawaii.

''(6) STANDARD SALES PROVISIONS.—Except as otherwise provided in this Act, the Secretary may require the State of Hawaii to comply with the standard sales provisions applicable to purchasers of petroleum product at competitive sales.

''(7) ELIGIBLE ENTITIES.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and notwithstanding any other provision of this paragraph, if the Governor of the State of Hawaii certifies to the Secretary that the State has entered into an agreement with an eligible entity to carry out this Act, the eligible entity may act on behalf of the State of Hawaii to carry out this subsection.

''(B) LIMITATION.—The Governor of the State of Hawaii shall not certify more than 1 eligible entity under this paragraph for each notice of sale.

''(C) BARRED COMPANY.—If the Secretary has notified the Governor of the State of Hawaii that a company has been barred from bidding (either prior to, or at the time that a notice of sale is issued), the Governor shall not certify the company under this paragraph.

''(8) SUPPLIES OF PETROLEUM PRODUCTS.—At the request of the governor of an insular area, or President of a Freely Associated State, the Secretary shall, for a period not to exceed 180 days following a drawdown of the Strategic Petroleum Reserve, assist the insular area in its efforts to maintain adequate supplies of petroleum products from traditional and non-traditional suppliers.''.

(b) REGULATIONS.—

''(1) IN GENERAL.—The Secretary of Energy shall issue such regulations as are necessary to carry out the amendment made by subsection (a).

''(2) ADMINISTRATIVE PROCEDURE.—Regulations issued to carry out the amendment made by subsection (a) shall not be subject to—

(A) section 523 of the Energy Policy and Conservation Act (42 U.S.C. 6393); or

(B) section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the earlier of—

(1) the date that is 180 days after the date of enactment of this Act; or

(2) the date that final regulations are issued under subsection (b).

SEC. 3. ENERGY POLICY ACT OF 1992 AMENDMENT.

Section 2603 of the Energy Policy Act of 1992 (25 U.S.C. 3503) is amended in subsection (c) by striking ''and 1997'' each place it appears and inserting ''1997, 1998, 1999, and 2000'' in lieu thereof.

SEC. 4. ENERGY CONSERVATION AND PRODUCTION ACT AMENDMENT.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 422. For the purpose of carrying out the weatherization program under this part, there are authorized to be appointed for each of fiscal years 1998 through 2002 such sums as may be necessary.

□ 1315

MOTION OFFERED BY MR. DAN SCHAEFER OF COLORADO

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore (Mr. SUNUNU). The Clerk will report the motion.

The Clerk read as follows:

Mr. DAN SCHAEFER, of Colorado moves to strike out all after the enacting clause of S. 417, and insert in lieu thereof the provisions of H.R. 4017 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, and was read the third time.

The title of the Senate bill was amended so as to read: ''A bill to extend certain programs under the Energy Policy and Conservation Act and the Energy Conservation and Production Act, and for other purposes.''

The motion to reconsider was laid on the table.

A similar House bill (H.R. 4017) was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 417.

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

There was no objection.

EXTENDING DEADLINE UNDER FEDERAL POWER ACT APPLICABLE TO CONSTRUCTION OF HYDROELECTRIC PROJECT IN STATE OF ARKANSAS

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4081) to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas.

The Clerk read as follows:

H.R. 4081

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

SECTION 1. EXTENSION OF DEADLINES.

Notwithstanding the time limitations of section 13 of the Federal Power Act (16 U.S.C. 806), the Federal Energy Regulatory Commission, upon the request of the licensee for FERC Project No. 10455 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence and public interest requirements of section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of the project for up to a maximum of 3 consecutive 2-year periods. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under section 13) of the period required for commencement of such project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. DAN SCHAEFER) and the gentlewoman from Missouri (Ms. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. DAN SCHAEFER).

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4081 extends the construction period for a hydroelectric project in the State of Arkansas.

Under section 13 of the Federal Power Act, project construction must begin within 4 years of issuance of the license. If construction has not begun by that time, FERC cannot extend the deadline and must terminate the license. H.R. 4081 provides up to 6 additional years to commence construction if the sponsor pursues the commencement of construction in good faith and with due diligence.

These types of bills have not been controversial in the past. The bill does not change the license requirements in any way and does not change environmental standards, but merely extends the construction deadline.

There is a need to act on this, since the construction deadline for the River Mountain Pumped Storage Project expires next month. If Congress does not act, FERC will terminate the license, the project sponsor will lose $8 million

they have invested in the project, and the local community will lose the prospect of significant job creation and added revenues. According to the project sponsor, construction of the River Mountain project will create 585 jobs and generate $1 billion for the local economy. If we do not act, the local community will lose these jobs and these revenues.

These extension bills have not proved controversial in the past. H.R. 4081 was approved by the Committee on Commerce by unanimous voice vote. I would ask its full support.

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

Ms. MCCARTHY of Missouri. Mr. Speaker, I yield myself such time as I may consume.

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Speaker, today we are considering H.R. 4081, legislation to extend the deadline under the Federal Power Act applicable to construction of a hydroelectric project in the State of Arkansas.

H.R. 4081 would authorize FERC, upon the request of the licensee and in accordance with the requirements of section 13 of the Federal Power Act, to extend the deadline for commencement of construction for three consecutive two-year periods. FERC does not object to the enactment of this legislation.

Mr. Speaker, this legislation is not controversial. A companion Senate bill has been approved by their Energy and Natural Resources Committee. I urge my colleagues to support this bill.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I do not have any other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. DAN SCHAEFER) that the House suspend the rules and pass the bill, H.R. 4081.

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. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4081.

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

There was no objection.

AFRICA SEEDS OF HOPE ACT OF 1998

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4283) to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

The Clerk read as follows:

H.R. 4283

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 ''Africa: Seeds of Hope Act of 1998''.

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

SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) The economic, security, and humanitarian interests of the United States and the nations of sub-Saharan Africa would be enhanced by sustainable, broad-based public and private sector agricultural and rural development in each of the African nations. The United States should support such development.

(2) According to the Food and Agriculture Organization, the number of undernourished people in Africa has more than doubled, from approximately 100,000,000 in the late 1960s to 215,000,000 in 1998, and is projected to increase to 265,000,000 by the year 2010. According to the Food and Agriculture Organization, the term ''under nutrition'' means inadequate consumption of nutrients, often adversely affecting children's physical and mental development, undermining their future as productive and creative members of their communities.

(3)(A) Currently, agricultural production in Africa employs about two-thirds of the workforce but produces less than one-fourth of the gross domestic product in sub-Saharan Africa, according to the World Bank Group.

(B) Africa's food imports are projected to rise from less than 8,000,000 metric tons in 1990 to more than 25,000,000 metric tons by the year 2020.

(4) African women produce up to 80 percent of the total food supply in Africa according to the International Food Policy Research Institute.

(5) The most effective way to improve conditions of the poor is to increase the productivity of the agricultural sector. Productivity increases can be fostered by increasing research and education in agriculture and rural development.

(6)(A) In November 1996, the World Food Summit set a goal of reducing hunger worldwide by 50 percent by the year 2015 and encouraged national governments to develop domestic food plans and to support international aid efforts.

(B) Since then, several agencies of the United Nations, including the International Fund for Agricultural Development (IFAD), whose mission is to provide the rural poor and women in the developing world with cost-effective ways of overcoming hunger, poverty, and malnutrition, have undertaken a cooperative initiative on Africa.

(7) Although the World Bank Group recently has launched a major initiative to support agricultural and rural development, only 10 percent, or $1,200,000,000, of its total lending to sub-Saharan Africa for fiscal years 1993 to 1997 was devoted to agriculture.

(8)(A) The future prosperity of the United States food processing and agricultural sector is increasingly dependent on exports and the liberalization of global trade.

(B) Africa represents a huge potential market for United States food and agricultural products.

(9)(A) Increased private sector investment in African countries and expanded trade between the United States and Africa can greatly help African countries achieve food self-sufficiency and graduate from dependency on international assistance.

(B) Development assistance, technical assistance, and training from bilateral governmental and multilateral entities, as well as nongovernmental organizations and land-grant universities, can facilitate and encourage commercial development in Africa, such as improving rural roads, agricultural research and extension, and providing access to credit and other resources.

(10)(A) Several United States private voluntary organizations have demonstrated success in empowering Africans through direct business ownership and helping African agricultural producers more efficiently and directly market their products.

(B) Rural business associations, owned and controlled by farmer shareholders, also greatly aid agricultural producers to increase their household incomes.

(11)(A) Over a decade ago, the Development Fund for Africa (DFA) was enacted into law ''to help the poor majority of men and women in sub-Saharan Africa to participate in a process of long-term development through economic growth that is equitable, participatory, environmentally sustainable, and self-reliant.''.

(B) In recent years, political change and economic recovery in Africa have amplified the importance of this policy objective while generating new opportunities for its advancement.

(C) Despite these developments, funding for the Development Fund for Africa has declined from a high of $811,000,000 for 1993 to approximately $635,000,000 for 1997.

(12)(A) United States bilateral development and humanitarian assistance to sub-Saharan Africa is approximately one-tenth of 1 percent of the total annual budget of the United States Government.

(B) Funding for agricultural development worldwide by the United States Agency for International Development has declined from 36 percent of its total budget in 1988 to 15 percent in 1997.

(13) The United States Agency for International Development has initiated an Africa Food Security Initiative in an effort to improve child nutrition and increase agricultural income in Africa.

(b) DECLARATION OF POLICY.—It is the policy of the United States, consistent with title XII of part I of the Foreign Assistance Act of 1961, to support governments of sub-Saharan African countries, United States and African nongovernmental organizations, universities, businesses, and international agencies, to help ensure the availability of basic nutrition and economic opportunities for individuals in sub-Saharan Africa, through sustainable agriculture and rural development.

TITLE I—ASSISTANCE FOR SUB-SAHARAN AFRICA

SEC. 101. AFRICA FOOD SECURITY INITIATIVE.

(a) ADDITIONAL REQUIREMENTS IN CARRYING OUT THE INITIATIVE.—In providing development assistance under the Africa Food Security Initiative, or any comparable or successor program, the Administrator of the United States Agency for International Development—

(1) shall emphasize programs and projects that improve the food security of infants, young children, school-age children, women and food-insecure households, or that improve the agricultural productivity, incomes, and marketing of the rural poor in Africa;

(2) shall solicit and take into consideration the views and needs of intended beneficiaries and program participants during the selection, planning, implementation, and evaluation phases of projects; and

(3) shall ensure that programs are designed and conducted in cooperation with African and United States organizations and institutions, such as private and voluntary organizations, cooperatives, land-grant and other appropriate universities, and local producer-owned cooperative marketing and buying associations, that have expertise in addressing the needs of the poor, small-scale farmers, entrepreneurs, and rural workers, including women.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, if there is an increase in funding for sub-Saharan programs, the Administrator of the United States Agency for International Development should proportionately increase resources to the Africa Food Security Initiative, or any comparable or successor program, for fiscal year 2000 and subsequent fiscal years in order to meet the needs of the countries participating in such Initiative.

SEC. 102. MICROENTERPRISE ASSISTANCE.

(a) BILATERAL ASSISTANCE.—In providing microenterprise assistance for sub-Saharan Africa, the Administrator of the United States Agency for International Development shall, to the extent practicable, use credit and microcredit assistance to improve the capacity and efficiency of agriculture production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. In providing assistance, the Administrator should take into consideration the needs of women, and should use the applied research and technical assistance capabilities of United States land-grant universities.

(b) MULTILATERAL ASSISTANCE.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development shall continue to work with other countries, international organizations (including multilateral development institutions), and entities assisting microenterprises and shall develop a comprehensive and coordinated strategy for providing microenterprise assistance for sub-Saharan Africa.

(2) ADDITIONAL REQUIREMENT.—In carrying out paragraph (1), the Administrator should encourage the World Bank Consultative Group to Assist the Poorest to coordinate the strategy described in such paragraph.

SEC. 103. SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.

(a) PURPOSES.—The purposes of this section are—

(1) to support producer-owned cooperative purchasing and marketing associations in sub-Saharan Africa;

(2) to strengthen the capacity of farmers in sub-Saharan Africa to participate in national and international private markets and to promote rural development in sub-Saharan Africa;

(3) to encourage the efforts of farmers in sub-Saharan Africa to increase their productivity and income through improved access to farm supplies, seasonal credit, technical expertise; and

(4) to support small businesses in sub-Saharan Africa as they grow beyond microenterprises.

(b) SUPPORT FOR PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATIONS.—

(1) ACTIVITIES.—

(A) IN GENERAL.—The Administrator of the United States Agency for International Development is authorized to utilize relevant foreign assistance programs and initiatives for sub-Saharan Africa to support private producer-owned cooperative marketing associations in sub-Saharan Africa, including rural business associations that are owned and controlled by farmer shareholders.

(B) ADDITIONAL REQUIREMENTS.—In carrying out subparagraph (A), the Administrator—

(i) shall take into account small-scale farmers, small rural entrepreneurs, and rural workers and communities;

(ii) shall take into account the local-level perspectives of the rural and urban poor through close consultation with these groups, consistent with section 496(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(e)(1)); and

(iii) should take into consideration the needs of women.

(2) OTHER ACTIVITIES.—In addition to carrying out paragraph (1), the Administrator is encouraged—

(A) to cooperate with governments of foreign countries, including governments of political subdivisions of such countries, their agricultural research universities, and particularly with United States nongovernmental organizations and United States land-grant universities, that have demonstrated expertise in the development and promotion of successful private producer-owned cooperative marketing associations; and

(B) to facilitate partnerships between United States and African cooperatives and private businesses to enhance the capacity and technical and marketing expertise of business associations in sub-Saharan Africa.

SEC. 104. AGRICULTURAL AND RURAL DEVELOPMENT ACTIVITIES OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) PURPOSE.—The purpose of this section is to encourage the Overseas Private Investment Corporation to work with United States businesses and other United States entities to invest in rural sub-Saharan Africa, particularly in ways that will develop the capacities of small-scale farmers and small rural entrepreneurs, including women, in sub-Saharan Africa.

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

(1) the Overseas Private Investment Corporation should exercise its authority under law to undertake an initiative to support private agricultural and rural development in sub-Saharan Africa, including issuing loans, guaranties, and insurance, to support rural development in sub-Saharan Africa, particularly to support intermediary organizations that—

(A) directly serve the needs of small-scale farmers, small rural entrepreneurs, and rural producer-owned cooperative purchasing and marketing associations;

(B) have a clear track record of support for sound business management practices; and

(C) have demonstrated experience with participatory development methods; and

(2) the Overseas Private Investment Corporation should utilize existing equity funds, loan and insurance funds, to the extent feasible and in accordance with existing contractual obligations, to support agriculture and rural development in sub-Saharan Africa.

SEC. 105. AGRICULTURAL RESEARCH AND EXTENSION ACTIVITIES.

(a) DEVELOPMENT OF PLAN.—The Administrator of the United States Agency for International Development, in consultation with the Secretary of Agriculture and appropriate Department of Agriculture agencies, especially the Cooperative State, Research, Education and Extension Service (CSREES), shall develop a comprehensive plan to coordinate and build on the research and extension activities of United States land-grant universities, international agricultural research centers, and national agricultural research and extension centers in sub-Saharan Africa.

(b) ADDITIONAL REQUIREMENTS.—Such plan shall seek to ensure that—

(1) research and extension activities will respond to the needs of small-scale farmers while developing the potential and skills of researchers, extension agents, farmers, and agribusiness persons in sub-Saharan Africa;

(2) sustainable agricultural methods of farming will be considered together with new technologies in increasing agricultural productivity in sub-Saharan Africa; and

(3) research and extension efforts will focus on sustainable agricultural practices and will be adapted to widely varying climates within sub-Saharan Africa.

TITLE II—WORLDWIDE FOOD ASSISTANCE AND AGRICULTURAL PROGRAMS

Subtitle A—Nonemergency Food Assistance Programs

SEC. 201. NONEMERGENCY FOOD ASSISTANCE PROGRAMS.

(a) IN GENERAL.—In providing nonemergency assistance under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), the Administrator of the United States Agency for International Development shall ensure that—

(1) in planning, decisionmaking, and implementation in providing such assistance, the Administrator takes into consideration local input and participation directly and through United States and indigenous private and voluntary organizations;

(2) each of the nonemergency activities described in paragraphs (2) through (6) of section 201 of such Act (7 U.S.C. 1721), including programs that provide assistance to people of any age group who are otherwise unable to meet their basic food needs (including feeding programs for the disabled, orphaned, elderly, sick and dying), are carried out; and

(3) greater flexibility is provided for program and evaluation plans so that such assistance may be developed to meet local needs, as provided for in section 202(f) of such Act (7 U.S.C. 1722(f)).

(b) OTHER REQUIREMENTS.—In providing assistance under the Agriculture Trade Development and Assistance Act of 1954, the Secretary of Agriculture and the Administrator of United States Agency for International Development shall ensure that commodities are provided in a manner that is consistent

with sections 403 (a) and (b) of such Act (7 U.S.C. 1733 (a) and (b)).

Subtitle B—Bill Emerson Humanitarian International Food Security Trust Act of 1998

SEC. 211. SHORT TITLE.

This subtitle may be cited as the ''Bill Emerson Humanitarian International Food Security Trust Act of 1998''.

SEC. 212. BILL EMERSON HUMANITARIAN TRUST ACT.

(a) IN GENERAL.—Section 302 of the Agricultural Act of 1980 (7 U.S.C. 1736f–1) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting ''OR FUNDS'' after ''COMMODITIES'';

(B) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) funds made available under paragraph (2)(B).''; and

(C) in paragraph (2)—

(i) in subparagraph (A), by striking ''Subject to subsection (h), commodities'' and inserting ''Commodities''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) FUNDS.—Any funds used to acquire eligible commodities through purchases from producers or in the market to replenish the trust shall be derived—

''(i) with respect to fiscal year 2000 and subsequent fiscal years, from funds made available to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) that are used to repay or reimburse the Commodity Credit Corporation for the release of eligible commodities under subsections (c)(2) and (f)(2), except that, of such funds, not more than $20,000,000 may be expended for this purpose in each of the fiscal years 2000 through 2003 and any such funds not expended for the fiscal year allocated shall be available for expenditure in subsequent fiscal years; and

''(ii) from funds authorized for that use by an appropriations Act.'';

(2) in subsection (c)(2)—

(A) by striking ''ASSISTANCE.—Notwithstanding'' and inserting the following: ''ASSISTANCE.—

''(A) IN GENERAL.—Notwithstanding''; and

(B) by adding at the end the following:

''(B) LIMITATION.—The Secretary may release eligible commodities under subparagraph (A) only to the extent such release is consistent with maintaining the long-term value of the trust.'';

(3) in subsection (d)—

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

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

(C) by adding at the end the following:

''(3) subject to the need for release of commodities from the trust under subsection (c)(1), for the management of the trust to preserve the value of the trust through acquisitions under subsection (b)(2).'';

(4) in subsection (f)—

(A) in paragraph (2), by inserting ''OF THE TRUST'' after ''REIMBURSEMENT'' in the heading; and

(B) in paragraph (2)(A), by inserting ''and the funds shall be available to replenish the trust under subsection (b)'' before the end period; and

(5) by striking subsection (h).

(b) CONFORMING AMENDMENTS.—

(1) Title III of the Agricultural Act of 1980 (7 U.S.C. 1736f–1 et seq.) is amended by striking the title heading and inserting the following:

''TITLE III—BILL EMERSON HUMANITARIAN TRUST''.

(2) Section 301 of the Agricultural Act of 1980 (7 U.S.C. 1736f–1 note) is amended to read as follows:

''SEC. 301. SHORT TITLE.

''This title may be cited as the 'Bill Emerson Humanitarian Trust Act'.''.

(3) Section 302 of the Agricultural Act of 1980 (7 U.S.C. 1736f–1) is amended—

(A) in the section heading, by striking ''**RESERVE**'' and inserting ''**TRUST**'';

(B) by striking ''reserve'' each place it appears (other than in subparagraphs (A) and (B) of subsection (b)(1)) and inserting ''trust'';

(C) in subsection (b)—

(i) in the subsection heading, by striking ''RESERVE'' and inserting ''TRUST'';

(ii) in paragraph (1)(B), by striking ''reserve,'' and inserting ''trust,''; and

(iii) in the paragraph heading of paragraph (2), by striking ''RESERVE'' and inserting ''TRUST''; and

(D) in the subsection heading of subsection (e), by striking ''RESERVE'' and inserting ''TRUST''.

(4) Section 208(d)(2) of the Agricultural Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4001(d)(2)) is amended by striking ''Food Security Commodity Reserve Act of 1996'' and inserting ''Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.)''.

(5) Section 901b(b)(3) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f(b)(3)), is amended by striking ''Food Security Wheat Reserve Act of 1980 (7 U.S.C. 1736f–1)'' and inserting ''Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.)''.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REPORT.

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate agencies, shall prepare and submit to Congress a report on how the Agency plans to implement sections 101, 102, 103, 105, and 201 of this Act, the steps that have been taken toward such implementation, and an estimate of all amounts expended or to be expended on related activities during the current and previous 4 fiscal years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

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

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

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of the Africa Seeds of Hope Act, H.R. 4283, which was introduced by this Member and the gentleman from Indiana (Mr. HAMILTON), the distinguished ranking member of the full committee, and the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, and many others.

This legislation was overwhelmingly passed by the House Committee on International Relations on July 22, 1998, and it was discharged by the House Committee on Agriculture on September 11, 1998. It currently has over 100 bipartisan cosponsors.

Additionally, an earlier version of the legislation, H.R. 3636, has other cosponsors. The bills are very much similar. A companion bill was introduced by the junior Senator from Ohio, Mr. DEWINE, and the senior Senator from Maryland, Mr. SARBANES, on July 9, 1998. That legislation currently has 16 bipartisan cosponsors.

The Africa Seeds of Hope Act helps U.S. agriculture while promoting sustainable development in sub-Saharan Africa so Africans can be less dependent on U.S. humanitarian assistance in the future. That is why H.R. 4283 has the support of both agricultural and humanitarian organizations and the U.S. Department of Agriculture. This win-win combination of grassroots supporters has been the foundation of America's long-term, goodwill-building, humanitarian food aid efforts since World War II.

The Africa Seeds of Hope Act has been endorsed by over 220 agricultural and humanitarian organizations, including the Association for International Agriculture and Rural Development, the Coalition for Food Aid, numerous land grant colleges and universities, InterAction, and major U.S. private voluntary agencies such as CARE, World Vision, ACDI/VOCA, Catholic Relief Services, Technoserve, Africare, OXFAM, Islamic African Relief Agency USA, and the Mormon World Hunger Committee.

In addition, this legislation has the support of most Christian denominations, Catholic religious communities, and mission groups. And editorial pages from over 20 major newspapers across the country have endorsed H.R. 4283.

Mr. Speaker, a recent article in the Washington Post entitled ''Africa's Agricultural Rebirth'' quoted a Vice-Minister of Agriculture from Ethiopia as saying, ''You cannot detach economic development from food self-sufficiency.'' That profound truth is the essence of the Africa Seeds of Hope Act.

There may be some people who believe or give the impression they believe that an admittedly very important trade liberalization effort alone can remedy all of Africa's woes. I support such legislation. But I would say that equally wrongheaded are some in the nongovernmental organization community who initially expressed their opposition to trade liberalization, saying it would hurt Africa's poor.

The Africa Seeds of Hope Act bridges these disparate and unnecessarily conflicting ideological points of view with a reconciling view. That view is that liberalized trade plus targeted foreign assistance to Africa's small farmers together can best serve sub-Saharan Africa and make it prosper.

Several months ago, with the support of this Member, the House of Representatives passed the Africa Trade Growth and Opportunities Act. In doing so, the House took the very important step towards greater trade with a continent in desperate need of

private-sector led economic growth. By focusing on sustainable agriculture, research, rural finance, and food security, the Africa Seeds of Hope Act is directly aimed at helping the 76 percent of the sub-Saharan African people who are small farmers, thus providing another important step towards increased African trade.

Improving the efficiency of these farmers is crucial to ensuring that our overall strategy, our trade strategy, is successful. As a longtime supporter of aid to Africa through the creation of the Development Fund for Africa out of the House International Relations Committee on a bipartisan bill some years ago, and other mechanisms, I tell my colleagues that I believe H.R. 4283, in conjunction with our new trade initiatives, will help coordinate and focus America's resources on both trade and aid in Africa.

If trade is to prosper in sub-Saharan Africa, we need to better direct our scarce aid resources so that they stimulate private-sector development and investment or help ease the suffering in those places either overlooked by the private sector or suffering from natural disasters.

Our legislation attempts to refine our assistance programs for sub-Saharan Africa and ensure that agriculture and rural development are not neglected. For example, this legislation requires the Agency for International Develop, AID, to reverse its negative funding trend for agricultural research and development. This will address the legitimate concerns of U.S. land grant institutions and the Agency for International Development, which is increasingly ignoring sustainable agriculture in its development mandate.

Also, the micro-enterprise program is recognized by this legislation and emphasized as an excellent tool to help remedy rural finance and investment shortcomings in sub-Saharan Africa. Moreover, H.R. 4283 attempts to better coordinate our international agriculture research programs with our domestic agriculture research so that farmers in Africa as well as farmers in the United States can benefit from AID-funded agriculture research.

The Africa Seeds of Hope Act refocuses our food assistance programs on long-term development assistance instead of being evaluated on the basis of short-term or immediate results that are often antithetical to their original purpose. This will enable nongovernmental organizations and private voluntary organizations to design and implement food assistance programs that are cost-effective and ultimately succeed in graduating people and countries from those programs.

Finally, H.R. 4283 also establishes a Bill Emerson Humanitarian Trust in honor of the late distinguished and much admired Congressman from Missouri who was a leader in America's food aid efforts. This important mechanism allows the USDA to purchase surplus agricultural commodities when prices are low, isolate them from the market, and distribute them at times of international disasters and famines. This cost-effective mechanism is especially beneficial to U.S. farmers because it takes U.S. commodities off the market when commodity prices are at their lowest, such as now.

The Bill Emerson Humanitarian Trust I think is a worthy tribute to our late colleague. And this gentleman would like to thank the distinguished gentlewoman from Missouri (Mrs. EMERSON) for allowing us to further honor her late husband in this manner.

Finally, this Member would like to thank first and foremost the distinguished gentleman from Indiana (Mr. HAMILTON) for working with me in helping us to refine this legislation, and beyond that to thank the distinguished gentlewoman from California (Ms. WATERS), the distinguished gentlewoman from Georgia (Ms. MCKINNEY), and the distinguished gentlewoman from North Carolina (Ms. CLAYTON), for their special efforts with the Congressional Black Caucus on behalf of the Africa Seeds of Hope Act.

This Member would also like to thank the distinguished gentlewoman from Connecticut (Mrs. JOHNSON) and the distinguished gentlewoman from the District of Columbia (Ms. NORTON) for their work with the Congressional Women's Caucus on behalf of the legislation.

In conclusion, Mr. Speaker, the Africa Seeds of Hope Act is legislation that benefits farmers in Africa as well as the United States. If my colleagues have any questions about this measure, this Member urges them to read the supportive letter from the USDA signed by Secretary Glickman that the gentleman from Indiana (Mr. HAMILTON) and this Member are making available on the floor today.

Mr. Speaker, for all of these reasons and others, I surge my colleagues to support the Africa Seeds of Hope Act.

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

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

Mr. Speaker, I rise to urge my colleagues to support the bill. I want to begin by commending my good friend the gentleman from Nebraska (Mr. BEREUTER) for his outstanding work in writing this bill, his leadership in bringing it to the floor today. He really has done exceptional work. And I want to thank him also for working closely with me and my staff to craft a bipartisan bill.

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He deserves most of the credit for the bill that we hopefully are about to pass.

The bill has very broad support, as the gentleman from Nebraska (Chairman BEREUTER) mentioned, I think 103 cosponsors in the House, 19 cosponsors in the Senate, and it has been endorsed by 220 agricultural and humanitarian organizations. It is my understanding that the administration supports the bill as well.

It has certainly received very wide praise and support in the press.

The bill strengthens U.S. humanitarian assistance, it promotes U.S. agriculture, and it provides for a sustainable common-sense policy with regard to development in sub-Saharan Africa.

The purpose of the bill I think is twofold: First, the bill seeks to promote sustainable agricultural development and food security in sub-Saharan Africa; and, second, it replaces the Food Security Commodity Reserve with the Bill Emerson Humanitarian Trust. Apart from the rest of the bill, the trust has its own benefits, which I will mention in a moment.

The Africa Seeds of Hope Act promotes the goals I have laid out in four ways.

First, it promotes long-term economic development by strengthening agriculture and rural markets. This bill requires the development of a micro-enterprise strategy for Africa and provides support for producer-owned marketing associations. It also directs the Department of Agriculture to ensure that international and U.S. agricultural research is coordinated to respond to the needs of African farmers and supports their self-reliance.

Second, the bill maximizes the efficiency of current aid programs. Rather than ask for more aid, the bill bolsters the existing Africa food security initiative. It directs U.S. agencies to target their resources and programs to those who need it most, women, children and the poor.

Third, the bill requires that U.S. aid programs be developed and conducted in consultation with the African people and with nongovernmental organizations that have expertise in addressing the needs of the poor, small scale farmers and rural workers. By ensuring that agricultural programs target and include the community they are designed to serve, we move closer to ending hunger in Africa.

Fourth, the bill improves the current Food Security Commodity Reserve by establishing the Bill Emerson Trust Fund. The trust allows the United States to respond to humanitarian crises in the early stages and paves the way for a more rapid and less costly recovery. It also helps American farmers, by giving the Department of Agriculture the ability to buy commodities from the market when prices are low. The problem with the reserve today is the manner in which it is replenished. When the reserve releases commodities today, P.L. 480 food assistance program funds cannot be used to replenish the reserve. The Seeds of Hope Act sets up a new trust that can be replenished. This bill gives the government the ability to purchase commodities on the market when prices are low, such as this year. The replenishment authority is limited to $20 million for each fiscal year 2000 through 2003, allowing it to stay within reasonable budgetary constraints.

This change has two benefits. First, the trust now sets up an orderly way to respond to humanitarian crises without disrupting local markets. Second, the trust can now be operated in a businesslike manner. Commodities can be purchased in advance when prices are low, taken off the market and set aside to respond to humanitarian crises.

This is an important bill, particularly in the year when the president visited sub-Saharan Africa focusing U.S. attention on the continent. We should build on that focus by passing a bill to improve U.S. assistance to sub-Saharan Africa and to provide the President with increased humanitarian tools.

It is also important because if this bill were in place today, we would be able to help support American farms by purchasing commodities on the U.S. market when the prices are low.

I urge my colleagues to support the bill. I say to the gentleman.

Mr. Speaker, I yield three minutes to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON), one of the sponsors of the bill.

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

I wish to thank the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Indiana (Mr. HAMILTON) for their leadership in bringing this bill to the floor and for us having this opportunity to vote on it.

First I want to acknowledge and salute the distinguished ranking member of the Committee on International Relations, the gentleman from Indiana (Mr. HAMILTON), who is retiring at the end of the 105th Congress. As the son of a Methodist minister, he was instilled with values that have served him well in his 34 years as a Member of the U.S. House of Representatives. His love of people and his love of country, his belief in decency and human dignity, his commitment to do the right thing for the right reason, has been unmistakably his mark in the Congress. As the director of the Wilson Center, I am certain that he will continue his leadership on humanitarian endeavors. The Africa Seeds of Hope legislation that we consider is but one example of his leadership.

Mr. Speaker, I rise in strong support of this legislation, which promotes sustainable agricultural development and food security in sub-Saharan Africa. Agriculture is the key to most of the African economies. Statistics show that the number of people starving in sub-Saharan Africa with inadequate access to basic food has doubled to 215 million persons since 1973. If current trends continue, that number will increase by some additional 50 million people over the next 12 years.

Africa Seeds of Hope seeks to boost sustainable agriculture and food security through coordinated U.S. assistance programs and the involvement of the African people. It directs the U.S. Department of Agriculture to develop a plan for coordinating agriculture research to respond to the needs of African farmers and support self-reliance. It targets limited foreign aid monies on proven strategies for enabling self-sufficiency through microcredit loans to small entrepreneurs, the engines of economic development.

This will give small farms and entrepreneurs, especially women, access to credit loans and other resources necessary to stimulate agricultural production and small enterprises. In addition, this bill requires the U.S. aid programs be developed and conducted in consultation with the African people and with a nongovernmental organization that has demonstrated expertise in addressing the needs of the poor, small scale farmers and rural workers. It also establishes the Emerson Trust, honoring the work of our former representative and colleague, Representative Emerson, for the work he has provided for hunger worldwide.

Passage of this legislation will increase self-reliance of the African people and will help reduce the chance of a food crisis. In the long run, it can also strengthen trade between the United States and Africa.

I urge my colleagues to support the Africa Seeds of Hope Act. It deserves the support of all our colleagues.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from Illinois (Mr. EWING), a cosponsor, who has been very supportive and helpful in the crafting of this legislation.

Mr. EWING. Mr. Speaker, I thank the gentleman for yielding me time, and I congratulate the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Indiana (Mr. HAMILTON) for bringing forth this legislation, H.R. 4283.

This bill is supported by over 220 academic institutions, including the University of Illinois in my district. Nongovernmental and private voluntary organizations and the United States Department of Agriculture also support this bill.

Action on this bill is meant to address a very legitimate concern that some of the academic institutions have, such as the University of Illinois, they are land grant universities, that the Agency for International Development has increasingly ignored sustainable agriculture in its development mandate.

This bill, the Africa Seeds of Hope Act, goes a long way in helping American agriculture, while promoting sustainable development in sub-Saharan Africa. Nations will be less dependent on U.S. humanitarian needs in the future.

Under Public Law 480, Title II, food aid is provided to people in the poorest regions of the world largely through programs conducted by private volunteer organizations. H.R. 4283 helps make these programs more efficient. The Africa Seeds of Hope Act would direct that the U.S. Agency for International Development be more flexible in its administration of Title II so that private voluntary organizations can develop programs that best meet local needs and provide humanitarian relief.

The legislation's purview corrects the view that liberalized trade plus targeted foreign assistance towards Africa's small farmers can best help Africa prosper and grow as a region.

I want to thank again the sponsors of this bill. This is a good piece of legislation, and I hope that all of my colleagues will join me in overwhelmingly passing this bill.

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

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

Mr. Speaker, I would like to close by thanking all of my colleagues who supported this legislation, and especially to recognize the important and, in fact, crucial role that my distinguished colleague, the gentleman from Indiana (Mr. HAMILTON) has played. He has made many contributions to public life in this country through his role here as a Member the House of Representatives. We will miss him greatly. Here is one more contribution he has helped us make.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I strongly support this measure because it directs our Nation's government to place a higher priority on assisting the agricultural and rural development of the sub-Saharan African regions. It is imperative that we continue to support those in need across the globe.

The past twenty-five years have been trying for many of the people in sub-Saharan Africa. Over 215 million people have had inadequate access to food. This situation is unacceptable.

As Americans and fellow members of the human race, we can advocate and make changes in Africa. We can touch the lives of those who live in extreme poverty miles from our shores.

This year, individuals and congregations across the country have worked together to form Bread for the World's Offering of Letters, Africa: Seeds of Hope. Thousands of citizens have written those of us here at Congress, and they have supported aid to Africa. These voices cannot go unheard. It is time for us to respond.

By requiring the Agency for International Development (AID) to use credit and microcredit assistance to improve the capacity and efficiency of agricultural production in sub-Saharan Africa of small-scale farmers and small rural entrepreneurs. This aid is integral to the development of Africa because the majority of Africans are dependent on agriculture for both food and income. Africa cannot prosper if its agriculture does not prosper first.

Agriculture is the largest sector of sub-Saharan African economies. Achieving food security in Africa will require a tripling of Africa's food supply by 2050. Although this goal seems insurmountable, I am certain that we can fulfill it if we allocate the proper resources.

This measure also takes into consideration the needs of women. I appreciate this portion of the measure because in many African

countries, eighty percent of food is produced by women farmers. Ignoring this important sector of the population would result in the utter failure of the assistance to Africa project. Women spend a significant part of the income they earn on food for the family. In comparison, men spend far less. Studies indicate a direct correlation between increased incomes for women and improvements in family food security. By making good agricultural land and resources to women, we can make great strides toward improving Africa's current plight.

This measure also emphasizes programs and projects that improve the food security of infants, young children, school-age children. It is scientifically clear that good nutrition is vital to the development of children. In African countries where people live on less than $1 a day, children simply cannot obtain the necessary nourishment. It is appalling that children go hungry, and such a situation is intolerable. By assisting Africa, we can provide the necessary food and nourishment that will feed the bodies and spirits of these children.

Providing greater assistance to sub-Saharan Africa will allow its countries to further develop their agricultural methods. Increased agricultural research is necessary to provide sustainable agricultural production. Financial assistance from America would allow these countries to introduce both the necessary studies and the subsequent agricultural methods developed by such research.

I also applaud this measure's commitment to emergency food aid. It is important that we streamline this program so we can more rapidly and effectively respond to food emergencies. U.S. food aid to Africa alone has saved hundreds of thousands of lives.

Food aid, coupled with long-term solutions such as the development of agricultural methods, will ensure that Africa will strengthen its agricultural foundation. I applaud proponents of this measure for recognizing the elements necessary for the revitalization of Africa.

Mr. HALL of Ohio. Mr. Speaker, I rise in strong support of H.R. 4283, the Africa Seeds of Hope Act, of which I am pleased to be an original co-sponsor. Passage of this bill, will be a small but important step forward for United States assistance to Africa, and for the United States' interests in helping Africa's poorest to help themselves.

House passage of this legislation will also be a fitting tribute to our greatly respected colleague, and Ranking Member of the Committee on International Relations, the Honorable LEE HAMILTON of Indiana. This legislation comes before us today, thanks to his leadership and hard work, and that of Representative DOUG BEREUTER of Nebraska.

Congressman HAMILTON's voice of wisdom, reason, and integrity will be sorely missed in this institution, which he served with such distinction throughout his remarkable career. His perspectives on national and international issues alike consistently reflected the midwestern values, pragmatism, and concern for social justice for which he is so widely known and admired. Those values are reflected as well in the Africa Seeds of Hope Act, a well-reasoned package of proposals aimed at helping Africa's poor rural majority to help themselves.

The United States' renewed focus on trade and investment in Africa holds much long-term promise for African development, and I hope we eventually pass the Africa Trade bill that has been before Congress this year. However, even the best trade strategy will fail if it leaves Africa's poor majority behind, or weakens our commitments to humanitarian and development assistance in Africa. Because despite impressive gains in some countries, Africa is still home to too many of the world's poor and hurting. Our policies toward Africa cannot overlook the alarming facts that: Sub-Saharan Africa is the only region where the nutritional situation has deteriorated in the past three decades, and this slide will continue without greater policy attention and direct intervention. One of every five African children dies before his or her fifth birthday, and Africa's infant and child mortality rates are the world's highest (one and a half times the world average). One-third of all Sub-Saharan African children under age five suffer from malnutrition. Half of Africa's children are not immunized against polio, tetanus, and measles.

These realities require immediate attention if the benefits of trade- and investment-led development are to reach Africa's poor, largely rural, majority. Without a strong and vibrant agriculture sector, Africa cannot thrive. To that end, the Africa Seeds of Hope Act is designed to better focus existing programs of assistance to Africa on small-holder agriculture and the rural producers who are the backbone of most African economies.

I have been privileged to travel throughout much of the African continent over the years, and everywhere—even in the midst of wars and famines—I have found its people to be resilient, resourceful, and industrious. This bill is a small but important step in helping to unleash Africa's vast potential to feed itself, to thrive, and to prosper as a trading partner of increasing importance to our own economy.

I salute Congressmen HAMILTON and BEREUTER for their leadership on this important bill, and I urge my colleagues to support it. Finally, my thanks and appreciation also go to Senator MIKE DEWINE of Ohio, for introducing a Senate version of this bill, S. 2283, and for his commitment to moving this legislation in the Senate. I am grateful for his humanitarian vision and leadership in the Senate, and his ethic of care and concern for the poor and the hurting.

Mr. BEREUTER. 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 Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 4283.

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.

TRADEMARK ANTICOUNTERFEITING ACT OF 1998

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3891) to amend the Trademark Act of 1946 to prohibit the unauthorized destruction, modification, or alteration of product identification codes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3891

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 ''Trademark Anticounterfeiting Act of 1998''.

SEC. 2. PROHIBITION AGAINST UNAUTHORIZED ALTERATION OF PRODUCT IDENTIFICATION CODES.

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by inserting after section 1365 the following:

''§ 1365A. Unauthorized modification of product identification codes

(a) DEFINITIONS.—In this section—

''(1) the term 'consumer'—

''(A) means—

''(i) the ultimate user or purchaser of a good; or

''(ii) any hotel, restaurant, or other provider of services that must remove or alter the container, label, or packaging of a good in order to make the good available to the ultimate user or purchaser; and

''(B) does not include any retailer or other distributor who acquires a good for resale;

''(2) the term 'good' means any article, product, or commodity that is customarily produced or distributed for sale, rental, or licensing in interstate or foreign commerce, and any container, packaging, label, or component thereof;

''(3) the term 'manufacturer' includes the original manufacturer of a good and a duly appointed agent or representative of that manufacturer acting within the scope of its agency or representation;

''(4) the term 'product identification code'—

''(A) includes any number, letter, symbol, marking, date (including an expiration date), code, software, or other technology that is affixed to or embedded in any good, by which the manufacturer of the good may trace the good back to a particular production lot or batch or date of removal, or carry out product recalls or otherwise identify the date of manufacture, the date of expiration, or other comparable critical data; and

''(B) does not include copyright management information conveyed in connection with copies or phonorecords of a copyrighted work or any performance or display of a copyrighted work;

''(5) the term 'Universal Product Code' refers to the multidigit bar code and number representing goods in retail applications; and

''(6) the term 'value' means the face, par, or market value, whichever is the greatest.

''(b) PROHIBITED ACTS.—Except as otherwise authorized by Federal law, it shall be unlawful for any person, other than the consumer or the manufacturer of a good, knowingly and without authorization of the manufacturer—

''(1) to directly or indirectly alter, conceal, remove, obliterate, deface, strip, or peel any product identification code affixed to or embedded in that good;

''(2) to directly or indirectly affix or embed a product identification code to or in that good which is intended by the manufacturer for a different good, such that the code no longer accurately identifies the source of the good;

''(3) to directly or indirectly affix to or embed in that good any number, letter, symbol, marking, date, code, or other technology intended to simulate a product identification code; or

''(4) to import, export, sell, distribute, or broker that good, in a case in which the person knows that the product identification code has been altered, concealed, removed, obliterated, defaced, stripped, peeled, affixed, or embedded in violation of paragraph (1) or (2), or in a case in which the person knows that the good bears an unauthorized number, letter, symbol, marking, date, or other code in violation of paragraph (3).

''(c) APPLICABILITY.—The prohibitions set forth in subsection (b) shall apply to product identification codes (or simulated product identification codes in a case to which subsection (b)(3) applies) affixed to, or embedded in, any good held for sale or distribution in interstate or foreign commerce or after shipment therein.

''(d) EXCLUSION.—

''(1) UPC CODES.—Nothing in this section prohibits a retailer or distributor from affixing to a good—

''(A) a Universal Product Code or other legitimate pricing or inventory codes or information, or

''(B) information required by State or Federal law,

if such code or information does not (or can be removed so as not to) permanently alter, conceal, remove, obliterate, deface, strip, or peel any product identification code.

''(2) REPACKAGING FOR RESALE.—(A) Nothing in this section prohibits a distributor from removing an article, product, or commodity of retail sale from a shipping container and placing such article, product, or commodity in another shipping container for purpose of resale in a quantity different from the quantity originally provided by the manufacturer or from replacing a damaged shipping container, if, except as provided in paragraph (1), such article, product, or commodity of retail sale retains its original product identification code, without any obstruction or alteration, and if—

''(i) such distributor is registered with all applicable Federal and State agencies;

''(ii) such distributor repackages the article, product, or commodity in full compliance with all applicable State and Federal laws and regulations; and

''(iii) the act of repackaging does not result in a prohibited act under section 301 of the Federal Food, Drug, and Cosmetic Act or violate any other applicable State or Federal law or regulation.

''(B) As used in this paragraph, the term 'shipping container' means—

''(i) a container or wrapping used for the transportation of any article, product, or commodity in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof; and

''(ii) containers or wrappings used by retailers to ship or deliver any article, product, or commodity to retail customers, if such containers and wrappings bear no printed matter pertaining to any particular article, product, or commodity.

''(e) CRIMINAL PENALTIES.—Any person who willfully violates this section shall—

''(1) be fined under this title, imprisoned not more than 1 year, or both;

''(2) if the total retail value of the good or goods involved in the violation is greater than $5,000, be fined under this title, imprisoned not more than 5 years, or both;

''(3) if the person acts with reckless disregard for the risk that the health or safety of the public would be threatened and under circumstances manifesting extreme indifference to such risk, and the violation threatens the health or safety of the public, be fined under this title, imprisoned not more than 10 years, or both;

''(4) if the person acts with reckless disregard for the risk that another person will be placed in danger of death or bodily injury and under circumstances manifesting extreme indifference to such risk and—

''(A) serious bodily injury to any individual results, be fined under this title, imprisoned not more than 20 years, or both; or

''(B) death of an individual results, be fined under this title, imprisoned for any term of years or for life, or both; and

''(5) with respect to any second or subsequent violation, be subject to twice the maximum term of imprisonment that would otherwise be imposed under this subsection, fined under this title, or both.

''(f) INJUNCTIONS AND IMPOUNDING, FORFEITURE, AND DISPOSITION OF GOODS.—

''(1) INJUNCTIONS AND IMPOUNDING.—In any prosecution under this section, upon motion of the United States, the court may—

''(A) grant 1 or more temporary, preliminary, or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain the alleged violation; and

''(B) at any time during the proceedings, order the impounding, on such terms as the court determines to be reasonable, of any good that is in the custody or control of the defendant and that the court has reasonable cause to believe was involved in the violation.

''(2) FORFEITURE AND DISPOSITION OF GOODS.—Upon conviction of any person of a violation of this section, the court shall—

''(A) order the forfeiture of any good involved in the violation that is in the custody or control of the defendant or that has been impounded under paragraph (1)(B); and

''(B) either—

''(i) order the destruction of each good forfeited under subparagraph (A); or

''(ii) if the court determines that any good forfeited under subparagraph (A) is not unsafe or a hazard to health, dispose of the good by delivery to such Federal, State, or local government agencies as, in the opinion of the court, have a need for such good, or by gift to such charitable or nonprofit institutions as, in the opinion of the court, have a need for such good, if such disposition would not otherwise be in violation of law and if the manufacturer consents to such disposition and is given the opportunity to reapply a product identification code to the good.''.

''(g) CIVIL REMEDIES.—

''(1) IN GENERAL.—Any person who is injured by a violation of this section, or threatened with such injury, may bring a civil action in an appropriate United States district court against the alleged violator.

''(2) INJUNCTIONS AND IMPOUNDING AND DISPOSITION OF GOODS.—In any action under paragraph (1), the court may—

''(A) grant 1 or more temporary, preliminary, or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain the violation;

''(B) at any time while the action is pending, order the impounding, on such terms as the court determines to be reasonable, of any good that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in the violation; and

''(C) as part of a final judgment or decree—

''(i) order the destruction of any good involved in the violation that is in the custody or control of the violator or that has been impounded under subparagraph (B); or

''(ii) if the court determines that any good impounded under subparagraph (B) is not unsafe or a hazard to health, dispose of the good by delivery to such Federal, State, or local government agencies as, in the opinion of the court, have a need for such good, or by gift to such charitable or nonprofit institutions as, in the opinion of the court, have a need for such good, if such disposition would not otherwise be in violation of law, and if the manufacturer consents to such disposition and is given the opportunity to reapply a product identification code to the good.

''(3) DAMAGES.—

''(A) IN GENERAL.—Subject to subparagraph (B), in any action under paragraph (1), the plaintiff shall be entitled to recover the actual damages suffered by the plaintiff as a result of the violation, and any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages. In establishing the violator's profits, the plaintiff shall be required to present proof only of the violator's sales, and the violator shall be required to prove all elements of cost or deduction claimed.

''(B) STATUTORY DAMAGES.—In any action under paragraph (1), the plaintiff may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits described in subparagraph (A), an award of statutory damages for any violation under this section in an amount equal to—

''(i) not less than $500 and not more than $100,000, with respect to each type of goods involved in the violation; and

''(ii) if the violation threatens the health and safety of the public, as determined by the court, not less than $5,000 and not more than $1,000,000, with respect to each type of goods involved in the violation.

''(4) COSTS AND ATTORNEY'S FEES.—In any action under paragraph (1)—

''(A) in addition to any damages recovered under paragraph (3), a prevailing plaintiff may recover the full costs of the action; and

''(B) the court, in its discretion, may also award reasonable attorney fees to the prevailing party.

''(5) REPEAT VIOLATIONS.—

''(A) TREBLE DAMAGES.—In any case in which a person violates this section within 3 years after the date on which a final judgment was entered against that person for a previous violation of this section, the court, in an action brought under this subsection, may increase the award of damages for the later violation to not more than 3 times the amount that would otherwise be awarded under paragraph (3), as the court considers appropriate.

''(B) BURDEN OF PROOF.—A plaintiff that seeks damages as described in subparagraph (A) shall bear the burden of proving the existence of the earlier violation.

''(6) LIMITATIONS ON ACTIONS.—No civil action may be commenced under this section later than 3 years after the date on which the claimant discovers the violation.

''(7) INNOCENT VIOLATIONS.—In any action under paragraph (1), the court in its discretion may reduce or remit the total award of damages in any case in which the violator sustains the burden of proving, and the court finds, that the violator was not aware and had no reason to believe that the acts of the violator constituted a violation.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 65 of title 18, United States Code, is amended by inserting after the item relating to section 1365 the following:

''1365A. Unauthorized modification of product identification codes.''.

SEC. 3. ATTORNEY GENERAL REPORTING REQUIREMENTS.

Section 2320(f) of title 18, United States Code, is amended—

(1) by inserting ''unauthorized modification of product identification codes under section 1365A,'' after ''involve''; and

(2) in paragraph (4), by inserting ''1365A,'' after ''sections''.

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

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

GENERAL LEAVE

Mr. GOODLATTE. 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. 3891, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of the Trademark Anticounterfeiting Act of 1998. This important legislation will provide law enforcement the tools they need to combat the growing crime of altering or removing product identification codes from goods and packaging. This bill will also provide manufacturers and consumers with civil and criminal remedies to fight those counterfeiters and illicit distributors of goods with altered or removed product codes. Finally, this bill will protect consumers from the possible health risks that so often accompany tampered goods.

Product codes play a critical role in the regulation of goods and services. For example, when problems arise over drugs or medical devices regulated by the Food and Drug Administration, the product codes play a vital role in conducting successful recalls. Similarly, the Consumer Product Safety Commission and other regulators rely on product codes to conduct recalls of automobiles, dangerous toys and other items that pose safety hazards.

Product codes are frequently used by law enforcement to conduct criminal investigations as well. These codes have been used to pinpoint the location and sometimes the identity of criminals. Recently, product codes aided in the investigation of terrorist acts, including the bombing of Olympic Park in Atlanta and the bombing of Pan Am Flight 103 over Lockerbee, Scotland.

At the same time, manufacturers have limited weapons to prevent unscrupulous distributors from removing the coding to divert products to unauthorized retailers or place fake codes on counterfeit products.

□ 1345

For example, one diverter placed genuine, but outdated, labels of brand name baby formula on substandard baby formula and resold the product to retailers. Infants who were fed the formula suffered from rashes and seizures. We cannot take the chance of any baby being harmed by infant formula or any other product that might be defaced, decoded or otherwise tampered with. FDA enforcement of current law has been vigilant and thorough, but this potentially serious problem must be dealt with even more effectively as counterfeiters and illicit distributors utilize the advanced technologies of a digital age in their crimes.

Mr. Speaker, my legislation will provide Federal measures which will further discourage tampering and protect the ability of manufacturers to implement successful recalls and trace product when needed. It would prohibit the alteration or removal of product identification codes on goods or packaging for sale in interstate or foreign commerce, including those held in areas where decoding frequently occurs.

The legislation will also prohibit goods that have undergone decoding from entering the country, prohibit the manufacture and distribution of devices primarily used to alter or remove product identification codes, and allow the seizure of decoded goods and decoding devices. It will require offenders to pay monetary damages and litigation damages in the event of repeat violations.

The bill will also impose criminal sanctions, including fines and imprisonment, for violators who are knowingly engaged in decoding violations. The bill would not require product codes, prevent decoding by authorized manufacturers, or prohibit decoding by consumers.

It also includes language offered by my colleague, the gentleman from Florida (Mr. WEXLER) that would allow for repackaging of products for legitimate resale purposes. The bill also includes language to address concerns raised by the gentleman from Arkansas, (Mr. HUTCHINSON), on behalf of Wal-Mart, to protect those who unknowingly had violated any portion of the bill.

This legislation is a good approach designed to strengthen the tools of law enforcement, provide greater security for the manufacturers of products, and most importantly, provide consumers with improved safety from tampered with or counterfeit goods.

Mr. Speaker, I urge my colleagues to join me in supporting passage of this bill which will go a long way toward closing the final gap in Federal law enforcement tools to protect consumers and the products they enjoy.

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

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

I greet my dear colleagues on the other side, the distinguished members of the Committee on the Judiciary, with a question or two that makes this anticounterfeiting act a little bit suspect.

Now, there is nobody in the Congress supporting counterfeiting, but this legislation and its claim to help consumers by assisting in the recall of defective merchandise falls on its face, because the problem is, not only is this information already protected by current law, but the bill is not limited to products which implicate public health, nor is it limited to recall information. Instead, it covers any product sold in the country from books to perfume, and I think it is quite broad.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. FORBES) who, along with the gentleman from New York (Mr. SCHUMER), has worked on this matter.

Mr. FORBES. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

I rise to strongly oppose H.R. 3891 because of its effects on the retail sector of our economy and on American consumers seeking quality products at discount prices. This bill, unfortunately, does nothing to stop counterfeiting of goods. Instead, it stops legal sales by discount retailers.

If made law, H.R. 3891 will have a substantial negative impact on the United States economy, preventing millions of dollars in legitimate sales. Numerous products like cameras, watches and name brand clothing and electronics presently available at discount prices will disappear, if this bill becomes law, from discount shelves. Consumer prices will rise and jobs will be lost among retailers, distributors and importers.

H.R. 3891 purports to eliminate counterfeit goods. I support that most worthy objective. But I regrettably have to conclude that the bill does not further that goal. Despite the fact that it is named the Trademark Anticounterfeiting Act, the legislation does not prohibit or discourage the manufacture, sale or distribution of counterfeit goods, nor does it punish the use of phoney product identification codes.

Instead, the bill prohibits the removal of genuine product identification codes from products. Because the bill deals only with the removal of genuine manufactured goods, by definition, it could have little or no effect on stopping or discouraging counterfeit goods.

Mr. Speaker, the true effect of H.R. 3891 will be to limit the distribution of genuine goods to discount stores. Brand name products are often sold in what is called the parallel market or the gray market. Legitimacy of this multibillion dollar market, which encompasses a wide variety of products such as cameras, clothing, electronic products, perfume and watches, has been upheld by numerous Federal courts, including the Supreme Court. Parallel market imports constitute, at retail, a multibillion dollar industry.

The billions of dollars in savings enjoyed by American consumers because of the parallel market has been well chronicled. Parallel or gray market imports are responsible for increasing the buying power of U.S. consumers over the last decade by preventing foreign manufacturers from monopolizing the distribution of products to U.S. retailers.

Americans will pay hundreds of millions of dollars more, unfortunately, each year to foreign manufacturers if this bill becomes law. Even though the parallel market is completely legal and benefits in a great way consumers, some product manufacturers believe that the parallel market is not in their best interests. So if they have these great lots of unsold products that they want to move in the discount area, manufacturers, by virtue of enactment

of this bill, would really have the ability to go after the manufacturer of these products and in a subtle way either limit their distribution or certainly limit the consumers' benefit, that being a reduction in cost.

The ultimate goal of manufacturers is to control the final retail price of their products. When done explicitly, the practice known as resale price maintenance has been plainly illegal under antitrust laws since the beginning of this century. The reason resale price maintenance is illegal is because we want retail outlets to compete on price when competition yields the best deal for consumers.

Manufacturers' use of product identification codes as cutoff access to the parallel market is simply resale price maintenance in disguise, and while I certainly appreciate the worthy nature, perhaps the goal of the authors of this legislation, I would suggest that this bill is far too broad. Proponents claim it will protect consumers by assisting the recall of defective merchandise; certainly a worthy goal, but if this is the purpose, the bill could easily be limited to products which implicate real public health and safety concerns, such as food, medicine and children's car seats and baby pajamas.

Mr. Speaker, numerous laws are already on the books that regulate the marketing of products which are of special concern for public safety: The Federal Food, Drug and Cosmetic Act, the Consumer Product Safety Act, Federal Meat Inspection Act, the Tariff Act, the Lanham Act, and the Anticounterfeiting Consumer Protection Act of 1996.

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

Mr. FORBES. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to thank the gentleman for his very thoughtful introduction into this discussion, pointing out that we are all against counterfeiting, that there are all kinds of laws which I am going to point out to my friends on the other side, and suggest a way that we could remedy this.

Mr. FORBES. Mr. Speaker, I rise to express my strong opposition to the ''Trademark Anti-counterfeiting Act'' (H.R. 3892) because of its effects on the retail sector of our economy and on American Consumers seeking quality products at discount prices.

This bill does nothing to stop counterfeiting of goods. Instead it stops legal sales by discount retailers.

If made law, the ''Trademark Anti-counterfeiting Act'' will have a substantial negative impact on the U.S. economy preventing millions of dollars in legitimate sales. Numerous products like cameras, watches and name brand clothing and electronics presently available at discount prices will disappear from discount shelves. Consumer prices will rise and jobs will be lost among retailers, distributors and importers.

The bill purports to eliminate counterfeit goods. I support this objective, but the bill does not further that goal.

Despite the fact that it is named the ''Trademark Anti-counterfeiting Act,'' this legislation does not prohibit or discourage the manufacture, sale or distribution of counterfeit goods, nor does it punish the use of phony product identification codes.

Instead, this bill prohibits the removal of genuine product identification codes from products.

Because the bill deals only with the removal of genuine manufacturer codes, by definition it can have no effect on stopping or discouraging counterfeit goods.

The true effect of H.R. 3891 will be to limit the distribution of genuine goods in discount stores. Brand-name products are often sold in what is called the ''parallel market'' or the ''gray market.''

The legitimacy of this multi-billion dollar market, which encompasses a wide variety of products, such as cameras, clothing, electronic products, perfume and watches, has been upheld by numerous federal courts, including the U.S. Supreme Court.

In March of this year, the U.S. Supreme Court ruled In Quality King Distributors, Inc. v. L'anza Research Int'l, Inc. that the ''parallel market'' is protected under our copyright laws. Similarly, as far back as 1987, the U.S. Supreme Court rejected an attack on the ''parallel market'' under our trademark law.

''Parallel Market'' imports constitute at retail a multi-billion dollar industry. Parallel or ''Gray Market'' imports were responsible for increasing the buying power of U.S. consumers over the last 10 years, by preventing foreign manufacturers from monopolizing the distribution of their products to U.S. retailers.

The billions of dollars in savings enjoyed by American consumers because of the ''parallel market'' have been well chronicled in nationally recognized trade publications like the Chain Store Age Executive and the Discount Store News.

Americans will pay hundreds of millions of dollars more each year to foreign manufacturers if this bill is made law. Even though the ''parallel market'' is completely legal and benefits consumers, some product manufacturers believe that the parallel market is not in their interest.

In an effort to keep their products out of discount stores, some place codes on the products that enable them to trace the chain of distribution of a particular item and then retaliate against distributors that sell goods into the ''parallel market.''

The ultimate goal of these manufacturers is to control the final retail price of their products. When done explicitly, this practice, known as ''resale price maintenance,'' has been plainly illegal under antitrust laws since 1908. The reason resale price maintenance is illegal is because we want retail outlets to compete on price—that competition yields the best deals for customers.

Manufacturers' use of product identification codes to cut off access to the parallel market is simply resale price maintenance in disguise. We should not change Federal law to assist manufacturers in this anticonsumer practice, yet that would be the effect of H.R. 3891.

I am also very concerned that the ''Trademark Anti-competitiveness Act'' is far too broad. Proponents claim it will protect consumers by assisting recall of defective merchandise. If this is the purpose, the bill can easily be limited to products which implicate real public health and safety concerns, such as food, medicine and children's car seats and baby pajamas.

Instead this bill covers any product sold in the U.S., no matter how benign, including such harmless items as books, clothing and furniture. There is no reason for including these everyday, innocuous products within the scope of the bill.

In addition, the bill addresses a problem that is already addressed by other, more comprehensive statutes.

Numerous laws already regulate the marking of products which are of special concern for public safety. Some of these laws include: the Federal Food, Drug & Cosmetic Act; the Consumer Product Safety Act; the Federal Meat Inspection Act; the Tariff Act of 1930; the Lanham Act; and the Anti-counterfeiting Consumer Protection Act of 1996 that applies Racketeer Influenced and Corrupt Organizations Act (RICO) penalties to counterfeiters.

Finally, this bill would have disastrous impacts on interstate commerce and on our legal system. It renders billions of dollars worth of merchandise illegal overnight.

The legislation criminalizes the act of decoding products and mandates the seizure and destruction of these decoded products. The avalanche of litigation that would follow between manufacturers and resellers and between retailers and their suppliers would be enormous.

If the bill is meant to avoid counterfeiting, then it should not apply to genuine products. If the bill seeks to address the issue of consumer protection in recalls, then it should do so without granting a limited group of product manufacturers broad anti-competitive powers.

Many parties that will be affected by H.R. 3891 have not had their concerns heard by this House. If made law, this bill will result in serious unforeseen hardships to consumers and businesses alike. I strongly urge that this bill be amended to avoid these negative consequences.

I urge my colleagues to vote against this bill, and I reserve the balance of my time.

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

Mr. GOODLATTE. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE), the chairman of the Subcommittee on Intellectual Property.

Mr. COBLE. Mr. Speaker, I thank the gentleman from Virginia and commend him for the diligent hard work that he has put forward on this bill, and I urge my colleagues to support it.

Mr. Speaker, H.R. 3891 safeguards the ability of manufacturers to control the use of their products with which valuable marks are associated by protecting the integrity of corresponding ''product identification codes'' contained in product packaging. These codes, Mr. Speaker, comprised of numbers, letters, symbols, or expiration markings affixed to goods, enable manufacturers, it seems to me, to trace products back to a particular production lot, batch, or date of removal. In my opinion, this bill will further legitimate commercial interests, maintain the value of trademarks affiliated with goods, and promote public health and safety.

Finally I should note, and I am not sure this has been mentioned yet, that H.R. 3891 contains an ''innocent infringer'' exception to the bill adopted during subcommittee markup, and other changes which the gentleman from Virginia (Mr. GOODLATTE) has authored to preserve the ability of distributors to engage in lawful diversion of products. These additions to the bill, it seems to me, will ensure that public health and safety will be advanced on the one hand, but not on the other hand, at the expense of lawful commercial practices.

Mr. Speaker, I again thank the gentleman from Virginia for his work in bringing the bill to the floor, and I urge its adoption today.

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

Mr. Speaker, this discussion on the floor is tracking the same discussion that we had in the Committee on the Judiciary, and so perhaps we are so absorbed with the presidential scandal that maybe the members on the committee just cannot focus on this subject.

What is the matter, I say to my colleagues? We already told my colleagues that there are six Federal food, drug and cosmetic laws already on the books regulating for public inspection, plus the Federal Meat Inspection Act, the Tariff Act of 1930, the Lanham Act, Anticounterfeiting Consumer Protection Act of 1996, and the Consumer Product Safety Act.

My colleagues get on the floor, and I do not want to say they are taking advantage of the lack of knowledge of the rest of the Members of the House, but my colleagues know that there are dozens of bills fighting counterfeiting and that the real problem, I say to my colleague from Virginia (Mr. GOODLATTE), is that they are not being properly enforced; and that if the gentleman would have tailored his bill in a reasonable way to limit recall information, to protect the bar code issue, but just to open it up, I am going to have to say something here as politely as I am able to.

What the gentleman is doing is attacking the parallel market. The gentleman is going after the wholesalers, and wait until the citizens find out about this. What the gentleman is saying is that all the companies that sell below the wholesale houses, the pharmaceuticals, the TJ Maxxes, the RiteAids, all of them are going to be wiped out by a very cute way that the gentleman is handling this, because I think there is a motive here.

If the gentleman was really after counterfeiting, the gentleman would tailor it so that we can all get it.

□ 1400

What the gentleman from Virginia (Mr. GOODLATTE) is doing is protecting the high end retailers in America. I think we went through this in the Committee on the Judiciary. Why does the gentleman not come clean and say it?

They deserve congressional representation, but to mask it into an anti-counterfeiting act, where we pick up designer jeans, cameras, perfumes, and all of these items that are sold in cut rate and wholesale situations, the gentleman knows that that is what the goal of this is. So why do we not just call it for what it is?

I am protecting the people in America that want to go to the malls and get a good deal. I am protecting the people that want to buy at discounted prices. What the gentleman is doing is putting the parallel market out of business. Why does the gentleman not come clean and admit it, or concede it, or maybe we will stipulate it? But do not talk about this as an anticrime issue. It is simply not that.

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

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

Mr. Speaker, I certainly hope that the gentleman from Michigan (Mr. CONYERS) is not attempting to protect those folks who are violating the law and attempting to defraud consumers in this country.

Let me just point out who it is that supports this bill. The gentleman says we are attacking the gray market, but the National Association of Mass Retailers does not oppose this bill. It is supported by the United States Chamber of Commerce. It is supported by the AFL–CIO. It is supported by the National Association of Manufacturers, and it is supported by the National Consumers League.

We are protecting consumers here, and we are not doing anything to affect those people who legitimately sell in the parallel market. I hope they continue to do so. That is certainly not what we are trying to affect here.

We are trying to help law enforcement be able to trace product codes. It would be a shame if the batteries sold to the perpetrator of the Atlanta bombings were tampered with by somebody because it was not against the law to tamper with the identification code, and the FBI was not able to trace, as they were in that case, those products back to where they were sold to help identify the perpetrators.

The same thing with the bombing over Lockerbie, Scotland. We do not know what kind of product may be used in a law enforcement investigation. It might be something related to a product that is for health and safety, but it might not be.

If Members were to, for example, exempt clothing from this, there are all kinds of product defects that take place with clothing. They can catch on fire, and people need to have the ability to be contacted and notified that there is a problem.

Limiting it to health and safety does not take into consideration products like baby toys, batteries. Where do we draw the line? Predatory pricing can be addressed through current antitrust laws. Those laws exist on the books. There are not laws on the books today prohibiting fraud from taking place when somebody tampers with or removes a code. That is why we make this distinction.

In response to retail concerns, we have added language making the bill only applicable to those who knowingly perform one of the prohibited acts, so I cannot imagine why there would be any effort to protect those people who knowingly want to perpetrate a fraud like this. That is why we have the support of groups like the National Consumers League.

The bill also includes additional protections in the bill for innocent infringers. We are not targeting those folks. The current law does not adequately address the problem of product code tampering. That is what we are addressing in this bill. We are not addressing the parallel market.

Those who were concerned about that entered into detailed negotiations with us with other members of the committee. I am sorry that the gentleman did not choose to participate in those negotiations, but we worked with several members of the committee on both sides of the aisle to make changes to address those concerns. Those concerns have been addressed.

We are simply going after the bad guys, I would say to the gentleman from Michigan. I would hope that he would change his mind about the importance of this bill, both from the standpoint of protecting consumers, and from the standpoint of helping law enforcement address a serious problem.

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

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

Mr. Speaker, does the gentleman know what I am going to do? I am going to see that the gentleman does not get two-thirds on the vote today, that is what I am going to do for this bill, because the gentleman is misrepresenting the fact that there is no protection against trademark counterfeiting. May I refer the gentleman to the law? The gentleman has been on the committee some number of years now.

The Federal Food, Drug, and Cosmetic Act, 21 United States Code, annotated Section 301. Section 331 deals with adulteration and misbranding. How can the gentleman say there is nothing protecting us against counterfeiting? Section 333 provides for seizure of adulterated drugs or cosmetics. Has the gentleman ever heard of the law? Section 342 addresses false or misleading labels. Section 350–A regulates infant formula.

The gentleman did not come to the floor not knowing this. The gentleman knew this, because the gentleman from New York (Mr. SCHUMER) took 30 minutes explaining it, and the gentleman said we would work it out. We have not worked anything out. That is why I am opposed to it.

By the way, since the Chamber of Commerce supports this, the discount

drugstores do not support it, the Price Club does not support it, Rite Aid does not support it. The discounters and the parallel market are going to get wiped out, and the gentleman knows it. The gentleman knows it.

We have got all of these counterfeiting laws. Sections 351 and 352 govern adulterated or misbranded drugs or devices. Section 361 and 362 addresses cosmetics that are adulterated or misbranded. We have a Federal Meat Inspection Act, a Tariff Act, an anti-counterfeiting Consumer Protection Act of 1996. The gentleman was in on it. The gentleman helped pass it.

Now the gentleman is coming here arguing that this is for the benefit of the good guys, and the gentleman does not want me helping the bad guys. I want to suggest to the gentleman that it may be just the opposite.

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

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

Mr. Speaker, I would say to the gentleman from Michigan (Mr. CONYERS) that the legislation that he cited, some of which I authored and he supported, does not address issues where the law is intended to apply for reasons other than harm to the consumer. So if it is a matter of law enforcement, tracing the location of a product, it does not apply.

This legislation makes it clear that we cannot tamper with a product code because doing so is perpetrating a fraud, for one reason or another. But secondly, keeping that code on the product helps us to give law enforcement the tools they need to track down criminals.

In many, many cases criminals use products in the commission of a crime. When we can trace those products back to what store they were purchased from, where they were distributed from, we have a much greater chance of narrowing the field of suspects and tracking down who it was who actually purchased that product.

For that reason, and the others that I have already cited, the bill has strong support from a wide array of groups, from labor unions to retailers to manufacturers to law enforcement to consumers, and ought to deserve the same kind of broad-based bipartisan support here on the floor of the House of Representatives.

We did conduct further discussions with the gentleman from New York (Mr. SCHUMER) and others in the committee following the markup in the committee, and we reached agreement with a number of folks about changes which were made and incorporated into the legislation. Did we make everybody happy? No, because there are some folks out there who want to take labels off of products or change the labels in order to mislead folks about what is going on. That is simply what this legislation is directed at attacking.

Mr. Speaker, I would ask the gentleman to reconsider his opposition to the bill. I would love to have his support for the bill, but I think he is on the wrong side of what is in the best interests of consumers, law enforcement, manufacturers, retailers, all across the board.

Mr. Speaker, I would again reserve the balance of my time, and urge the Members to support this legislation.

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

Mr. Speaker, let me say to my good friend, the gentleman from Virginia, I have never been, nor my staff, invited to participate in one single negotiation. If the gentleman from New York (Mr. SCHUMER) has, that would be almost unbelievable. I know he has not, either. Does the gentleman say he has?

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

Mr. CONYERS. No, not at this point.

Mr. GOODLATTE. The gentleman asked the question. I will be happy to answer it.

Mr. CONYERS. Does the gentleman remember what he told me earlier, that he has time that he can yield to himself?

Mr. Speaker, the point that I am making is that I have never been in any negotiations. I voted against this measure. It is a funny thing about this big rush on the bill, and there was not much notice about this bill. It came up at the last minute with no notice. There has been no opportunity to amend the bill, I say to the gentleman from Virginia (Mr. GOODLATTE). Why not? Because the gentleman does not think he needs to, because he can get two-thirds. I have news for the gentleman.

The fact of the matter is that this bill will allow all kinds of manufacturers to terminate distributors who sell their goods at a deep discount. We know that is what is behind it. And citing the Chamber of Commerce and my friends in labor, and by the way, I would love to compare my labor record with the gentleman's some day off the floor, we have groups of consumers, working people, discount organizations, that do not think we need a bill with this latitude.

We have been through this, so the gentleman is going to railroad it through on a suspension: perfume, cameras, designer jeans, jewelry, watches, shirts. I ask the gentleman to tell me, why do those items need to be covered?

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

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding. The reason why items need to be covered is——

Mr. CONYERS. These items.

Mr. GOODLATTE. Any item is potentially left at the scene of a crime. Any item could be left at the scene of a crime and could be traced to determine who it was that committed the crime.

Mr. CONYERS. Reclaiming my time, now the gentleman has said something that the gentleman never said in the committee, and certainly it goes against any negotiations with whomever the gentleman entered into them with.

If the gentleman is now telling me we should cover all items in the market, then I guess, if I can quote the gentleman on that in my handout, I think that will take care of it for today. The gentleman thinks everything should be covered; not just these items not covered, but all items should be covered, everything in commerce? If that is the gentleman's position, that just reinforces my opposition to it.

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

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

Mr. Speaker, let me first say to the gentleman from Michigan, nothing is being railroaded. As the gentleman has quite accurately pointed out, for something to pass on suspension, it requires a two-thirds vote. If it were brought up under a rule it would only take a majority vote, so we are not trying to put anything over on anybody.

Frankly, it surprised me that the gentleman came down here to oppose it. We had no idea that the gentleman was opposed to the legislation at this point. The gentleman never indicated any reservations about the bill. If he had done so, we would have wanted to include him in any negotiations that we had, because we were working very diligently to pull together the support necessary to pass this important legislation.

But the gentleman is entirely inaccurate when he says there is no opportunity for amendment. The bill itself at the desk is a manager's amendment taken from suggestions made by those who had concerns in the Committee on the Judiciary meeting, and we did not reach agreement with everybody. It is hard to reach agreement with everybody. But we reached agreement with some of those who raised reservations, and we changed the bill accordingly.

Mr. Speaker, I am sorry that the gentleman has the opposition. I would love to have sat down with him ahead of time and attempted to work those matters out, if it were possible. But I was never notified that the gentleman was going to oppose the legislation. I do not believe the basis on which the gentleman is opposing it is appropriate. It is simply not the case that this is going to damage the parallel markets or the so-called gray markets.

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We have addressed concerns raised by a number of folks to make sure that that in fact would not be the case.

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

Mr. CONYERS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from Michigan (Mr. CONYERS) has 3½ minutes remaining. The gentleman from Virginia

(Mr. GOODLATTE) has 5½ minutes remaining.

Mr. CONYERS. Mr. Speaker, could we even up the time a little bit.

Mr. GOODLATTE. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS) since he was kind enough to yield to me a little while ago.

Mr. CONYERS. Mr. Speaker, I would like to introduce myself to the gentleman from Virginia (Mr. GOODLATTE). I am the ranking member of the committee. I had no notice that the bill was being brought up. The information was delivered through the minority leadership of the House.

So to tell me that I should have been following my colleague all along is a little bit odd. What we are trying to say here is that we never had a chance to amend the bill. And to tell me that there is a manager's amendment at the desk that I never participated in now shows that the bill was amended without me is not insulting, but it almost suggests that I don't understand the process.

The SPEAKER pro tempore. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

Mr. CONYERS. Mr. Speaker, I yield myself 2 additional minutes.

The problem is this, why do we need the gentleman from Virginia (Mr. GOODLATTE) to apply anticounterfeiting provisions to general items like jeans and perfume? Could the gentleman tell me what health problems he has discovered that makes them to be included. It is not a crime to sell these goods in the parallel market. The gentleman knows the case law on this as well as I.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, in the case of perfume, it is easy to have a product that the code can be tampered with and put in a product that came in the original bottle that has been tampered with, adulterated, could cause harm when applied to the skin. With regard to blue jeans, they might be flammable. They might be in a suitcase in an airplane that is blown up in the sky and could help to identify where it came from.

Mr. CONYERS. Mr. Speaker, reclaiming my time, we had hearings, and there were no cases like these hypotheticals cited. So what is the gentleman doing? I mean, is this reality legislation or what? Can the gentleman tell me the jeans and perfume, one might be adulterated and the other might be flammable? I have the transcript of the hearings, and there is nothing in them about that. Now, maybe yes; but in reality, no.

So I think there is an economic motivation that is not going to be good for the parallel market. Is the gentleman's constituents not like mine? They like to go and shop for discounts sometimes. What is the gentleman telling them?

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

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I like to shop for discounts myself.

Mr. CONYERS. Then why is the gentleman doing this to the parallel market?

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

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

Mr. Speaker, I would just say to the gentleman that it is impossible to define what products might be used by law enforcement at some point in time to trace a product code.

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

Mr. GOODLATTE. I yield to the gentleman from New York.

Mr. FORBES. Mr. Speaker, is my good friend the gentleman from Virginia (Mr. GOODLATTE) making a case that everything that is sold in the United States should have a product code so we can trace all goods?

Mr. GOODLATTE. Reclaiming my time, no, I am only making a case that if a code is put on the product by the manufacturer, the Congress, the people should not be questioning the reason for doing that by allowing the removal of that code for various reasons, one of which is tracing products that may have been adulterated and need to be recalled, may have defects and need to be recalled, products that may be used by law enforcement, may be discovered at the scene of the crime and can trace a crime.

There is no compelling argument why somebody should be able to pull the code off the product and continue to sell the product without having that kind of consumer protection. That is why the National Consumer League supports the bill.

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

Mr. GOODLATTE. I yield further to the gentleman from New York.

Mr. FORBES. Mr. Speaker, would the gentleman not agree that there is an attempt by some manufacturers when they are tracing products at discount houses and they see those same products are in competition with their own sales that they cut off distribution to those discount houses?

Mr. GOODLATTE. Mr. Speaker, reclaiming my time, that is against the law, and we have antitrust laws that prohibit that very activity that the gentleman has just described. And when that occurs, I have seen many instances where cases are brought for that kind of discriminatory treatment in the marketplace, and those laws should be enforced.

But it certainly should not interfere with a manufacturer's legitimate need and law enforcement's legitimate need to have those product codes not tampered with, falsified on the product. I think that is outrageous.

Mr. FORBES. Mr. Speaker, will the gentleman further yield?

Mr. GOODLATTE. I yield further to the gentleman from New York.

Mr. FORBES. Mr. Speaker, is the gentleman aware that there are representatives of various manufacturers that do go into these discount houses and they look at these product lines and they look at the labeling and they have taken, in the past, action against some of these folks that are working in the parallel market?

Mr. GOODLATTE. Mr. Speaker, reclaiming my time, if they do so, then they should be prosecuted under the laws that already exist on the books if they are doing so in the discriminatory manner that the gentleman describes.

Mr. Speaker, I reserve the balance of my time, and I inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) has 2 minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 90 seconds remaining.

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

Mr. Speaker, I am in a state of exhaustion now. The rational processes have taken flight in this discussion. We get no notice. We found out about it this morning. The bill is too broad. That was complained of in the committee.

The gentleman has introduced a manager's amendment and said, well, we amended the bill. We gave our colleagues a unilateral manager's amendment. Are they not happy?

This bill would make it easier for manufacturers to terminate discounters. That is the economic question underneath it. Let us not fool ourselves. There is no question this bill would lead to less discounting. I hope the gentleman's constituents would be happy to find that out in the event that this bill becomes law.

Let us send the bill back to committee so that we can get a narrow bill that will really be good for the consumers.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. FORBES) for any closing comments if he has any.

Mr. FORBES. Mr. Speaker, I thank the gentleman from Michigan, and I would just urge my colleagues to oppose this measure. If our attempt is to be able to trace consumer products, then let us call it what it is and let us get a bill on the floor that labels every product ever sold in the United States of America. Unfortunately, I think this is a back-door attempt to really raise the price of consumer goods, to thwart the discount market, and to make it tougher on consumers.

I am sorry for that. I would urge my colleagues to please reject this bill.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, let me just say, in response to the gentleman from New York (Mr. FORBES), that if his statement were accurate, then organizations like the National Association of

Mass Retailers and the National Consumers League would oppose this legislation, and they do not.

The reason they do not is that they share the concerns that many have about product safety. They share the concerns that many have about law enforcement and they share the concerns that many have about what motivations somebody has for pulling off the product identification code from a product and then wanting to resale it.

What are they hiding from? I would suggest to my colleagues that they are hiding from the fact that there are criminal activities that take place by those who adulterate products, who change products, and they should not be allowed to do that by altering or removing these codes. That is what this legislation clearly addresses.

It is clearly needed because all the laws cited by the gentleman from Michigan (Mr. CONYERS), which are very good laws, some of which I introduced myself, do not cover the specific facts and the specific instances of removing and tampering with labels that are addressed in this bill, and that is why the legislation is supported by the AFL-CIO.

I am pleased to have their support for this legislation. It is not often that they come together and agree with manufacturers, and the United States Chamber of Commerce and consumers, but when we have that kind of collection of support, and the needs of law enforcement, we ought to take advantage of the opportunity to pass a very good bill and ignore the concerns of a very narrow, limited group of people who are not just in the gray market, which we support, but which are involved in criminal activity in the gray market, which we do not support and which this bill attacks. I urge my colleagues to support this legislation.

Mr. SCHUMER. Mr. Speaker, I rise in strong opposition to H.R. 3891, the Trademark Anticounterfeiting Act. In my view, this legislation would be devastating to consumers seeking quality products at discount prices.

H.R. 3891 will have a substantial negative impact on the U.S. economy. It will preclude millions of dollars in legitimate sales. Numerous products presently available at discount prices will disappear from discount shelves. Consumer prices will rise and jobs will be lost among retailers, distributors, and importers.

Furthermore, H.R. 3891 will place additional burdens on law enforcement and on the courts. This legislation, however, provides no funding for these additional enforcement responsibilities.

The Trademark Anticounterfeiting Act, H.R. 3891, is intended to eliminate counterfeit goods from the marketplace. I support this goal; however, we find nothing in this bill to further this goal. This legislation does not prohibit or discourage the manufacture, sale, or distribution of counterfeit goods.

The real goal of this bill is to stop the legitimate practice known as the ''parallel market'' or ''gray market.'' This is a perfectly legal market where middle men buy overstock from high end retail stores, and resell the goods to discount retailers. The high end manufacturers of these products have decided that too many consumers are buying their goods at discount stores and want to use this bill to cut off the middle men who supply discount stores.

In an effort to keep their products out of discount stores, some manufacturers place codes on the products. These codes are used to trace the product through its chain of distribution for ammunition against the distributors that sell their goods in the parallel market. The goal of these manufacturers is to control the final retail price of their products. When done explicitly, ''resale price maintenance'' has been plainly illegal under antitrust laws since 1908. The manufacturers use of product identification codes to cut off access to parallel markets is simply resale price maintenance in disguise.

The proponents of this bill have claimed that it will protect consumers by assisting in the recall of defective merchandise. If this is the purpose, the bill can easily be limited to products which implicate real public health and safety concerns, such as food, medicine, and products for children (like car seats and baby pajamas). Alternatively, parallel market resellers could be given some of the responsibility for enabling recalls.

But instead of these sensible, targeted approaches, the bill as written is astonishingly sweeping. It covers any product sold in the U.S.—from books to clothing to furniture. No reason whatever has been articulated for including these everyday, non-threatening products within the scope of the bill.

As a result of the broadly defined ''product identification code'', resellers will have no way to determine upon looking at a product which codes or markings constitute a product identification code. The language of H.R. 3891 is far too vague and it needs to be refined.

In addition, the bill addresses a problem that is already addressed by other, more comprehensive statutes. Numerous laws already regulate the marking of products which are of special concern for public safety.

Finally, H.R. 3891 would impose broad new burdens on law enforcement and the judiciary. By failing to provide a transition period, this law would render billions of dollars worth of merchandise illegal overnight. The avalanche of litigation that is likely to follow between manufacturers and resellers and between retailers and their suppliers is likely to be enormous due to the broad impact of this bill on the U.S. marketplace.

Further, this legislation criminalizes the act of decoding products and mandates the seizure and destruction of these decoded products. Presumably, the burden of investigating and prosecuting such acts will fall to our law enforcement agencies. No funding has been allocated to defray the extra burden on these agencies or to employ additional personnel.

Once again, I strongly oppose this bill. If this bill is meant to avoid counterfeiting, then it should not apply to genuine products. If this bill seeks to address the issue of consumer protection in recalls, then it should do so without granting a limited group of product manufacturers broad anti-competitive powers.

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 Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3891, as amended.

The question was taken.

Mr. FORBES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

SIDNEY R. YATES FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4595) to redesignate a Federal building located in Washington, D.C., as the ''Sidney R. Yates Federal Building,'' as amended.

The Clerk read as follows:

H.R. 4595

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

SECTION 1. REDESIGNATION.

The Federal building located at 201 Fourteenth Street Southwest in the District of Columbia, and known as the Auditors Main Building, shall be known and designated as the ''Sidney R. Yates 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 ''Sidney R. Yates Federal Building''.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on January 3, 1999.

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, H.R. 4595 is a simple naming resolution which redesignates the Federal building located at 201 14th Street, Southwest, Washington, D.C., currently known as the Auditors Main Building, as the Sidney Yates Federal Building.

Our colleague, the gentleman from Illinois (Mr. YATES) is retiring at the end of this Congress after serving with distinction for 24 terms of office. He was first elected to Congress in 1948 and held his seat continuously but for a brief 2-year absence in 1963 to 1964. He has served as a member of the Committee on Appropriations during his terms and became chairman of the Subcommittee of Interior of the Committee on Appropriations in 1975, holding the chairmanship for 20 years.

The gentleman from Illinois (Mr. YATES) was born in Chicago, Illinois, in 1909. He attended the University of Chicago, where he earned his law degree in 1933. He commenced practice in Chicago and became the assistant attorney general with the Illinois Commerce Commission back in 1937.

The gentleman from Illinois (Mr. YATES) also served in the United States Navy from 1944 to 1946, attaining the rank of lieutenant.

This is a fitting honor for our revered colleague and I am pleased to 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.

Mr. Speaker, I rise in support of this bill. The gentleman from Illinois (Mr. YATES) is one of our great Members, but I want to offer something to the Congress a little bit different than usual about the gentleman from Illinois. Years ago, he was a star basketball player at the University of Chicago. In fact, he played center. Today, the centers are 7 feet 2, 7 feet 5, even taller.

While he was a center at the University of Chicago, they played against the great George Mikan team, the great Hall of Famer, the first big man superstar in America, and I would say to my colleagues in the Congress of the United States, the gentleman from Illinois (Mr. YATES) played George Mikan tough.

He has made it tough all through his life for those who he competed against but he was always fair. He has been loved in every profession. He has been loved in every community. He is absolutely endeared and loved by this House.

I want to say, even though he did not have a jump shot and he was known for the old fashioned two-handed set shot, he was absolutely devastating with a hook shot with either hand, and he has taken that type of competitiveness, zeal, spirit, team work, to the Congress.

There has not been one bill dealing with arts in this country that failed to experience the fingerprints of the gentleman from Illinois (Mr. YATES). If there is a father and champion of the arts, it is the gentleman from Illinois (Mr. YATES).

Mr. Speaker, I rise in absolute support of this tribute. It is worthy. It is deserving.

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise to honor our longest-serving House Member, the distinguished gentleman from Illinois, Mr. SIDNEY R. YATES, by redesignating a Washington, D.C. Federal building in his name. Elected in 1948, Congressman YATES is departing this year after his 24th term. His impressive dedication to public service began after Congressman YATES had served the United States in the Navy from 1944 to 1946.

SID YATES has served on the Appropriations Committee and for nearly 20 years was known as a significant member of the panel's ''College of Cardinals.'' He ends his career as the Ranking Member of the Interior Appropriations Subcommittee.

As Chairman of the House International Relations Committee, I commend SID for his dedication to foreign affairs and his willingness to accommodate the administration and International Relations Committee Members.

A man whose work ethic extended above and beyond the call of duty, SID has earned a reputation as taskmaster. His hearings are among the most detailed in the House, and he always does much of his own research. On the floor, SID YATES has always demonstrated a great command of facts, and during hearings would often take the lead in examination and cross-examination of witnesses with an expertise which became legendary.

Mr. Speaker, I invite our colleagues to wholeheartedly support this bill to redesignate a Federal building located in Washington, D.C., as the SIDNEY R. YATES Federal Building. Please join with us to honor SID YATES for his 24 outstanding Congressional terms.

Mr. PORTER. Mr. Speaker, I rise in strong support of this bill. As all of my colleagues are aware, the gentleman from Illinois has worked tirelessly, throughout his extensive tenure in Congress, on numerous issues but especially on the effective management of our public lands. While this legislation provides recognition in Washington for the work that the gentleman from Illinois has done, the impact of this work is felt far beyond the beltway. His efforts can be seen in every National Park, Refuge, Wilderness, Grassland, Prairie, and Forest across the Nation.

When SID YATES first entered Congress in 1948, there were 29 million recreational visitors to our National Parks. Last year, there were over 279 million. The popularity of, and experiences provided by, these parks is due in large part to the vision of SID YATES. He knew that the number of visitors to these parks would only increase and he wanted to be sure that the Park System had the needed capacity.

I am fortunate to have served many years with SID in Congress, representing the district just north of his. He is a man that I hold in highest respect for the work he has done and the character and integrity that he has brought to this institution. He will be missed but his contributions will never be forgotten.

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

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

The SPEAKER pro tempore (Mr. SUNUNU). 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. 4595, 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 of the bill was amended so as to read: ''A bill to redesignate the Federal building located at 201 Fourteenth Street Southwest in the District of Columbia as the 'Sidney R. Yates Federal Buiding'.''.

A motion to reconsider was laid on the table.

RICHARD C. WHITE FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3598) to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the ''Richard C. White Federal Building''.

The Clerk read as follows:

H.R. 3598

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 700 East San Antonio Street in El Paso, Texas, shall be known and designated as the ''Richard C. White 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 ''Richard C. White 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.

H.R. 3598 designates the Federal building located in El Paso, Texas as the Richard C. White Federal Building. Congressman White represented the 16th district of Texas of the United States House of Representatives for 9 successive terms from 1965 to 1983.

He was known for his dedication to public and community service. He served in the United States Marine Corps during World War II, receiving the military Order of Purple Heart. He also served in the Texas State House of Representatives from 1955 to 1958.

In 1983, after serving his ninth congressional term, Congressman White returned to his family in El Paso to resume his legal career and serve as a civic leader. He passed away in February of this year.

As a dedicated public servant of the people of El Paso, Texas this is a fitting tribute. Again, 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 myself such time as I may consume.

Richard White was a former colleague from Texas who represented the 16th district from 1965 until 1983. The gentleman from Texas (Mr. REYES) who currently holds this seat, former border patrol agent and a very fine Member, is the sponsor of this bill.

Congressman White was a native Texan, University of El Paso, received his law degree from the University of Texas in Austin.

He served his country with honor and distinction. In the United States Marines stationed in the Pacific, he saw active duty and was awarded the military Order of the Purple Heart. He served on many committees in the Congress, including Arms Services, Interior, Post Office and Civil Service,

Committee on Science and Technology. He was known as a consensus builder and a team player.

In 1983, he retired to El Paso and resumed his legal career. He was a devoted husband, father of 7 children. His values and character and integrity and leadership skills were assets to the United States of America and certainly to this Congress.

It is absolutely proper and fitting that this tribute be made, naming this Federal building.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. REYES).

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

I rise in support of the bill, H.R. 3598, and urge the House to pass it. I am proud to have authored this legislation to name the Federal building in El Paso, Texas after Richard C. White, the man who represented the people of El Paso in Congress for 9 terms, from 1965 to 1983.

In his years of service to our Nation and to the people of the 16th district of Texas, Congressman White showed genuine concern for his constituents and a commitment to do all that was in his power to help those whom he served. He truly led a life filled with integrity, compassion and contributed to the welfare of others. And he made a lasting impression on the lives of all who knew him.

I am proud to have personally known Congressman White. The more I learned about this individual, the more respect and admiration I and members of my family had for this fine gentleman and representative of the people's House.

He made a lifetime commitment to his community and to his country. As a young man he served as a marine in World War II, seeing combat in Bougainville, Guam and Iwo Jima, where he was wounded and received the Purple Heart for his service to his country.

His military service was only the beginning of a lifetime of public service. Upon returning to the States, he began an outstanding career in 1949 as a lawyer advocating for the people of El Paso.

Heeding a for even greater community service, Congressman White launched a distinguished career as a State legislator, serving first in the Texas legislature from 1955 to 1958. From the beginning he worked hard to improve the quality of life along the Texas border and left behind a strong legacy for all border legislators.

Among his numerous legislative accomplishments, he focused on health care and environmental issues, establishing a nursing school at the University of Texas at El Paso and creating the Hueco Tanks State Park.

Thereafter he sought to make an even greater impact by serving at the national level and began a congressional career in 1965 as a representative for the 16th district of Texas.

Many of my colleagues were his colleagues and remember his powerful advocacy on behalf of El Paso and for the well-being of the Nation as a whole.

I can tell them that as I now serve in the seat he formerly held, I take great pride in working to meet the high standards that he set for all of us here in Congress. Congressman White personified the meaning of honorable leadership and public service. He stood for high ethics and moral values, and he always stood by his word.

Many of my colleagues recall his work on the Committee on Armed Services which reflected an unyielding commitment to our national security. He provided unwavering support for air defense through El Paso's Flort Bliss Army Post and drafted the reorganization of the Joint Chiefs of Staff.

In addition, he brought the needs of El Paso and the border to the forefront. He created the Chamizal Border Highway and the Chamizal National Memorial and enacted the Scenic Rivers bill. Moreover, I know that many of you were proud to have served with him on the Interior and Insular Affairs committee, the Post Office and Civil Service Committee and the Committee on Science, Space, and Technology.

While Richard White was known for his legislative accomplishments, maybe his greatest accomplishment was serving as a tremendous role model for countless young people from El Paso, the State of Texas and this great country.

He had a kind word for everyone he met and never failed to take time to encourage our children to reach their full potential. This was reflected in his dedication as a family man. And despite having attained seniority and earning the admiration of his peers in Congress, Richard White left this body after 9 terms in 1983, to return to that family that he so much loved in El Paso.

He was the proud father of 7 children and was devoted to spending more time with each and every one of them as they grew up. Nonetheless, after leaving Congress, he continued working towards the betterment of El Paso. He remained active in numerous community affairs and lent his wisdom to me and the 16th district as a mentor and as a civic leader. I can say that Richard White made the most of his life by touching the lives of all those around him. He will always be remembered as a wonderful Congressman and wonderful husband, a tremendous father, friend, role model and a great person.

He was a true gentleman who is profoundly missed and it is only fitting that we honor and remember him by passing this legislation today and naming the El Paso Federal building in his name.

I would like to thank my colleague, the gentleman from Texas (Mr. ARMEY) the majority leader, and also the minority leader, the gentleman from Missouri (Mr. GEPHARDT) for scheduling this bill on the floor today. I would also like to thank Committee on Transportation and Infrastructure chairman, the gentleman from Pennsylvania (Mr. SHUSTER), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for their full support of this legislation.

In addition, I want to thank the Subcommittee on Public Buildings and Economic Development, the gentleman from California (Mr. KIM), and the ranking member of the subcommittee, the gentleman from Ohio (Mr. TRAFICANT) for giving me this opportunity to speak on behalf of Richard White today.

I appreciate the work of their staffs in moving this legislation forward. I would also like to extend my extreme gratitude to the 41 Members who cosponsored H.R. 3598 and the other 16 Members who agreed to cosponsor the bill after it came out of committee.

Congressman White would have been pleased to know of his many friends in the 105th Congress who knew him and respected him and who remember his legacy of public achievement and leadership on behalf of this great Nation.

With passage of this bill, I look forward to the Senate's quicken enactment of the bill and the President's signature.

Richard White, thank you and gracias for your leadership and inspiration.

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

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

The SPEAKER pro tempore. 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. 3598.

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.

JERE COOPER FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2730) to designate the Federal building located at 309 North Church Street in Dyersburg, Tennessee, as the ''Jere Cooper Federal Building''.

The Clerk read as follows:

H.R. 2730

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 309 North Church Street in Dyersburg, Tennessee, shall be known and designated as the ''Jere Cooper 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 ''Jere Cooper 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.

H.R. 2730 designates the Federal building in Dyersburg, Tennessee as the Jere Cooper Federal building. Congressman Jere Cooper was born on a farm near Dyersburg, Tennessee in 1893. He attended local schools and earned a degree in law from Cumberland University in 1914.

In 1917, after commencing his legal practice, he enlisted in the Second Tennessee Infantry National Guard and was commissioned a first lieutenant. He served his country during World War I and was promoted to captain, serving as a regimental adjutant until his discharge in 1919.

Congressman Cooper began his political career as a member of the city council and city attorney from 1920 through 1928. He was also elected to the post of State Commander of the American Legion of Tennessee in 1921. In 1929, he was elected to the 71st United States Congress, representing a major portion of what is now the 8th congressional district of Tennessee.

He served his district for 14 succeeding Congresses, until his death in 1957. As a member, Congressman Cooper's distinguished himself on the Committee on Ways and Means as both a member and as chairman and served as chairman of the Joint Committee on Internal Revenue Taxation also.

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 want to join and associate myself with the remarks of the gentleman from California (Mr. KIM) on the bill.

I would also like to comment a little bit out of school about the fine efforts of the gentleman from Texas (Mr. REYES) for bringing the previous bill to the floor in honoring the great member from his district that he now represents so well.

On H.R. 2730, no question that we have a man that had a great impact on America, chairman of the Committee on Ways and Means, a leader, always prepared to stand up and do what he felt was right. I think it is absolutely firring that we join with the sponsor the gentleman from Tennessee (Mr. TANNER) to go ahead and support this designation. It is aptly fitting.

Mr. TANNER. Mr. Speaker, I rise today in support of H.R. 2730, a bill introduced to designate the Federal building in Dyersburg, Tennessee as the Jere Cooper Federal Building.

U.S. Representative Jere Cooper represented in Congress a major portion of what is now the 8th Congressional District of Tennessee. During his nearly three decades of service, he distinguished himself on the House Ways and Means Committee as both a member and as its chairman. His service began in 1929 when our country was in the depths of the Great Depression and continued through some of our nation's greatest challenges—World War II, the Korean War and the beginning of the cold war. He served his district, the State of Tennessee, and the Nation with pride and distinction.

Representative Cooper was born on a farm near Dyersburg in Dyer County, Tennessee, on July 20, 1893. In 1917, after earning a law degree from Cumberland College, he enlisted in the Second Tennessee Infantry, National Guard and was commissioned a first lieutenant. He served his country in France and Belgium during World War I. He was promoted to captain and served as regimental adjutant until discharged from the Army. He also served as the state Commander of the American Legion in Tennessee. He was first elected to the Seventy-First Congress and to the next fourteen Congresses serving from March 4, 1929, until his death in December 18, 1957. He served as the distinguished chairman of the Ways and Means Committee in the Eighty-Fourth and Eighty-Fifth Congresses.

I believe that designating the Federal building in Dyersburg, Tennessee as the Jere Cooper Federal Building is a befitting honor and memorial, and I urge my colleagues to support H.R. 2730, a bill to honor the late Representative Jere Cooper.

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

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

The SPEAKER pro tempore. 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. 2730.

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.

THURGOOD MARSHALL UNITED STATES COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2187) to designate the United States Courthouse located at 40 Foley Square in New York, New York, as the ''Thurgood Marshall United States Courthouse''.

The Clerk read as follows:

H.R. 2187

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 courthouse located at 40 Foley Square in New York, New York, shall be known and designated as the ''Thurgood Marshall United States Courthouse''.

SEC. 2. REFERENCES.

Any references in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Thurgood Marshall 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).

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

Mr. Speaker, House Resolution 2187, again, designates the United States Courthouse at 40 Foley Square in New York City as the Thurgood Marshall United States Courthouse.

Thurgood Marshall was born in Baltimore, Maryland. He graduated cum laude from Lincoln University in 1930, and graduated top of his class from Howard University School of Law in 1933.

Upon graduation from law school, Justice Marshall began his legal career with the National Association for the Advancement of Colored People. It was during this time, as chief counsel, that he organized efforts to end segregation in voting, housing, public accommodations and education. This legislation led to the landmark Supreme Court decision of Brown v. Board of Education which declared segregation in public schools to be unconstitutional.

In 1961, Justice Marshall was appointed to the Second Circuit Court of Appeals by President Kennedy, and 4 years later was chosen by President Lyndon Johnson to be the first African American Solicitor General. Two years later, in 1967, President Johnson nominated Justice Marshall to become the first African American Justice of the Supreme Court, where he served with distinction until his retirement in 1991. Justice Marshall died in 1993, and laid in state at the Supreme Court, a rare and privileged honor.

This is a fitting tribute to an honored jurist and great historical figure. I support this bill and urge my colleagues to support it.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL), the sponsor of the bill, and I commend him for the outstanding job and the efforts he has put forth in ensuring this be brought before the Congress.

Mr. ENGEL. Mr. Speaker, I thank my friend, the gentleman from Ohio (Mr. TRAFICANT), for those words and, Mr. Speaker, I rise to encourage my colleagues to support H.R. 2187, a bill which I introduced last year to name the Federal Courthouse at Foley Square in New York City as the Thurgood Marshall United States Courthouse.

By naming the Foley Square Courthouse after Justice Marshall, Congress would send a signal to the American people and the entire world of the importance of the principle of equality under the law.

As my colleagues know, the late Thurgood Marshall was not only the first African American Justice of the United States Supreme Court, he also was one of the greatest trial and appellate lawyers in the history of our Nation. Through his skill, advocacy, and

dedication to the cause of civil rights, he led the charge for equality not only for African Americans but for all Americans.

Thurgood Marshall was born on July 2nd, 1908 in Baltimore, Maryland. After attending public schools in Maryland, he received his Bachelor's Degree from Lincoln University in Pennsylvania, and his law degree from Howard University right here in Washington, D.C., where he graduated first in his class.

After handling a variety of private legal cases, Thurgood Marshall was appointed in 1936 as special counsel to the NAACP, the National Association for the Advancement of Colored People. Only 3 years later Marshall founded the NAACP Legal Defense and Education Fund, one of the great protectors of civil rights in our country's history.

While at the NAACP, Thurgood Marshall won 29 of 32 cases he argued before the United States Supreme Court. Most prominent of Marshall's victories was Brown v. Board of Education, in which the Supreme Court struck down the ''separate but equal'' policy that was used to justify school segregation. While at NAACP, Marshall also won important cases against discriminatory poll taxes, racial restrictions in housing, and whites-only primary elections.

In September 1961, after such a distinguished career with the NAACP, President John F. Kennedy appointed Thurgood Marshall as the first African American to sit as a judge on the United States Court of Appeals for the Second Circuit. And later, President Lyndon B. Johnson appointed Marshall as the first African American to serve as the United States Solicitor General.

On June 13, 1967, President Johnson appointed Thurgood Marshall as the first African American to sit as an Associate Justice of the Supreme Court. During his tenure on the court, Marshall became known for his heartfelt attacks on discrimination, unyielding opposition to the death penalty, and support for free speech and civil liberties.

The Courthouse at Foley Square in Manhattan, in New York City, has gone unnamed since its construction in 1935. I believe that identifying this courthouse with Justice Marshall would be a fitting tribute to his life's pursuit of justice and equality under the law.

This is a very, very famous courthouse. Indeed, when I first announced my candidacy for Congress 10 years ago, back in 1988, I announced it at the steps of the Federal Courthouse at Foley Square. It is a very, very important and well-known courthouse in the entire New York City metropolitan area.

Mr. Speaker, it is important to note that the New York State Senate, the New York State Bar Association and the New York State County Lawyers' Association, of which Marshall was a long-time member, have endorsed this bill. This bill has been endorsed in a bipartisan fashion with cosponsors of the bill, many cosponsors of the bill, including my colleagues, the gentleman from Westchester County, in New York, the chairman of the Committee on International Relations (Mr. GILMAN); the gentlewoman from New York (Mrs. KELLY); and the gentlewoman from New York (Mrs. LOWEY). And there are others as well.

I urge my colleagues to offer this tribute to Justice Thurgood Marshall and to support H.R. 2187. This is certainly a bill on which everyone agrees, and I am very grateful to the chairman of the committee, the gentleman from Pennsylvania (Mr. SHUSTER), who was very instrumental in helping me get this bill to the floor; the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); my friend, the gentleman from Ohio (Mr. TRAFICANT); and the gentleman from California (Mr. KIM). I want to thank everybody for this. This is truly a bipartisan effort.

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

Mr. ENGEL. I yield to the gentleman from New York, the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from New York (Mr. ENGEL) for bringing this matter to the floor, for working so diligently, and giving proper recognition to an outstanding leader in our country, an outstanding jurist, one we can all be proud of when we associate the name of Thurgood Marshall with a Federal Courthouse. Again, I join in support of the gentleman's measure.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS), the former Speaker of the State Legislature of Maryland, who is doing an outstanding job down here.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding me this time, and I wanted to take a moment to also thank the gentleman from New York (Mr. ENGEL) for the introduction of this legislation.

I feel very close to this legislation because Thurgood Marshall lived in a home which is literally about eight blocks from where I live in Baltimore right now. As a matter of fact, we also share something else in common, in that we are both graduates of Howard University.

I think Thurgood Marshall brought to our Nation a sense of fairness, and he is one who consistently stood up for the things that he believed in. Another interesting thing that I love about him is that a lot of his research for his cases was done in Clarendon County in South Carolina. That is where my mother and father were sharecroppers.

And so Thurgood Marshall has played a very, very significant role in the city of Baltimore. And, of course, he was turned away at one time from the University of Maryland Law School, which is the law school I attended and graduated from.

I think it is very fitting that this courthouse be named after Mr. Marshall. I would say to the gentleman from New York (Mr. ENGEL), that my only regret is we could not name a courthouse in Baltimore after Mr. Marshall, for he is truly a hero for all of us.

And he is one who is set out amongst lawyers, as we look at lawyers, and young African American lawyers looking for a role model. Thurgood Marshall was that role model, and I am sure he was a role model for many, many other lawyers and for many other people. So I want to thank the gentleman for this legislation.

Mr. TRAFICANT. Mr. Speaker, without a doubt Howard University has produced an awful lot of fine graduates.

I would just like to associate myself with all the remarks made, but I would like to steal a quote from FDR, when he talked about a day that would live in infamy. I would like to talk about a legal case that will literally live in infamy, the 1954 *Brown* v. *Board of Education of Topeka* case. That case handled by our great Supreme Court Justice Thurgood Marshall. The bottom line, racial segregation in the United States public schools was declared unconstitutional by the efforts of that legal case in 1954 that lives in infamy.

I want to commend the gentleman from New York (Mr. ENGEL) and the gentleman from New York (Mr. GILMAN) for this legislation. It is absolutely appropriate.

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

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

The SPEAKER pro tempore (Mr. SUNUNU). 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. 2187.

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 and include extraneous materials on H.R. 4595, as amended, H.R. 2187, H.R. 3598, and H.R. 2730, the bills just passed.

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

There was no objection.

AMENDING FAIR LABOR STANDARDS ACT TO PERMIT CERTAIN YOUTH TO PERFORM CERTAIN WORK WITH WOOD PRODUCTS

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4257) to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products, as amended.

The Clerk read as follows:

H.R. 4257

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

SECTION 1. EXEMPTION.

Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding at the end the following:

''(6)(A) Subject to subparagraph (B), in the administration and enforcement of the child labor provisions of this Act, it shall not be considered oppressive child labor for an individual who—

''(i) is at least 14 but under the age of 18, and

''(ii) is a member of a religious sect or division thereof whose established teachings do not permit formal education beyond the eighth grade,

to be employed inside or outside places of business where machinery is used to process wood products.

''(B) The employment of an individual under subparagraph (A) shall be permitted—

''(i) if the individual is supervised by an adult relative of the individual or is supervised by an adult member of the same religious sect or division as the individual;

''(ii) if the individual does not operate or assist in the operation of power-driven woodworking machines;

''(iii) if the individual is protected from wood particles or other flying debris within the workplace by a barrier appropriate to the potential hazard of such wood particles or flying debris or by maintaining a sufficient distance from machinery in operation; and

''(iv) if the individual is required to use personal protective equipment to prevent exposure to excessive levels of noise and saw dust.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 4257 addresses a unique problem resulting from the application of the child labor provisions of the Fair Labor Standards Act.

Children in the Amish community complete their formal classroom education at age 14 or 15. In fact, the Amish faith teaches that their children's formal classroom education should end after the 8th grade, after which they learn by doing, through work under the supervision of their parents or another community member.

For many years, most Amish youth worked in agriculture on their family farm. However, as every other farmer is suffering and struggling today, most Amish youth no longer have that opportunity. For a variety of reasons, the Amish have, in recent years, been forced to rely more and more on other occupations. Many have gone into operating sawmills and other types of woodworking.

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So increasingly, the opportunities to learn by doing for Amish young people are in these types of workplaces.

The problem is that the Department of Labor's Regulations prohibit 14- and 15-year-olds from working in any sawmill or woodworking shop and severely limit the work of 16- or 17-year-olds in these workplaces.

In recent years the Department of Labor has undertaken a number of enforcement actions against Amish employers. As a result, Amish youth no longer have the opportunity to learn skills and work habits through the community's traditional means. As the Amish struggle to raise their children and preserve their way of life, the Department of Labor's actions are, in effect, undermining the Amish culture.

H.R. 4257 is a narrow bill which addresses this specific problem. It would allow persons between the age 14 and 18 to work in sawmills and woodworking shops so long as they do so under the supervision of an adult relative or a member of the same faith. The young person would not be permitted under any circumstances to operate or assist in the operation of any power-driven woodworking machine. Again, I repeat they would not be permitted to operate or assist in the operation of any machinery.

A young person must be protected from wood particles or other wood flying debris within the workplace by a barrier or by maintaining an appropriate physical distance from operating the machinery. In addition, the young person must be protected from excessive levels of noise and sawdust by the use of personal protective equipment.

An amendment accepted during the Committee on Education and the Workforce markup made several changes to the bill to address safety concerns raised by some members of the committee. Subsequent to the committee's markup, the sponsors of the bill, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from California (Mr. MARTINEZ), had further discussions with other Democrats regarding strengthening the protection for Amish teens under the bill. These discussions have resulted in development of the substitute amendment which further defines the term ''barrier.''

While I would remind my colleagues that the Amish young people addressed by this bill must be working for relatives and other members within the Amish community, the additional protections provided by this substitute amendment will further assure the safety of these young people.

I want to particularly commend other Members who have been working over the past months to address this problem, particularly the gentleman from Pennsylvania (Mr. PITTS), the gentleman from Pennsylvania (Mr. PETERSON), the gentleman from California (Mr. MARTINEZ), and the gentleman from Indiana (Mr. SOUDER).

Members have made repeated attempts to work out an administrative solution with the department, but the department has been unwilling or unable to alleviate the conflict between the current regulation and the Amish community's way of life. That is why we are fixing the problem through legislation.

This bill allows the Amish to continue in their traditional way of training their children in a craft or occupation while ensuring the safety of those who work in woodworking occupations. I would urge my colleagues to support this bipartisan legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, first of all, I want to commend and thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from California (Mr. MARTINEZ), the gentleman from Pennsylvania (Mr. FATTAH), the gentleman from Indiana (Mr. SOUDER), and the gentleman from Pennsylvania (Mr. PETERSON) for their work on this issue in a bipartisan manner.

Mr. Speaker, today we are addressing an issue important to the Amish communities of more than 20 States in this country. In my district alone, approximately 30,000 Amish reside. People around the world know the old-order Amish to be a people who till the land and who live a disciplined, simple life.

Traditionally, Amish communities are centered around the family farm. Amish parents show their children how to make a living by caring for crops and animals. However, combine the high growth rate and the soaring price of farm land and many Amish have been forced to look for alternatives to farming.

Amish have now developed numerous small businesses in such things as carriages, lumber, clocks, wagons, cabinetry, and quilts. And it is in these businesses, just like on the farm, that the Amish train their youth to work and to learn the trade of their parents.

As my colleagues may know, in the Amish culture idleness is forbidden. Therefore, because Amish school is only up to the 8th grade, and that is by the approval of the courts and the State governments, and this is according to their religious beliefs, younger kids must immediately begin to learn a vocation after they finish the 8th grade.

And this is a vital extension of Amish schooling. It is sort of like an apprenticeship program. They do not have the benefit of shop class or votech like many of the other youngsters have. It is not uncommon for Amish teens to accompany a parent to the workplace. The Amish call this learning by doing.

Mr. Speaker, the reason we are here to discuss this issue today is because this hard-working community and its apprenticeship tradition is being threatened. Unfortunately, small Amish-owned businesses have received costly fines from the Department of Labor for having their young adults work alongside their fathers and uncles, even in family businesses.

Mr. Speaker, action of the Department of Labor have severely threatened the life-style and the religion of this respected and humble community. All the Amish folks want is to be left alone, to teach their youth the necessary skills and work ethic, and to bring up the next generation in a way that will allow them to be diligent and responsible.

The Amish do not accept any assistance whatsoever from government programs, and our government should not interfere with this humble community. Several of my colleagues, along with our Amish constituents, have met with the Department of Labor officials several times over the past 2 years to find an administrative solution to this problem. Unfortunately, the Department of Labor has done nothing to recognize the unique situation of the Amish.

This community, which does not have the benefit of shop class, as I said, or vo-tech schools like most youth of their age, instead have family learning situations. They have a responsibility to evaluate the Amish in this light. That is why the gentleman from California (Mr. MARTINEZ) and I, along with numerous other Members, have introduced H.R. 4257.

This narrow legislation will allow only young adults of the Amish faith to accompany a parent or a relative to work in places of business, including those where machinery is used to process wood products. They cannot use these machines or power tools, but they can be on the premises with certain safety precautions and they can do such things such as sweep sawdust, stack planks, glue lumber, and do paperwork.

This legislation takes all the necessary health and safety requirements seriously. It requires that young adults be supervised. It prohibits them from operating machinery. It provides numerous safety protections.

Mr. Speaker, many communities like Lancaster County, Pennsylvania greatly appreciate the heritage and work ethic of the Amish. We want to keep them as part of our communities. However, if the Amish continue to be attacked by the State and Federal governments, they will be driven out of our communities. Their strong heritage will be undermined by governmental interference.

I urge my colleagues to protect the Amish heritage. Support H.R. 4257.

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

Mr. Speaker, I oppose H.R. 4257 because it creates a dangerous exception to our country's most critical child protection law. Current law prohibits all minors under 18 years of age from working in sawmill operations and the logging industry. It specifically prohibits such youth from operating power-driven woodworking machines.

This bill would permit 14-year-old children to work in one of the most hazardous, dangerous industries in the country. The occupational fatality rate in the lumber and wood products industry is five times higher than the national average. Workers in the industry have been killed as a result of being crushed by forklifts. They have been killed when loads fell off the forklifts. They have been suffocated by sawdust.

An Amish elder, William Burkholder, told our committee how he lost several fingers when, during a moment of inattention, he set his hand on a conveyor belt and he ran his hand into a saw. Inexperience and lack of maturity all serve to make the potential risk faced by minors even greater than they are for adults.

It is unreasonable to expect a 14-year-old to maintain the kind of continuous safety concern we expect of adults. In this industry, that moment of inattention can be fatal.

Injury data collected over several decades consistently showed that the lumber and wood products industry is particularly hazardous work for adults, and it will be even worse for children. The 1996 occupational fatality rate of 25.6 work-related deaths per 100,000 workers was more than 5 times the national average.

One of the most important functions of the child labor laws is to ensure that children are not employed in circumstances that are unduly hazardous to their health. Fourteen-year-olds do not possess the full autonomy of choice and may not possess the full capacity for choice possessed by adults, and they should not be placed in harm's way.

I do not, Mr. Speaker, mean to imply that the proponents of this legislation are indifferent to the health and safety of Amish children. I understand the concern that children be employed in occupations common to the Amish community. However, to permit children to be employed in an industry where the threat of serious injury or death is so high, I think should be unacceptable.

Mr. Speaker, for all of these reasons, I oppose H.R. 4257.

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

Mr. GOODLING. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I would first like to compliment the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Pennsylvania (Mr. PITTS) and all of those that worked so hard on this legislation.

But in response to what we just heard about a dangerous exception, I want to share that they will not be near conveyor belts or saws or chippers, and Amish mills do not own or use forklifts or have sawdust silos, so the concerns that we just heard are really not valid.

H.R. 4257 provides a narrow and specific solution to an instance where the Federal Government has gone too far in ruining an historic culture. As many of us know, Amish children complete formal schooling in the 8th grade, which is around the age of 14. Typically, Amish youth then pursue either their parents' or close relatives' trade and business. While the Amish way of subsistence life tends them toward farming, several other trades are practiced, including blacksmithing, woodworking, and lumbering.

I worked for a summer. I had two Amish men working for me remodeling a couple of buildings, and I was always amazed at how they would drive a large spike in about two swings. And the one young man said, ''If you started as young as I did with a hammer in your hand and were taught how to hit a nail directly, and then as you got older developed the strength, you could drive a nail that fast, too.''

The time period between the ages of 14 and 18 is an importantly critical transition with the Amish culture. Unfortunately, the Department of Labor descended upon Amish mills in my district and the district of the gentleman from Pennsylvania (Mr. PITTS) and other districts and particularly targeted them.

While no one here would advocate that children operate saws and other equipment in the mill, they should be able to perform the simple and safe tasks of stacking lumber and sweeping the mill. The sad situation is that the hazardous orders invoked by the department forbid even this approach, a simple, common-sense strategy to preserving the Amish culture.

H.R. 4257 encompasses a sensible solution in a fashion which has addressed many concerns regarding safety that include such items as hearing protection and barriers and the rare instance of flying debris.

I would like to address the issue of safety briefly. In my dealings with the Amish, I have come to learn of a culture which strives to instill a sense of utmost respect for everything. This, coupled with a dedicate work ethic, ensures a complete understanding of equipment and work environment. As such, safety is first and foremost during this transition.

In closing, this bill addresses an issue which the American people have been yearning for, reasonable solutions to a variety of problems that maintain the integrity of the law but allow for creativity and flexibility. We did not get that from the department.

The Amish do not have their hand out. They are not even asking for a hand up. They want an ill-advised Federal bureaucracy to untie their hands so they can continue to be a hard-working and self-sustaining society and a very vital part of America.

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Mr. GOODLING. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana (Mr. SOUDER), a member of the committee.

Mr. SOUDER. Mr. Speaker, I too want to thank the chairman for his leadership on this, as well as the gentleman from Pennsylvania (Mr. PITTS),

the gentleman from California (Mr. MARTINEZ) and the gentleman from Pennsylvania (Mr. PETERSON). As we have gone through our meetings with the Department of Labor, it has been a frustrating experience, and I certainly hope we will not only overwhelmingly pass this bill today, but be able to move it through the Senate and get it signed into law.

I have a slightly different perspective than many here because my family once was Amish. My great-great-grandfather, great grandfather was one of the first Amish settlers in Northeastern Indiana. My family left the Amish faith around the turn of the century, but I still have many friends and many family members who are in the Amish faith around the small town that I grew up in and where our family business is located.

They are not a people who are looking for trouble. They are looking for a place where they can be left alone, and they will go to the jungles of Brazil, if that is necessary.

The question is, in the United States of America anymore, are we going to allow people to practice their religious freedom and to practice their faith the way they choose? We are not asking that we put safety at risk. The bill explicitly says that the individual cannot operate or assist in the operation of power-driven woodworking machines.

As far as opening up a loophole that might broaden so that others might try to get this exemption, as long as they are willing to give up their TVs, their radios, their telephones, ride around in Amish buggies, perhaps they can change and get into this loophole.

But this is a very narrow category for a group of people who have already been cleared by this government several decades ago to have a different form of school, where they can leave at junior high level and go into apprenticeships. They cannot make enough money in many areas anymore to do this with just farming. Most have gone into some form of woodworking, whether it is carpentry, pallets, home building, cabinets or whatever.

If we in fact shut them down and shut their young people's opportunities down, they will be forced to move and to go somewhere else. That is the fundamental question here: Can we accommodate just slightly with the safety, and, by the way, what a joke. We are seeing kids dying in automobile wrecks, dying of drug abuse, and we are worried whether one, even with this blockage, might somehow have an accident while they are working? The amount of deaths and accidents in the Amish community compared to that in the English community, as they call the others around them, is minuscule.

That is not what this is about. It is not about safety. It is a question of whether the humble powerless people like the Amish can be free to practice their worship yet here in America, or whether we are going to be so uniform and so inflexible in this government that we will drive them out.

Mr. MARTINEZ. Mr. Speaker, last spring the Committee on Education and the Workforce heard testimony from members of the Amish community who expressed concern over their inability to comply with certain aspects of the Fair Labor Standards Act. Since that time, I have been working with the gentleman from Pennsylvania, the author of this bill, to reach some sort of arrangement under which the Amish could take their children with them to work while at the same time provide them with the safest environment possible. I believe that H.R. 4257 creates such an arrangement.

H.R. 4257 is necessary because, although the Amish are trying very hard to adapt in this increasing high-tech world while at the same time maintain a part of their tradition, this is becoming increasingly difficult given the fact that historically Amish farmland is disappearing rapidly.

Take, for example, Lancaster County, Pennsylvania, which is home to nearly one-fifth of the nation's Amish population and is the fastest growing county in Pennsylvania. Land prices and property taxes, which can run as high as $8,000 to $10,000 an acre, have forced many Amish to abandon farming and caused Lancaster County to lose more than 100,000 acres of farmland to development, which is significant when you consider that the average Amish farm is only 100 acres. As a result, townhouses and swimming pools now stand on the fertile land that the Amish have tended for over three centuries. In fact, last year, the world monument fund named Lancaster County one of the world's 100 most endangered historic sites, putting it in the company of the Taj Mahal and the ruins of Pompeii.

However, the Amish are doing their best to adapt in the face of their rapidly changing environment. For instance, whereas 95 percent of Amish men previously made their living on the farm, now as many as 50 percent work in non-farm occupations, primarily in the lumber and woodworking industries, as saw mills are prevalent in Amish country and recent tourist interest in the Amish way of life has created a demand for Amish-made goods, particularly furniture and crafts. However, while these jobs suit the traditionally hardworking and industrious Amish men, they do come with complications.

Amish children finish their formal education after the 8th grade, at approximately age 14. At this time, Amish boys go to work with their families, which used to be on the farm. However, Amish men have found that when they take their sons with them to work in the saw mills and woodshops, they risk the possibility of being fined by the Department of Labor for violating child labor laws, which prevent minors from performing hazardous duties.

Obviously, none of us want to put young people in harm's way. But this situation is causing a dilemma in the Amish community and has forced hundreds of young men between the ages of 14 and 18 to be forced to remain home idle for lack of a job—a grave sin according to Amish doctrine and a potential social problem for the rest of America—a fact evidenced by several recent news reports regarding the Amish becoming involved in drugs.

As I mentioned, Mr. Pitts and I have been working together for several months to find a satisfactory solution to this complicated problem. The result of our efforts is H.R. 4257. H.R. 4257 not only requires that the Amish children be protected from dangerous machinery, flying objects, excessive noise, and saw dust, it requires that the Amish children be supervised by an adult relative or member of the sect.

Who better to ensure the safety of a young person than a father, uncle, brother, or close family friend, who cares about that young person? If your son, nephew, or brother were dangerously close to hazardous machinery, would you stand idly by? I know I would not, and I am confident that the Amish, who are so focused on family that they prohibit phones from the home for fear they will interfere with family time, would not either.

We are a nation of immigrants, with different backgrounds and beliefs, founded on the premise that its citizens should be free to acknowledge their backgrounds and practice their beliefs. As responsible lawmakers it is our duty to develop policy that allows individuals to do this. As such, I urge my colleagues to support H.R. 4257.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 4257, 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.

DRIVE FOR TEEN EMPLOYMENT ACT

Mr. FAWELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2327) to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors between 16 and 18 years of age who engage in the operation of automobiles and trucks, as amended.

The Clerk read as follows:

H.R. 2327

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Drive for Teen Employment Act''.

SEC. 2. AUTHORITY FOR MINORS TO OPERATE MOTOR VEHICLES.

(a) AMENDMENT.—Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding at the end the following:

''(6) In the administration and enforcement of the child labor provisions of this Act, employees who are under 17 years of age may not drive automobiles or trucks on public roadways. Employees who are 17 years of age may drive automobiles or trucks on public roadways only if—

''(A) such driving is restricted to daylight hours;

''(B) the employee holds a State license valid for the type of driving involved in the job performed and has no records of any moving violation at the time of hire;

''(C) the employee has successfully completed a State approved driver education course;

''(D) the automobile or truck is equipped with a seat belt for the driver and any passengers and the employee's employer has instructed the employee that the seat belts must be used when driving the automobile or truck;

''(E) the automobile or truck does not exceed 6,000 pounds of gross vehicle weight;

''(F) such driving does not involve—

''(i) the towing of vehicles;

''(ii) route deliveries or route sales;

''(iii) the transportation for hire of property, goods, or passengers;

''(iv) urgent, time-sensitive deliveries;

''(v) more than 2 trips away from the primary place of employment in any single day for the purpose of delivering goods of the employee's employer to a customer (other than urgent, time-sensitive deliveries);

''(vi) more than 2 trips away from the primary place of employment in any single day for the purpose of transporting passengers (other than employees of the employer);

''(vii) transporting more than 3 passengers (including employees of the employer); or

''(vii) driving beyond a 30 mile radius from the employee's place of employment; and

''(G) such driving is only occasional and incidental to the employee's employment.

For purposes of subparagraph (G), the term 'occasional and incidental' is no more than one-third of an employee's worktime in any workday and no more than 20 percent of an employee's worktime in any workweek.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) defining the term ''occasional and incidental'' shall apply to all pending cases, actions, or citations in which a final judgment has not been entered, except that it shall not apply to any case, action, or citation involving property damage or personal injury.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. FAWELL) and the gentleman from Tennessee (Mr. FORD) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. FAWELL).

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

Mr. Speaker, I rise in support of H.R. 2327, the Drive for Teen Employment Act. This is a bipartisan bill introduced by the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. GREEN) and my colleague on the Committee on Education and Workforce, the gentleman from California (Mr. MARTINEZ).

Mr. Speaker, the purpose of the bill is to modify the Department of Labor's overly restrictive interpretation of its own regulation which essentially prohibits 16 and 17 year old employees from driving on public roads while they are employed. This current interpretation, which is not required by the regulation itself, was announced in the context of enforcement actions against certain employers who had no advance notice of the department's narrow interpretation of the child labor laws.

While the Department of Labor's regulations allow ''occasional and incidental'' driving by 16 and 17 year olds, the department has in recent years claimed that this regulation prohibits those under 18 from any driving during employment except perhaps in ''rare and emergency'' situations.

Not only is the department's current interpretation not consistent with the regulation itself, but it has had the effect of denying important job opportunities for teenagers without any demonstrated increase in safety. As a result, innocent small business owners have been fined by the Department of Labor on the basis of an interpretation of a regulation of which they did not even have notice.

As introduced and passed by the Committee on Education and Workforce, H.R. 2327 put into law a new test with regard to the amount of time that teenage employees could drive to allow them to drive up to one-third of the workday, one-fifth of the workweek, and 50 miles from the place of employment.

The bill also retained all of the other conditions on teenage drivers that are part of the current regulation: The vehicle must weigh less than 6,000 pounds, the driving is restricted to daylight hours, the minor holds a state driver's license, the vehicle is equipped with a seat belt or similar restraining device for the driver and for each helper, and the employer has instructed each minor that seat belts must be used. That the driving does not involve the towing of other vehicles is also a requirement, and the driving must be ''occasional and incidental'' through the minor's employment.

Subsequent to the committee's markup of the bill, the sponsors of the bill had lengthy negotiations with the Department of Labor and other interested members of the committee. These talks have resulted in the development of the bipartisan substitute amendment which we are considering today.

Under the substitute, only 17 year olds are permitted to drive during employment. In addition, there is a limitation on the number of trips per day that a 17 year old may drive for the purpose of delivering packages or transporting other persons.

This substitute amendment would not decrease safety on the road or endanger young people. It simply provides a reasonable and practical solution to an overly restrictive and unfairly enforced interpretation by the Department of Labor, which has denied job opportunities to young people without increasing safety.

These new restrictions will make driving on the job by teens safer, and employers will still have every incentive to ensure that their teenage employees drive safely.

I would like to commend my colleagues, the gentleman from Texas (Mr. COMBEST), the gentleman from Texas (Mr. GREEN) and the gentleman from California (Mr. MARTINEZ) for their persistence and hard work and a lot of negotiating to bring this substitute amendment to the floor, and I would urge my colleagues to support it.

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

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

Mr. Speaker, I rise today in support of H.R. 2327, the Drive for Teen Employment Act, as amended. I want to begin by thanking the gentleman from Texas (Mr. COMBEST), the gentleman from California (Mr. MARTINEZ) and the gentleman from Texas (Mr. GREEN), as well as my friend the gentleman from Illinois (Mr. FAWELL), for all of their hard work and persistence in drafting this substitute amendment and for addressing many of the legitimate concerns raised by the Department of Labor, child labor advocacy groups, and many Democrats on the Committee on Education and Workforce. Because of their efforts, we are able to have a bipartisan bill before us today.

As the gentleman from Illinois (Mr. FAWELL) so eloquently stated, under current law teenagers age 16 and 17 are significantly restricted in driving as part of their job responsibilities. In particular, teens may not spend more than 20 percent of their workday driving, and may not spend more than 5 percent of their workweek driving.

The substitute amendment that the gentleman from Illinois (Mr. FAWELL) is offering today would prohibit 16 year olds from driving and would permit 17 year olds with certain existing and new restrictions to drive as part of their job responsibilities for up to one-third of the workday and up to one-fifth of the workweek.

In short, H.R. 2327 will allow thousands of teenagers, including those participating in the school-to-work programs, the ability to pursue a broader range of work opportunities, even including those involving driving.

Although this legislation is a step forward, I and many of my colleagues had some concerns. Specifically, a high accident rate amongst teenagers, the fact that teens are young and inexperienced drivers, and our responsibility to protect teenagers from the dangers and perils in the workplace as we do other workers.

According to the Insurance Institute for Highway Safety, the death rate for 16 year olds has been on an upward trend, increasing from 19 per every 100,000 deaths in 1975, to 35 per 100,000 in 1996. Conversely, the death rate among older teens has declined slightly.

In an effort total address these real concerns, H.R. 2327 provides greater protection than even current regulations in circumstances that are most likely to result in injury or even death to the minor and to others. Before a 17 year old may be employed to drive, the minor must have a valid license, must have completed an approved driver education course and must have a clean driving record at the time of hire.

The vehicle the minor is driving must be limited in size and must be equipped with seat belts for all passengers. The minor must be instructed by the employer regarding the required use of seat belts.

Driving is restricted to a 30 mile radius from a teenager's place of employment. Minors are prohibited from driving that involves the towing of vehicles, route sales or deliveries, transportation for hire of property, goods or passengers or urgent time sensitive deliveries.

Finally, this legislation will ensure that driving only occurs occasionally by placing a limit of two trips per day on the number of times a minor may drive to deliver goods to a customer or transport non-employee passengers.

The legislation would leave intact current requirements that encourage safe driving by teens and require them to be in compliance with all state laws governing driving. Although the intent and effect of this legislation is to increase the time a 17 year old is allowed to drive while working, it does so in a manner that is fully cognizant of the health and safety risks that come with driving.

I do not wish to mislead my colleagues, however. As in any situation where one seeks to reconcile conflicting interests, the reconciliation will not please everyone. Some of my colleagues may continue to have concerns about this legislation and some child labor advocacy groups may still oppose H.R. 2327. However, like the gentleman from Illinois (Mr. FAWELL), I strongly believe that this legislation strikes a sensible balance, for it allows 17 year olds the ability and opportunity for more work opportunities and the ability to be more efficient and productive employees. It also improves upon existing safety and health protections for minors and the for public.

Mr. Speaker, I urge the adoption of H.R. 2327.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend from Tennessee for yielding me time.

Mr. Speaker, I rise in support of this legislation, and I thank the gentleman from Texas (Mr. COMBEST), the gentleman from Texas (Mr. GREEN) and the gentleman from California (Mr. MARTINEZ) of the committee for their outstanding work, and thank the chairman of the subcommittee, the gentleman from Illinois (Mr. FAWELL), for bringing this to the floor.

Mr. Speaker, I am absolutely not in favor of any watering down or weakening of the child labor laws and protections of this country. Decades ago people fought very hard to achieve those laws, and I do not want to see them weakened in any way.

I believe that this is not a weakening of child labor laws, with all due respect to those who raise objections. I think there are three important safeguards in this bill that continue to protect child labor.

Safeguard Number 1 is the requirement that the minor who is involved have a valid state driver's license in effect at the time he or she is working. That is very important, because a state is not going to give a young person a driver's license who is not worthy or permit that driver's license to stay in effect if the driver is unsafe.

The second important check are the many limitations in this bill that both the gentleman from Tennessee (Mr. FORD) and the gentleman from Illinois (Mr. FAWELL) describe, limitations on the number of hours the young person may drive, limitations on the miles the young person may drive, limitations on the weight of the vehicle, no authority for towing another vehicle and proper instruction on proper safety uses of the vehicle.

The final check I think is one that comes from common sense. We certainly know that there are some reckless teenage drivers. There are some reckless drivers of every age. I think the best check against reckless teenage drivers are the auto dealers who are responsible for the vehicles. The last thing in the world that a responsible auto dealer wants to do is to have an employee of that dealership take the vehicle out on the road and drive it recklessly, because they are either going to be liable to the owner of the car, if it is being repaired, or the factory, if the car has not yet been sold.

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Common sense tells us that the employers are not likely to entrust the operation of these cars to highly irresponsible drivers.

Finally, let me say that I think that this is a bill that is really a youth employment bill. There are many young people, male and female, who have gotten their start working part-time at an auto dealership. Frankly, if the young person is not permitted to drive on occasion, his or her value to the auto dealer as an employer is rather diminished.

We are challenged in this country and in this Congress with coming up with ways that private sector employers can reach out and employ young people who are trying to help support their families or earn money for their education. I can think of no better way than the elimination of arbitrary and capricious rules. I believe that this legislation, supported by both Democrats and Republicans, is an example of legislation that removes such arbitrary and capricious rules. I am pleased to support it. I thank my friend, the gentleman from Tennessee (Mr. FORD), for his leadership in this effort.

Mr. FORD. Mr. Speaker, I thank the gentleman from New Jersey. We are blessed to have two erudite Members on this side, Mr. Speaker; first, the gentleman from New Jersey (Mr. ANDREWS), and secondly, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding, and for the vocabulary lesson. I do not know whether to have that taken down or not, but I am going back and check.

I have been following this legislation carefully, and I marvel at the hard work of the committee for bringing it forward. In 1994, the Department of Labor did, in fact, adopt a new interpretation of the Federal Child Labor regulations that effectively eliminated occasional and incidental driving by teenage employees of auto dealers.

In my community in the Pacific Northwest, this interpretation that was adopted without notice or rulemaking led to the imposition of over $200,000 in fines against more than 60 auto dealers in the Pacific Northwest, people who in my experience are pretty straight-ahead folks, good public citizens and easy to work with.

The process by which the new rule was adopted I think was bad; the fines were worse. I am pleased that we are taking steps here to eliminate the most severe consequence, which was the decision on the part of many auto dealers to no longer hire teenagers for after-school and summer service for porters and lot attendants. These were jobs that gave young people the opportunity to earn money and gain career-building experience.

I personally benefited in my formative years with employment opportunities that were auto-related, and frankly, I do identify with the comments of my friend from New Jersey that in fact probably these young people were as safe and perhaps safer, because one is not going to entrust valuable property to people one thinks are irresponsible. Bear in mind these are some of the same young drivers that some would have us protect, who are out driving large machines without supervision, without the experience at times that they would have in the employment situation.

Mr. Speaker, I am pleased that we are taking steps to remedy this. I am sorry that it took so long. I do think that the job limits that have been adopted, the protections, the restrictions, are more than adequate. Some may argue that it goes a little further than necessary, particularly at a time when there are some in this body who are calling for the imposition of adult criminal sanctions against teenagers.

I think what the committee has done, coming forward to provide employment opportunities, is sensible. It will remove the concerns that auto dealers and many business owners have for hiring teenagers for jobs that require limited driving, and it does give the Department of Labor clear and fair guidelines to enforce.

Mr. Speaker, I appreciate the work that has been done.

Mr. GREEN. Mr. Speaker, I rise in strong support of H.R. 2327, the Drive for Teen Employment Act. I have been working on this bill for three years and believe we have reached the right balance between safety and common-sense. I would like to express my appreciation to my colleague from Texas, Mr. COMBEST, as well as the Democratic Members of

the Education and Workforce Committee, for the opportunity to address my safety concerns. This bill will help increase employment opportunities for 17-year-olds, and I urge my colleagues to support it.

H.R. 2327 addresses the ability of licensed 17-year-olds to drive limited amounts on the job. Under current law, minors are permitted to drive on the job within certain limits. However, the Department of Labor has narrowly defined these restrictions to the point that minors would be prohibited from driving on the job under most circumstances. Fines have been levied against automobile dealerships and other businesses for having teens complete such tasks as moving cars after they are washed or returning vehicles from the gasoline station.

The Drive for Teen Employment Act merely established a clear definition for limited driving, while maintaining injury-prevention measures on the job. This bill will allow limited driving by a 17-year-old in low risk and supervised settings and provides numerous safeguards, including: work-related driving is restricted to daylight hours; towing is prohibited; the driver must hold a state driver's license and must have completed a state approved driver education course; the driving is capped at 20 percent of the work week; minors must not have any record of moving violations at the time of hire; driving distance is limited to a 30-mile radius; route deliveries and route sales are prohibited; and urgent, time-sensitive deliveries are prohibited.

By establishing safety precautions and clear guidelines for employers, we can encourage much-needed employment for teenagers, while maintaining safety measures on the job. I encourage my colleagues to support this bill.

Mr. COMBEST. Mr. Speaker, I have had a long interest in reforming regulations that do not pass what I call ''The Stupid Test.'' I believe the teen driver regulation is a poster child for failing ''The Stupid Test.''

In 1993, the Department of Labor made a major regulatory change in the working definition of what incidental and occasional meant for licensed 16 and 17 year olds driving in the workplace. The change limits those under age 18 from driving more than one incident a week. The Department did this with no formal rule making and without informing any small businesses. Businesses first learned of the change when they received fines for non-compliance.

One such incident involved a 17 year-old student working in a high school sponsored co-op program at a local bank in Milan, Illinois. This young lady was in the bookkeeping department and would occasionally make trips to a branch bank four miles away. The bank was fined $500 because of her occasional driving. Does it make any sense that these teens can drive an unlimited amount when they are not working, but while under supervised protection at work, they are completely prohibited from driving?

In Washington State alone, it is estimated that this regulation resulted in the loss of at least 1,000 job opportunities for teens. The irony is that while the Department of Labor is spending upwards of $900 million annually on summer jobs programs, their own regulations is restricting the hiring of teens.

My co-authoris GENE GREEN and MARTY MARTINEZ have helped negotiate a good bill that, while not going as far as the bill reported out of the House Education and Workforce Committee, it at least establishes some reasonable definition for what driving activities 17 year olds can perform. We reluctantly agreed to preclude 16 year olds from the bill after opposition from the Department of Labor.

Under the bill driving is allowed as long as it does not exceed one-third of an employee's worktime in any workday and no more than 20 percent of an employees worktime in any work week. The bill limits the daily delivery of goods to two trips, although under the bill an employers vehicle is not considered a good.

This legislation has been endorsed by the National Small Business United, National Automobile Dealers Association, National Community Pharmacists Association and the National Association of Minority Automobile Dealers.

We simply seek to bring a clearer, more reasonable standard for workers and business and hope you will support passage of H.R. 2327.

Mr. MARTINEZ. Mr. Speaker, I rise today in support of H.R. 2327, the Drive for Teen Employment Act.

Under current law, minors are permitted to drive on the job under occasional and incidental circumstances, and until 1994, automobile dealerships across the country regularly employed minors to wash and detail cars, move cars on the lots, and occasionally drive an automobile to a nearby lot or gas station. These jobs provided employment for thousands of young people.

However, in 1994, the Department of Labor, without any rulemaking, decided to define occasional and incidental so narrowly as to prohibit minors from driving on the job under almost all circumstances. The Department then fined 60 Seattle area auto dealers nearly $200,000 for alleged child labor law violations and caused nearly 1,000 16 and 17 year olds to become unemployed.

To address this problem, my colleague from Texas, Mr. COMBEST, introduced H.R. 2327. H.R. 2327, as passed by the Committee on Education and the Workforce, included provisions to permit 16 and 17 year olds to drive during daylight hours for no more than one-third of the day and no more than 20 percent of the work week. It also prohibited minors from towing or driving outside of a 50 mile radius from the job site.

Since the bill was reported by the Committee, several of my colleagues and I have worked with Mr. COMBEST to further restrict the provisions of the bill and make it even better. The bill before you today pertains only to 17 year olds, requires that the minor have a clean driving record, and limits driving to a 30-mile radius.

This bill merely removes the concerns small business owners have about hiring teenagers for jobs that require limited driving and establishes clear guidelines to assist the Department in enforcing a regulation under its jurisdiction.

At a time when, according to Secretary of Labor Alexis Herman, ''despite the strong economy, young people living in high-poverty areas don't have jobs,'' H.R. 2327 makes good sense.

I urge my colleagues to support it.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Illinois (Mr. FAWELL) that the House suspend the rules and pass the bill, H.R. 2327, 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 provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operation of automobiles and trucks.''

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAWELL. 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. 2327 and on H.R. 4257.

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

There was no objection.

CONFERENCE REPORT ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the order of the House of Friday, September 25, 1998, I call up the conference report on the bill (H.R. 4103), making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, September 25, 1998, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 25, 1998 at page H8657.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 4103, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, I call up the conference report on the Defense Appropriations bill, which is a very good conference report, and it is a good defense appropriations bill as far as it goes. The

problem is, this bill does not make adequate funds available to meet some of the shortfalls that have been identified by the Army and the Navy and the Marine Corps and the Air Force.

The bill is $488 million below the President's budget request, but it is only below the President's budget request because the military construction allocation was so low, so critically low that we had to transfer that much of our authority to the Subcommittee on Military Construction.

Despite this, in the conference report before the House we added $202 million over the budget request for a higher pay raise for the troops than was proposed by the President. We increased net funding for the Readiness accounts, Operation and Maintenance, by more than $500 million over the President's budget, while we cut a lot of unnecessary administrative and headquarters costs. We added $370 million over the budget request for National Guard and Reserve training and operations.

We provided $135 million for the Department of Defense-sponsored Peer Review Breast Cancer Research program. The President's budget requested no funds for that program. We also provided $50 million for the DOD-sponsored Peer Review Prostate Cancer Research program, again funds that were not included in the budget request. We provided $735 million for Defense counter-drug and drug interdiction programs.

Mr. Speaker, the list of the needs of the Department of Defense and the services is very long, and some of the more obvious are:

FY 1999 PRESIDENT'S BUDGET IS NOT ADEQUATE

Under the President's proposed FY 1999 defense budget, this will be the fourteenth straight year defense spending has fallen, when inflation is taken into account (every year since FY 1985). The cumulative decline since 1985 is nearly 40 percent.

When considered in constant dollars, the President proposed FY 1999 defense budget is the lowest in nearly forty years.

Moreover, the President's proposed plan for defense over the next five years (FY 1999–2003) is more than $54 billion less than what is needed to keep up with inflation.

FORCE STRUCTURE CUTS/INCREASED DEPLOYMENTS

The size of the active duty military force has been cut by 36 percent (or over 700,000 troops) over the past ten years.

Yet that smaller force is being asked to deploy more and more often.

Army overseas deployment are up 300 percent from the rates sustained during the Cold War. This year, on average, on any given day one of three Army soldiers is deployed outside of the United States.

The Army had 18 active divisions during Desert Storm. We are down to 10 divisions today.

For the Navy today, on any given day 57 percent of its ships are at sea on deployment. In 1992 the figure was 37 percent.

The number of Air Force personnel deployed away from home today is four times higher than in 1989—yet the Air Force is more than one-third smaller.

Through FY 2003, the President budget plans on cutting a total of 103,000 active duty and reserve military personnel from existing levels (54,000 active duty and 49,000 reserve personnel).

So while their missions are going up, because of budget constraints the military continues to shrink in size.

MANPOWER PROBLEMS

The services are having growing problems retaining personnel. Some examples:

Air Force pilot retention is down significantly. A few years ago the re-enlistment rate was near 75 percent. Today it is at 36 percent, well below the Air Force target of 58 percent.

Both the Navy and the Air Force are well below their targets for re-enlistments of first-term personnel. The Air Force is 18 percent below it re-enlistment goal, the Navy 7 percent. A recent Navy Times survey reveals that that 75 percent of respondents intend to leave the service.

READINESS PROBLEMS

Mission-capable rates for both Air Force and Navy aircraft have dropped every year since 1991. There are increasing shortages of spare parts and cannibalization of existing aircraft is on the rise. Last year Congress had to add over $600 million for aviation spare parts. CINCPAC has testified that his command's cannibalization rate has doubled since 1996.

Due to funding shortages the Army has cut programmed tank training by over 20 percent in each of the past two years.

FUNDING AND BUDGET PROBLEMS

For FY 1999, the military services and the Guard have provided Congress with specific program shortfalls of $12 billion that are not funded in the President's budget.

The President's FY 1999 budget proposes cutting the Military Construction budget by over $1.4 billion from current levels—a 15 percent cut.

The President's FY 1999 budget cuts Army, Marine Corps and Air Force depot maintenance by over $315 million from current levels. Army depot maintenance is proposed for a one-year reduction of 23 percent, while Marine Corps depot maintenance is cut by 40 percent.

The President's FY 19999 budget cuts real property repair and maintenance by nearly 15 percent, or over $600 million from this year's levels.

The President's FY 1999 budget proposes cutting Research and Development by nearly $600 million, or a 2 percent cut.

PERSONNEL AND READINESS-RELATED FUNDING SHORTFALLS

The President's FY 1999 budget does not contain any funding for the Bosnia deployment. This is a shortfall of nearly $1.9 billion.

The Service Chiefs have identified FY 1999 personnel/readiness shortfalls of nearly $3.3 billion, including: Personnel: $250 million short;

O&M: over $3 billion short, including depot maintenance ($350 million short), real property maintenance ($1.3 billion short), spare parts ($256 million short), active and reserve forces training ($400 million short), and base operations ($750 million short).

Army Chief of Staff Reimer told you: ''If we can't get these shortalls fixed, the Army is going under.''

WEAPONS MODERNIZATION SHORTFALLS

The Joint Chiefs of Staff have repeatedly identified a need for annual procurement funding of $60 billion. The FY 1999 budget proposes only $48 billion. Under the President's budget, the ''$60 billion procurement target'' will not be reached for another three years (FY 2001).

For FY 1999, the Service chiefs have identified another $5 billion in shortfalls relating to procurement and RDTE.

This includes $1 billion in ''non-glamorous'' items such as trucks/engineering vehicles ($230 million short), basic equipment for soldiers ($245 million) and modifications for aging equipment ($457 million).

SERVICE-SPECIFIC MODERNIZATION PROBLEMS

Army: The Army's medium truck fleet currently averages over 25 years old. More than one-half of the current inventory qualifies for antique license plates. Under the current budget plan this fleet will not be replaced for another 30 years.

The Army has a requirement for 18,000 additional HMMWV vehicles. The FY 1999 budget proposes buying 9 vehicles.

Navy: The Navy budget proposes construction of only six ships in FY 1999 and is at similar levels for the foreseeable future. This is far below the ten ships per year which are needed to support the current fleet level of 326 ships (which is a far cry from the Reagan-era goal of a ''600 ship Navy'').

Marine Corps: Commandant of the Marine Corps has said repeatedly: ''My annual procurement budget is $500 million short.''

In the FY 1999 budget the Marines are getting $750 million in procurement. This means the USMC modernization budget is funded at only 60 percent of requirements.

Air Force: For FY 1999 the Air Force is requesting procurement of only two fighter aircraft. If approved by the Congress this would be the lowest in the history of the Air Force.

H.R. 4103 - DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1999

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	20,452,057,000	21,002,051,000	20,908,851,000	20,822,051,000	20,841,687,000	+389,630,000
Military Personnel, Navy	16,493,518,000	16,613,053,000	16,560,253,000	16,532,153,000	16,570,754,000	+77,236,000
Military Personnel, Marine Corps	6,137,899,000	6,272,089,000	6,241,189,000	6,253,189,000	6,263,387,000	+125,488,000
Military Personnel, Air Force	17,102,120,000	17,311,683,000	17,201,583,000	17,205,660,000	17,211,987,000	+109,867,000
Reserve Personnel, Army	2,032,046,000	2,152,075,000	2,171,675,000	2,152,075,000	2,167,052,000	+135,006,000
Reserve Personnel, Navy	1,376,601,000	1,387,379,000	1,427,979,000	1,387,379,000	1,426,663,000	+50,062,000
Reserve Personnel, Marine Corps	391,770,000	401,888,000	403,513,000	401,888,000	406,816,000	+14,846,000
Reserve Personnel, Air Force	815,915,000	856,176,000	850,576,000	856,176,000	852,324,000	+36,409,000
National Guard Personnel, Army	3,333,867,000	3,404,595,000	3,413,195,000	3,499,595,000	3,489,987,000	+156,120,000
National Guard Personnel, Air Force	1,334,712,000	1,376,097,000	1,372,997,000	1,376,097,000	1,377,109,000	+42,397,000
Total, title I, Military Personnel	69,470,505,000	70,777,086,000	70,551,811,000	70,486,263,000	70,807,566,000	+1,137,061,000
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army	16,754,306,000	17,223,063,000	16,936,503,000	17,212,463,000	17,185,623,000	+431,317,000
(By transfer - National Defense Stockpile)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	.....
(By transfer - Quality of Life Enhancements)	.....	.....	.....	(-130,000,000)	.....	.....
(By transfer - Pentagon Renovation Transfer Fund)	.....	.....	.....	(-96,000,000)	(-96,000,000)	(-96,000,000)
Operation and Maintenance, Navy	21,617,766,000	21,877,202,000	21,638,999,000	21,813,315,000	21,872,399,000	+254,633,000
(By transfer - National Defense Stockpile)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	.....
(By transfer - Quality of Life Enhancements)	.....	.....	.....	(-48,000,000)	.....	.....
(By transfer - Pentagon Renovation Transfer Fund)	.....	.....	.....	(-32,087,000)	(-32,087,000)	(-32,087,000)
Operation and Maintenance, Marine Corps	2,372,635,000	2,523,703,000	2,585,118,000	2,576,190,000	2,578,718,000	+206,083,000
(By transfer - Quality of Life Enhancements)	.....	.....	.....	(-36,000,000)	.....	.....
(By transfer - Pentagon Renovation Transfer Fund)	.....	.....	.....	(-9,513,000)	(-9,513,000)	(-9,513,000)
Operation and Maintenance, Air Force	18,492,883,000	19,127,004,000	19,024,233,000	19,064,941,000	19,021,045,000	+528,162,000
(By transfer - National Defense Stockpile)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	.....
(By transfer - Quality of Life Enhancements)	.....	.....	.....	(-50,000,000)	.....	.....
(By transfer - Pentagon Renovation Transfer Fund)	.....	.....	.....	(-52,200,000)	(-52,200,000)	(-52,200,000)
Operation and Maintenance, Defense-Wide	10,369,740,000	10,750,601,000	10,804,542,000	10,259,231,000	10,914,076,000	+544,336,000
(By transfer - Pentagon Renovation Transfer Fund)	.....	.....	.....	(-90,020,000)	(-90,020,000)	(-90,020,000)
Operation and Maintenance, Army Reserve	1,207,891,000	1,202,622,000	1,201,222,000	1,202,622,000	1,202,622,000	-5,269,000
Operation and Maintenance, Navy Reserve	921,711,000	928,639,000	949,039,000	928,639,000	957,239,000	+35,528,000
Operation and Maintenance, Marine Corps Reserve	116,366,000	114,593,000	119,093,000	114,593,000	117,893,000	+1,527,000
Operation and Maintenance, Air Force Reserve	1,632,030,000	1,744,696,000	1,735,996,000	1,744,696,000	1,747,696,000	+115,666,000
Operation and Maintenance, Army National Guard	2,419,632,000	2,436,815,000	2,570,315,000	2,661,815,000	2,678,015,000	+258,383,000
Operation and Maintenance, Air National Guard	3,013,282,000	3,093,933,000	3,075,233,000	3,113,933,000	3,106,933,000	+93,651,000
Overseas Contingency Operations Transfer Fund	1,884,000,000	746,900,000	746,900,000	746,900,000	439,400,000	-1,444,600,000
United States Court of Appeals for the Armed Forces	6,952,000	7,324,000	7,324,000	7,324,000	7,324,000	+372,000
Environmental Restoration, Army	375,337,000	377,640,000	342,640,000	370,640,000	370,640,000	-4,697,000
Environmental Restoration, Navy	275,500,000	281,600,000	281,600,000	274,600,000	274,600,000	-900,000
Environmental Restoration, Air Force	376,900,000	379,100,000	379,100,000	372,100,000	372,100,000	-4,800,000
Environmental Restoration, Defense-Wide	26,900,000	26,091,000	26,091,000	23,091,000	26,091,000	-809,000
Environmental Restoration, Formerly Used Defense Sites	242,300,000	195,000,000	195,000,000	225,000,000	225,000,000	-17,300,000
Overseas Humanitarian, Disaster, and Civic Aid	47,130,000	63,311,000	56,111,000	50,000,000	50,000,000	+2,870,000
Former Soviet Union Threat Reduction	382,200,000	442,400,000	417,400,000	440,400,000	440,400,000	+58,200,000
Pentagon Renovation Transfer Fund	.....	.....	.....	279,820,000	.....	.....
(By transfer)	.....	.....	.....	.....	(279,820,000)	(+279,820,000)
Contingency operations MWR fund	.....	.....	.....	50,000,000	.....	.....
Quality of Life Enhancements, Defense	360,000,000	.....	850,000,000	.....	455,000,000	+95,000,000
(By transfer)	.....	.....	.....	(264,000,000)	.....	.....
Total, title II, Operation and maintenance	82,895,461,000	83,542,237,000	83,942,459,000	83,532,313,000	84,042,814,000	+1,147,353,000
(By transfer)	(150,000,000)	(150,000,000)	(150,000,000)	(-129,820,000)	(150,000,000)	.....
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army	1,346,317,000	1,325,943,000	1,400,338,000	1,408,652,000	1,388,268,000	+41,951,000
Missile Procurement, Army	762,409,000	1,205,768,000	1,140,623,000	1,188,739,000	1,226,335,000	+463,926,000
Procurement of Weapons and Tracked Combat Vehicles, Army	1,298,707,000	1,433,608,000	1,513,540,000	1,484,055,000	1,548,340,000	+249,633,000
Procurement of Ammunition, Army	1,037,202,000	1,008,855,000	1,099,155,000	998,655,000	1,065,955,000	+28,753,000
Other Procurement, Army	2,679,130,000	3,198,811,000	3,101,130,000	3,395,729,000	3,339,486,000	+660,356,000
Aircraft Procurement, Navy	6,535,444,000	7,466,734,000	7,599,968,000	7,473,403,000	7,541,709,000	+1,006,265,000
Weapons Procurement, Navy	1,102,193,000	1,327,545,000	1,191,219,000	1,324,045,000	1,211,419,000	+109,226,000
Procurement of Ammunition, Navy and Marine Corps	397,547,000	429,539,000	473,803,000	488,939,000	484,203,000	+86,656,000
Shipbuilding and Conversion, Navy	8,235,591,000	6,252,672,000	5,973,452,000	6,067,272,000	6,035,752,000	-2,199,839,000
Other Procurement, Navy	3,144,205,000	3,937,737,000	3,990,553,000	3,886,475,000	4,072,662,000	+928,457,000
Procurement, Marine Corps	482,398,000	745,858,000	812,618,000	954,177,000	874,216,000	+391,818,000
Aircraft Procurement, Air Force	6,480,983,000	7,756,475,000	8,384,735,000	7,967,023,000	8,095,507,000	+1,614,524,000
Missile Procurement, Air Force	2,394,202,000	2,359,803,000	2,191,527,000	2,219,299,000	2,069,827,000	-324,375,000
Procurement of Ammunition, Air Force	398,534,000	384,161,000	388,925,000	384,161,000	379,425,000	-19,109,000
Other Procurement, Air Force	6,592,909,000	6,974,387,000	7,034,217,000	6,904,164,000	6,960,483,000	+367,574,000
Procurement, Defense-Wide	2,106,444,000	2,041,650,000	2,055,432,000	1,932,250,000	1,944,833,000	-161,611,000
National Guard and Reserve Equipment	653,000,000	.....	120,000,000	500,000,000	352,000,000	-301,000,000
Total, title III, Procurement	45,647,215,000	47,849,546,000	48,471,235,000	48,577,038,000	48,590,420,000	+2,943,205,000

H.R. 4103 - DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1999 — continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army	5,156,507,000	4,780,545,000	4,967,446,000	4,891,640,000	5,031,788,000	-124,719,000
Research, Development, Test and Evaluation, Navy	8,115,686,000	8,108,923,000	8,297,986,000	8,215,519,000	8,636,649,000	+520,963,000
Research, Development, Test and Evaluation, Air Force	14,507,804,000	13,598,093,000	13,577,441,000	13,693,153,000	13,758,811,000	-748,993,000
Research, Development, Test and Evaluation, Defense-Wide	9,821,760,000	9,314,665,000	8,776,318,000	9,032,908,000	9,036,551,000	-785,209,000
Developmental Test and Evaluation, Defense	258,183,000	251,106,000	263,606,000	249,106,000	258,606,000	+423,000
Operational Test and Evaluation, Defense	31,384,000	25,245,000	35,245,000	25,245,000	34,245,000	+2,861,000
Total, title IV, Research, Development, Test and Evaluation	37,891,324,000	36,078,577,000	35,918,042,000	36,107,571,000	36,756,650,000	-1,134,674,000
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense Working Capital Funds	971,952,000	94,500,000	94,500,000	94,500,000	94,500,000	-877,452,000
Transfer stockpile balances to working capital fund	.....	(350,000,000)	(350,000,000)	.....	.....	.....
Reserve mobilization income insurance fund	.....	37,000,000	.....	.....	.....	.....
National Defense Sealift Fund:						
Ready Reserve Force	302,000,000	311,266,000	311,266,000	335,000,000	311,266,000	+9,266,000
Acquisition	772,948,000	106,900,000	362,100,000	334,566,000	397,100,000	-375,848,000
(Transfer out)	.....	.....	(-28,800,000)	.....	(-28,800,000)	(-28,800,000)
Total	1,074,948,000	418,166,000	673,366,000	669,566,000	708,366,000	-366,582,000
Total, title V, Revolving and Management Funds	2,046,900,000	549,666,000	767,866,000	764,066,000	802,866,000	-1,244,034,000
(By transfer)	.....	(350,000,000)	(350,000,000)	.....	.....	.....
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Defense Health Program:						
Operation and maintenance	10,095,007,000	9,653,435,000	9,725,235,000	9,684,935,000	9,727,985,000	-367,022,000
Procurement	274,068,000	402,387,000	402,387,000	402,387,000	402,387,000	+128,319,000
Research and development	.....	.....	.....	250,000,000	19,500,000	+19,500,000
Total, Defense Health Program	10,369,075,000	10,055,822,000	10,127,622,000	10,337,322,000	10,149,872,000	-219,203,000
Chemical Agents & Munitions Destruction, Army: 1/						
Operation and maintenance	462,200,000	531,650,000	508,650,000	491,700,000	491,700,000	+29,500,000
Procurement	72,200,000	140,670,000	124,670,000	115,670,000	115,670,000	+43,470,000
Research, development, test and evaluation	66,300,000	182,780,000	162,780,000	172,780,000	172,780,000	+106,480,000
Total, Chemical Agents	600,700,000	855,100,000	796,100,000	780,150,000	780,150,000	+179,450,000
Drug Interdiction and Counter-Drug Activities, Defense	712,882,000	727,582,000	764,595,000	742,582,000	735,582,000	+22,700,000
Office of the Inspector General	138,380,000	132,064,000	132,064,000	132,064,000	132,064,000	-6,316,000
Total, title VI, Other Department of Defense Programs	11,821,037,000	11,770,568,000	11,820,381,000	11,992,118,000	11,797,668,000	-23,369,000
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund	196,900,000	201,500,000	201,500,000	201,500,000	201,500,000	+4,600,000
Intelligence Community Management Account	121,080,000	138,623,000	136,123,000	134,623,000	129,123,000	+8,043,000
Transfer to Dept of Justice	(27,000,000)	(27,000,000)	(27,000,000)	(27,000,000)	(27,000,000)	.....
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	35,000,000	15,000,000	15,000,000	25,000,000	25,000,000	-10,000,000
National Security Education Trust Fund	2,000,000	5,000,000	3,000,000	3,000,000	3,000,000	+1,000,000
Total, title VII, Related agencies	354,980,000	360,123,000	355,623,000	364,123,000	358,623,000	+3,643,000
TITLE VIII						
GENERAL PROVISIONS						
Additional transfer authority (sec. 8005)	(2,000,000,000)	(2,000,000,000)	(2,000,000,000)	(1,775,000,000)	(1,650,000,000)	(-125,000,000)
Indian Financing Act incentives (sec. 8024)	8,000,000	2,000,000	2,000,000	8,000,000	8,000,000	.....
Disposal & lease of DOD real property (sec. 8040)	64,000,000	25,000,000	25,000,000	.....	25,000,000	-39,000,000
Overseas Military Fac Investment Recovery (sec. 8044)	30,000,000	38,000,000	38,000,000	38,000,000	38,000,000	+8,000,000
Export loan guarantee PGM (sec. 8075)	1,000,000	.....	.....	.....	.....	-1,000,000
Rescissions (sec. 8058)	-176,100,000	.....	-268,370,000	-69,800,000	-415,908,688	-239,808,688
Flying Hour/readiness offset	-1,253,000,000	.....	.....	.....	.....	+1,253,000,000
FFRDC's/consultants (sec. 8034)	-71,800,000	.....	-62,000,000	.....	-62,000,000	+9,800,000
Advisory and assistance services	-300,000,000	.....	.....	.....	.....	+300,000,000
RDT&E, Def-Wide dual-use program	2,000,000	.....	.....	.....	.....	-2,000,000
Fisher Houses (sec. 8089)	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	.....
Travel Cards (sec. 8090)	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	.....
Warranties	-75,000,000	.....	.....	.....	.....	+75,000,000
Excess Inventory	-100,000,000	.....	.....	.....	.....	+100,000,000
National Missile Defense Offset	-474,000,000	.....	.....	.....	.....	+474,000,000
Intrepid	13,000,000	.....	.....	.....	.....	-13,000,000

H.R. 4103 - DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1999 — continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Expiring Balances	-100,000,000					+100,000,000
National Security Strategy Study Group	3,000,000					-3,000,000
Lexington Bluegrass	4,000,000					-4,000,000
Defense reform initiative (DRI) Title II savings (sec. 8105)				-150,000,000	-70,000,000	-70,000,000
Ship Transfers (sec. 8110)			-636,850,000	-637,000,000	-636,850,000	-636,850,000
National Defense stockpile transaction fund asset sale credit (sec. 8109)				-100,000,000	-100,000,000	-100,000,000
Inflation Savings (sec. 8108)			-204,100,000	-400,600,000	-400,600,000	-400,600,000
Procurement Reductions (sec. 8134)					-142,100,000	-142,100,000
Foreign Currency Fluctuations (sec. 8135)					-193,600,000	-193,600,000
Fuel Repricing (sec. 8136)					-502,000,000	-502,000,000
Total, title VIII	-2,418,900,000	71,000,000	-1,100,320,000	-1,305,400,000	-2,446,058,688	-27,158,688
EMERGENCY FUNDING						
Bosnia (Emergency Funding)		1,858,600,000		1,858,600,000		
Supplemental (P.L. 105-174) (emergency funding)	2,834,775,000					-2,834,775,000
Total, Emergency funding	2,834,775,000	1,858,600,000		1,858,600,000		-2,834,775,000
BUDGET SCOREKEEPING ADJUSTMENTS						
Adjustment for unapprop'd balance transfer (Stockpile)	150,000,000	150,000,000	150,000,000	150,000,000	150,000,000	
Stockpile collections (unappropriated)	-150,000,000	-150,000,000	-150,000,000	-150,000,000	-150,000,000	
Emergency funding	-2,834,775,000	-1,858,600,000		-1,858,600,000		+2,834,775,000
Total adjustments	-2,834,775,000	-1,858,600,000		-1,858,600,000		+2,834,775,000
Total, Department of Defense	247,708,522,000	250,998,803,000	250,727,097,000	250,518,092,000	250,510,548,312	+2,802,026,312
RECAPITULATION						
Title I - Military Personnel	69,470,505,000	70,777,086,000	70,551,811,000	70,486,263,000	70,607,566,000	+1,137,061,000
Title II - Operation and Maintenance	82,895,461,000	83,542,237,000	83,942,459,000	83,532,313,000	84,042,814,000	+1,147,353,000
(By transfer)	(150,000,000)	(150,000,000)	(150,000,000)	(-129,820,000)	(150,000,000)	
Title III - Procurement	45,647,215,000	47,849,546,000	48,471,235,000	48,577,038,000	48,590,420,000	+2,943,205,000
Title IV - Research, Development, Test and Evaluation	37,891,324,000	36,078,577,000	35,918,042,000	36,107,571,000	36,756,650,000	-1,134,674,000
Title V - Revolving and Management Funds	2,046,900,000	549,666,000	767,866,000	764,066,000	802,866,000	-1,244,034,000
(By transfer)		(350,000,000)	(350,000,000)			
Title VI - Other Department of Defense Programs	11,821,037,000	11,770,568,000	11,820,381,000	11,992,118,000	11,797,668,000	-23,369,000
Title VII - Related agencies	354,980,000	360,123,000	355,623,000	364,123,000	358,623,000	+3,643,000
Title VIII - General provisions	-2,418,900,000	71,000,000	-1,100,320,000	-1,305,400,000	-2,446,058,688	-27,158,688
Emergency funding	2,834,775,000	1,858,600,000		1,858,600,000		-2,834,775,000
Budget adjustments	-2,834,775,000	-1,858,600,000		-1,858,600,000		+2,834,775,000
Total, Department of Defense	247,708,522,000	250,998,803,000	250,727,097,000	250,518,092,000	250,510,548,312	+2,802,026,312
Allocation recap (sec. 302b):						
Mandatory	196,900,000	201,500,000	201,500,000	201,500,000	201,500,000	+4,600,000
Discretionary:						
Non-defense	27,000,000	27,000,000	27,000,000	27,000,000	27,000,000	
Defense	247,484,622,000	250,770,303,000	250,498,597,000	250,289,592,000	250,282,048,312	+2,797,426,312
Total discretionary	247,511,622,000	250,797,303,000	250,525,597,000	250,316,592,000	250,309,048,312	+2,797,426,312
Grand total	247,708,522,000	250,998,803,000	250,727,097,000	250,518,092,000	250,510,548,312	+2,802,026,312

1/ Included in Budget under Procurement title.

Mr. YOUNG of Florida. Mr. Speaker, I wish to engage in a colloquy with the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Speaker, I thank the gentleman for yielding. Let me say, I was in a markup in another committee.

Mr. Speaker, I rise to engage the distinguished chairman, the gentleman from Florida (Mr. YOUNG) on a colloquy regarding two important Department of Defense health care initiatives, AIMCARE and the Composite Health Care System II.

Mr. Chairman, DOD has competitively selected Anesthesia Information Management System, AIMCARE, that automates the collection of operating room data and clinical processes. This system offers DOD significant cost savings of over 70 percent with ''Enterprise'' implementation rather than ''hospital by hospital'' implementation. This 70 percent savings a represents savings of over $10 million, that is being made available in the first quarter of fiscal year 1999.

Am I correct in my understanding that, resources permitting, the Department is interested in taking advantage of this opportunity?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would respond that the gentleman is absolutely correct in his understanding.

Mr. DAVIS of Virginia. I thank the gentleman. With regard to the CHCSII, I have raised concerns with the chairman that, although I support the conference report which authorizes DOD to do field testing of this system at Tripler Army Medical Center in Honolulu, Hawaii, I hope to receive an assurance that since current software development and integration is taking place in the national capital region, that these activities will be maintained in the national capital region.

Mr. YOUNG of Florida. Mr. Speaker, I would like to assure the gentleman from Virginia that it is the intent of the conferees to maintain software integration and development for the CHCSII system in the national capital region.

Mr. DAVIS of Virginia. Mr. Speaker, I thank the gentleman for his hard work on this vital legislation.

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

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

Mr. Speaker, the chairman and I this year have visited a number of installations throughout the country. We found shortages over the last 2 or 3 years, and the list that the chairman put in the RECORD, I hope Members will pay attention to.

Readiness has slipped substantially. Some of our units are deployed that are not C–1, and that is a dangerous situation. As a matter of fact, we feel there are shortages which really hurt our national security. Without the supplemental, this bill will not be adequate. It is absolutely essential that we pass a supplemental, not offset, and I look forward to working with the chairman, and I am hoping we can get an adequate amount of money for Y2K, for computer security, for Bosnia, and for O&M in the supplemental.

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

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

I would like to pay tribute to the gentleman from Pennsylvania (Mr. MURTHA) for the great job and the support that he has given us as we prepared this bill in the subcommittee and in the full committee and on the floor of the House, and then through the conference with the other body.

Also, I would like to mention our counterparts in the Senate, Senator TED STEVENS and Senator DAN INOUYE, as we worked closely with them for weeks leading up to our final conference. We found them to be very cooperative, very constructive, and certainly committed to the security of our Nation.

Each and every member of our subcommittee has a vast amount of knowledge about our National Security that they bring to the table. In addition to JACK on that side of the aisle, NORM DICKS, MARTY SABO, JULIAN DIXON, and PETE VISCLOSKY all have made valuable contributions throughout the years they have served on this subcommittee. On our side of the aisle we have JERRY LEWIS, JOE SKEEN, DAVE HOBSON, HENRY BONILLA, GEORGE NETHERCUTT, ERNEST ISTOOK, and DUKE CUNNINGHAM. All of them devote a tremendous amount of time and energy helping us craft this bill.

In addition we are fortunate to have Chairman BOB LIVINGSTON, and Ranking Minority Member DAVE OBEY serving on this subcommittee. They provide valuable leadership during the particularly tough times as we bring this bill through the process.

There are two other members that I have saved for last. They are JOE MCDADE and BILL HEFNER who are both retiring this year, JOE, BILL, and I all joined this subcommittee together 18 years ago and this will be the last time that it will be my privilege to bring a bill to the floor with them.

JOE MCDADE has dedicated his entire life to this institution. No constituency in the Nation, is better represented than the people of the 10th district of Pennsylvania. Anywhere you go in his district you will come across some project that would not be there if it weren't for JOE. He is a great Congressman, and a loving husband and father. I will miss him, but as one who also has a young son I know he will be very happy with the time he will now have to do the things we all would like to do with our growing boys. JOE, thank you for being my friend.

BILL HEFNER is one of the most unique members in the Congress. Behind that self depreciating personality and slow Southern drawl is a very intelligent Congressman who has used his considerable legislative talent to make the quality of life much better for millions of service members and their families. I have had the privilege of traveling with BILL and his wife Nancy to some of the hot spots in the world. He is a true patriot and great member of this body. BILL we will all miss you.

Also, Mr. Speaker, I would like to call special attention to the staff of our subcommittee. I am providing all of the names of all of our staffers for the record, including the associate staff members of our committee members, because they have all contributed just tremendously to the work of our subcommittee.

I do want to specifically mention the chief of staff and the clerk of the subcommittee, Kevin Roper, who has spent many, many long hours, many, many days, many weeks, many months, getting us to where we are today. I would say that Kevin has a brain somewhat like a computer. One can punch up almost any subject and he can bring it up, and if one checks it out one will find that it is very accurate.

Also, Greg Dahlberg, who represents the minority on the subcommittee, and who is equally aggressive in meeting the responsibilities of the subcommittee. I take my hat off and salute both of them and the staffs who worked with them.

JACK and I are very fortunate to have a professional staff which is beyond a doubt the best on the hill. They also work many long hours and have become true professionals in their areas of expertise. They are Doug Gregory, Alicia Jones, Dave Kilian, Betsy Phillips, Julie Pacquing, Greg Walters, Trish Ryan, Tina Jonas, Paul Juola, Steve Nixon, Dave Norquist, Jenny Mummert, and Sherry Young. Julie Pacquing is retiring this year after many years of service to the Appropriations Committee. She has played a very valuable role particularly in the Intelligence part of our lives that we can't talk about and she will be missed by all of us. I also want to note that Trish Ryan and her husband Terry, and Steve Nixon and his wife Nancy are about to become parents for the first time. We are all one big happy family on this subcommittee and we all look forward to the births of Trish and Steve's children.

I also want to take this opportunity to thank the staff members of the full committee who hardly ever get any recognition, but play very important roles in putting all of our products together. They are ably led by Jim Dyer our Staff Director. We also appreciate the good work of Dennis Kedzior, John Mikel, Chuck Parkinson, Elizabeth Morra, Di Kane, Tracey La Turner, Sandy Farrow, Theodore Powell, and Larry Boarman. At the Computer Shop we also want to thank Ken Marx and Dale Oak. For this conference alone we had 12 computer runs. In case you are interested there are 2,686 separate line items that we track in this bill, 947 of which were in conference.

Each member of our committee also has staff who play an important role. At the risk of leaving someone out, let me thank them for all of their work throughout the year. They are Jake O'Donnell, Letitia White, Bruce Donisthorpe, Kenny Kraft, Marc Lubin, Rob Neal, Nancy Nowak, Bill Berl, Les Dixon, Steve McBee, Irene Schecter, Dan Beck, Alan

Dillingham, Paul Cunningham, and John McNutt. In particular, I want to thank Paul Cambon and Carman Scialabba who work for BOB LIVINGSTON and JACK MURTHA.

And finally, I want to thank a couple of people who serve on my personal staff and JACK's who help us in too many ways to mention here. They are my Administrative Assistant Harry Glenn and Jane Porter of my office. In JACK's office I want to thank Colette Marchesini-Pollock.

As I said in the beginning, this is a very involved process, creating a conference agreement appropriating $250 billion. There are a lot of very capable members and staff who work many many long hours throughout the year to produce this product, but particularly at this time of the year. I thank each and every one of you, and I also thank your families who lend you to us, particularly mine. We know that this work is tough on our families and we appreciate your understanding. We know that there are some back to school nights that don't get attended, and some high school football games and half time shows that are missed. We know there are birthday parties that get postponed, as well as baby showers. But please know that this Congressman, and this Congress appreciate your unselfish contribution to the National Security of this great Nation.

Also, I would be remiss if I did not mention the staff of the subcommittee in the Senate, headed by Steve Cortese, because they have also been extremely cooperative and extremely constructive in the effort that we have put forth.

On the Senate side, Steve Cortese and Charlie Houy, as Majority and Minority Staff Directors, work together and with our staff in a very accommodating manner. They have assembled a very talented group of professional staffers, and let me thank each of them here for their work on behalf of the Conference: Mary Marshall, John Young, Sid Ashworth, Susan Hogan, Gary Reese, Tom Hamkins, Carolyn Willis, and Mazie Mattson. They also rely on help from the Full Committee including Jay Kimmitt, Dona Pate, and Justin Weddle.

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

Mr. NETHERCUTT. Mr. Speaker, I strongly support passage of the Fiscal Year 1999 Department of Defense Conference Report.

Mr. YOUNG and Mr. MURTHA deserve credit for putting together an outstanding conference report. In my four years on the National Security Subcommittee, this bill was certainly the most difficult to reach agreement on, because of the very tight constraints imposed by the Balanced Budget Agreement. I think all of the members of the Subcommittee would agree that our allocation this year was far below what is needed to meet the needs of the Department of Defense. Despite these pressures, our Subcommittee staff once again worked long hours to put together a very balanced package that addresses the immediate needs of the Defense Department.

I commend the efforts of the Chairman and Ranking Member on behalf of the health research programs contained within this bill. The Department of Defense oversees some of the most productive health research efforts sponsored by the federal government, with very real quality of life benefits for our men and women in uniform. We were not able to do all that we would have liked for health research, but I believe this conference package addresses some of the most urgent research needs of the Department of Defense. I am particularly supportive of the funding this bill provides for diabetes research. In Fiscal Year 1998, we were able to provide $4 million to initiate a diabetes detection, prevention and care program for the Departments of Defense and Veterans Affairs, utilizing the technology and methods of the Joslin Diabetes Center. While I wish we had been able to maintain the House funded level of $6.4 million for this program in this bill, the $4.5 million the conference agreement provides will allow continuation of the Diabetes Pilot Program, [Program Element #630002, Project #9411]. I anticipate significant findings from this promising project, which will benefit soldiers and their families alike.

I hope that Fiscal Year 1999 marks the low point for defense spending. We continue to face shortfalls in all accounts and urgently need to correct the downward trend for defense spending. But within the constraints imposed by the Balanced Budget agreement, this is an excellent bill and I urge my colleagues to support it.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to rise today in support of H.R. 4103, the Conference Report on Defense Appropriations. I want to recognize the hard work of our chairman, the gentleman from Florida (Mr. YOUNG). He, along with the other conferees and the Defense Appropriations Subcommittee staff, faced many difficult choices in putting together this bill, and I commend them for all their hard work.

As many people are learning, the Department of Defense is facing less funding for the fourteenth straight year. Our armed forces are forced to do more with less. The conferees face difficult decisions in determining how much to provide for troop support, operations and maintenance, procurement of new and existing vehicles and weapon systems, and investing in future technology and weapons development.

I think this bill strikes an important balance. It provides a pay increase of 3.6 percent for military personnel. It provides an extra $500 million over the President's request for Operations and Maintenance, the so-called ''readiness accounts.'' The frequent overseas deployments of our troops are siphoning funds from these accounts, and the House Members recognize the importance of replenishing funds for training and maintenance.

Most importantly, this conference report reflects the importance of continuing to develop new technologies and weapons systems. As we try to prepare and equip our troops for the battlefields of the future, countless engineers are working in government laboratories and research facilities to develop the weapons, the ammunition, the vehicles and the technology our armed forces need to defend the United States. The military's research and development is critical to keeping our men and women in uniform safe and well-equipped wherever they serve, whether home or abroad.

This bill allows for these important efforts to continue and expand. I thank the conferees for providing an additional $4 million for the Crusader Advanced Field Artillery System, which is being developed by the men and women at Picatinny Arsenal in my district. As I have said before, this critical program is a key element of the Army's long-term plans, and is faster and more lethal than the Paladin tank, which is currently in use.

Mr. Speaker, every day our men and women in uniform put their lives on the line to defend us. They deserve to have the tools they need to protect us, and should be compensated for their work. We cannot forget our debt to them, and we must work to provide them with the support they need to do their jobs. We owe them nothing less.

Today we vote to provide funds, support our soldiers and all those who prepare and equip them. An affirmative vote assures that this critical work continues.

Mr. HEFLEY. Mr. Speaker, I rise to express serious reservations about the defense appropriations conference report. I do not dispute the funding decisions made by the conferees. In the main, Chairman YOUNG and Mr. MURTHA have brought back to the House a bill that addresses the pressing defense needs of the Nation in a manner as consistent with the authorization bill as they possibly could have.

As the Chairman of the Subcommittee on Military Installations and Facilities, however, I am concerned about several authorization provisions in this bill.

Buried in this legislation are six real property matters that should be addressed in the defense authorization process. Section 8132 would authorize the Secretary of the Air Force to convey excess relocatable housing units at Malmstrom Air Force Base. Section 8139 mandates the Secretary of the Air Force to convey certain property in the State of New Hampshire. Section 8140 would permit the Secretary of the Navy to engage in a lease of property to the University of Central Florida. Section 8141 would authorize the Secretary of the Air Force to lease certain property from the City of Phoenix near Luke Air Force Base. Section 8143 would provide the authority to the Secretary of the Navy to convey property with consideration to the City of Seattle and, finally, section 8144 would authorize the Secretary of the Army to convey an Army Reserve Center to the City of Reading, Pennsylvania.

None of these real estate matters, all properly within the jurisdiction of the authorization committee, were raised with the committee during consideration of the defense authorization bill nor were they raised with conferees during negotiations with the Senate on H.R. 3616, the National Defense Authorization Act for Fiscal Year 1999. None of these provisions were in the House-passed version of the defense appropriations bill. Most of these provisions came to conference as amendments to the Senate version of H.R. 4103 while the bill was being considered on the floor in the other body. Some of the provisions have murky origins in the conference itself.

None of the offending provisions, to the best of my understanding, address an urgent need that cannot wait for the next authorization cycle. These provisions may have merit, but none have been reviewed adequately. To his credit, Chairman YOUNG fought to keep these provisions—and more—out of this bill. Regretfully, he was not completely successful. As a chairman, I understand what it takes to get out of conference. Compromise with the other body is a necessary component of any conference, but we should refrain from needlessly blurring the line between the authorization and appropriations process.

Beyond the real estate issues contained in this bill, I am deeply concerned about two

other provisions in the area of base closure and realignment.

Section 8142, which would give the Secretary of the Army the authority to retain military family housing at Fort Buchanan, Puerto Rico, in support of the relocation of U.S. Army South, is a direct contravention of a decision made in the 1995 BRAC round to dispose of those units.

Many in this House have criticized the President for his circumvention of the BRAC process for political reasons at McClellan Air Force Base and Kelly Air Force Base. While section 8142 is intended to help the Army and is not purely political, it's effect is the same. We should not begin to engage in a case-by-case undoing of prior BRAC decisions for any reason in the absence of an authorized realignment process. I hope we are not opening Pandora's box should this legislation receive the approval of the House today.

Finally, I question the wisdom of requiring the Secretary of the Air Force to expend $7.6 million from the base closure and realignment accounts for demolition and other base conversion activities at Norton Air Force Base. The expenditures required by section 8145 are not related to any military mission and they are not required to comply with routine environmental remediation requirements. It is extremely unwise to tap the BRAC accounts to subsidize local reuse efforts. In that context, I find it equally unwise to continue the practice of permitting the use of other DOD resources for conversion activities at other BRAC locations.

For these reasons, and despite the fact that this is otherwise a very good bill, I regret that I must vote ''no.''

Mr. PORTER. Mr. Speaker, I rise today to expres smy strong support for the conference report to H.R. 4103, the Department of Defense Appropriations Act for Fiscal Year 1999. I would also like to take this opportunity to recognize the distinguished Chairman of the Appropriations Subcommittee on National Security for his role in crafting a conference report that truly reflects our nation's priorities and ensures the continued preeminence of our military. He is to be commended for acknowledging the effect quality of life issues has on our military's performance.

I am especially pleased with the provisions that express our concern for the welfare of the men and women in the armed services and their families. H.R. 4103 includes $35 million for Impact Aid, a program which provides funds to schools that experience a reduced property tax base as a result of their location near a military installation. Military personnel should not be forced to choose between their career and their children's education. This conference report also includes a much needed 3.6 percent military pay raise, a half percent above what was requested. Mr. Chairman, quality of life issues in our military have been neglected for too long. It is time that we address them and I believe that this conference report begins to do that. I urge my colleagues to give this conference report their strongest support.

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

Mr. YOUNG of Florida. Mr. Speaker, I urge enactment and passage of this conference report, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

Pursuant to clause 5 of rule I, further proceedings on this question will be postponed.

CONFERENCE REPORT ON H.R. 4060, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

Mr. MCDADE. Mr. Speaker, pursuant to the order of the House of Friday, September 25, 1998, I call up the conference report on the bill (H.R. 4060), making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, September 25, 1998, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 25, 1998, at page H8842).

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. MCDADE) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

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

GENERAL LEAVE

Mr. MCDADE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the pending legislation.

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

There was no objection.

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

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

Mr. MCDADE. Mr. Speaker, I am honored to be able to present today the energy and water bill to the Members of the House and to strongly urge and recommend that it be passed. It was perhaps the most difficult energy and water bill that we have ever had, principally because the budget that was submitted to us was inadequate from the beginning.

In terms of real dollars, it is the lowest budget ever presented for construction programs of the Corps of Engineers.

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Obviously, that required us to do a great deal of putting and taking to try to put together a bill that would develop the infrastructure of this country, protect health and safety, and keep our economy going by keeping our ports open and efficient.

Given that background, Mr. Speaker, I want to say that I have been extraordinarily privileged, as the chairman of this subcommittee, to have an extraordinary group of people to work with.

Jim Ogsbury has been my chief of staff, and one would not find a more faithful and bright person; Jeanne Wilson is an absolute encyclopedia and an intellectual dynamo; Don McKinnon is a gentleman that I have known for some time, and he has been extraordinarily helpful; Bruce Heide handled the entire Corps of Engineers budget, and obviously, from what I have said, he did a superb job.

My friend, the gentleman from California (Mr. FAZIO), is not currently on the floor because of other business, but I want to offer him a tribute, as well, because without his cooperation and assistance the bill would not be here today.

Mr. Speaker, this is a $20.9 billion bill, in gross terms. About $4 billion goes to the Corps of Engineers to promote public health and safety, et cetera. About $823 million goes to the Bureau of Reclamation for water projects in the west. Although there is a cut in the Bureau's budget, Mr. Speaker, we fully fund operation and maintenance of Bureau projects, to make sure that those projects are run efficiently and serve the public.

$16.4 billion is appropriated to the Department of Energy. About $12 billion is provided for defense activities and $4 billion is for nondefense activities. As Members of the House know, defense activities include the maintenance of the nuclear stockpile, using science-based intelligence in lieu of nuclear weapons testing, which has been foresworn by this country. The Department has an awesome responsibility, and every year must certify to the President that the stockpile is indeed efficient and reliable.

On the nondefense side of bill, there is a host of energy supply activities, scientific research, et cetera, all of which are very interesting and important. The genome mapping project, the nuclear physics program, the high energy physics program, and other related programs are also funded in this bill.

Finally, there is $126 million in for independent agencies, such as the Appalachian Regional Commission, which has been diligently serving the people of this Nation for approximately 25 years.

Mr. Speaker, I am going to file a more lengthy statement with my remarks for the benefit of Members, or anyone else, who might want to take a look.

Mr. Speaker, I rise today in support of the conference report accompanying H.R. 4060, the Energy and Walter Development Appropriations Bill for Fiscal Year 1999. Total spending in this $21 billion measure is $388 million below the Administration's request for energy and water programs. The bill is within its 302(b) allocation for both outlays and budget authority.

Mr. Speaker, I believe that the Energy and Water Bill represents legislation of which the entire membership of this body may be proud. It continues, at responsible levels, investments in public infrastructure, scientific research, and economic development. At the same time, it is a fiscally austere bill, which reduces funding for less productive Federal spending programs. I am pleased that the conferees from the House and Senate, as stewards of the taxpayers' hard-earned dollars, were able to strike such a responsible balance.

The irresponsible budget request of the Administration, which slashed funding for the civil works program of the U.S. Army Corps of Engineers, presented a considerable challenge to the committee on conference. If the committee on conference had accepted the Administration's proposal—which represented the lowest budget in the history of the civil works program—then scores of ongoing construction projects would be terminated; dozens more would be placed on fragile life support; project completion schedules would be extended; costs would rise; and contractor shutdowns would be legion. Far from adopting this reckless budget, however, the conference agreement appropriates nearly $4 billion for the Corps—an increase of $716 million above the budget request.

For the construction program of the Corps, the conference agreement provides $1.43 billion for fiscal year 1999. While this is a modest $27 million reduction from the House-passed level, it is an increase of $190 million over the Senate-passed level and an increase of $624 million—or 77%—over the Administration's inane budget. It will ensure the continued effectiveness of the civil works program, which has had such success in protecting our communities from the devastating consequences of flooding and which has been so instrumental in the vitality of America's waterborne commerce.

Furthermore, the conference agreement includes $1.65 billion for operation and maintenance of Corps of Engineers projects. This sum, along with the $105 million in emergency appropriations enacted earlier this year, will help protect our investment in critical water infrastructure. The agreement also provides $161 million for studies and investigations of Corps projects and $140 million to continue the Formerly Utilized Sites Remedial Action Program (FUSRAP). The FUSRAP program was transferred from the Department of Energy to the Army Corps of Engineers last year amidst some controversy. I am pleased to report that, from all accounts, the transfer has been successful. Cleanups are proceeding on schedule, and we expect that the transfer will save the taxpayers substantial sums of money over the remaining life of the program.

Mr. Speaker, the conference agreement takes a significant step in the downsizing of the Bureau of Reclamation. In recognition that the Bureau's historical mission—reclamation of the West through the construction of large water storage and distribution facilities—has largely been accomplished, the Bureau has undertaken a variety of new and expanded activities in recent years. These activities include: extensive ''partnering'' with other water resource interests, provision of technical assistance, water conservation and management planning, strategic analyses, development of integrated management programs and system integration alternatives, resource inventories, and environmental enhancements.

The conference agreement helps control Bureau of Reclamation mission creep by restricting the amount of resources available for new activities within the capabilities of other Federal and local resource agencies. The agreement, however, fully funds operation, maintenance and rehabilitation requirements for projects throughout the country. Furthermore, it provides funding to continue cost-shared studies and investigations that have been initiated in prior years. The agreement reflects the Committee's intention to protect the substantial Federal investment in water resource infrastructure while downsizing the Bureau and reducing unnecessary Federal involvement in local resource management.

Title III of the final conference agreement provides $16.4 billion for the Department of Energy (DOE). $11.86 billion—or 57% of the total provided in the bill—is dedicated to the atomic energy defense activities of DOE. Of this amount, $4.4 billion is included for weapons activities. Although the tensions of nuclear brinkmanship are less today than at any time during the Cold War, our responsibilities for the stewardship and maintenance of the nuclear stockpile are not. Few responsibilities of the Federal government are of more moment than the continued safety and reliability of our nuclear weapons. The Committee has provided generously for the execution of these responsibilities and has invested enormous amounts in the science-based stockpile stewardship program of DOE. By focusing on the simulation of nuclear weapons through advanced computational and laboratory capabilities, the program is expected to serve as a surrogate for nuclear weapons testing.

The bill also provides substantial resources for the domestic energy supply and scientific research activities of DOE. The $2.68 billion provided for the Science account includes $130 million to initiate construction of the Spallation Neutron Source at the Oak Ridge National Laboratory in Tennessee. This state-of-the art neutron facility will help keep the United States at the forefront of biological and materials sciences. In addition, funds provided for the Science account will help realize returns on our investment in scientific facilities by increasing user time at such facilities and maximizing their utilization.

The agreement also includes $223 million—an increase of $1.6 million over the budget request—for fusion energy sciences. To better reflect the program's transformation from one that is largely focused on technology development into one focused principally on basic research, the program has been moved out of the Energy Supply account and into the Science account.

The agreement provides $727 million for Energy Supply activities of DOE. This includes $365.9 million for solar and renewable programs, an increase of $19.6 million over fiscal year 1998. In addition, nuclear energy programs are funded at $284 million, a reduction of $41.8 million below the President's budget request. The conference agreement does provide $19 million for the nuclear energy research initiative, a new research program devoted to enhancing the viability of nuclear power through improvements in safety, efficiency, and reliability.

The total amount appropriated for independent agencies is $125.7 million, a decrease of $151.9 million from fiscal year 1998, and $373 million below the President's request. Consistent with the legislation passed by Congress last year, no appropriations have been provided for the Tennessee Valley Authority. For fiscal year 1999 and thereafter, TVA is empowered and directed to fund stewardship activities with internally generated savings and revenues. Absorbing the modest costs of stewardship activities will have no appreciable effect on an agency projected to receive $6.5 billion in revenues in fiscal year 1999, and whose customers have enjoyed below-market rates for Federally-produced power for decades.

The conference agreement also includes $66.4 million for the Appalachian Regional Commission, $16.5 million for the Defense Nuclear Facilities Safety Board, and $465 million for the Nuclear Regulatory Commission. The conference agreement does include $20 million, as recommended by the Senate, for the Denali Commission. The agreement, however, makes this particular appropriation subject to authorization.

Mr. Speaker, I am grateful to my colleagues on the Subcommittee for their dedicated work on behalf of this conference agreement. Although there were a number of contentious issues to be resolved with the other body, the conferees worked in a bipartisan spirit of cooperation and comity to get the job done. It has been an honor and a pleasure to work with my talented and committed colleagues, and I thank them for their devoted efforts.

I would like to pay special tribute to the Ranking Minority Member of the Subcommittee, the Honorable Vic Fazio. In tribute to his many years of service on this Subcommittee, the committee on conference has renamed the Yolo Basin Wetlands in California as the Vic Fazio Yolo Wildlife Area. Given his enormous efforts to preserve and protect this critical natural resource, I believe this action to be a fitting tribute indeed.

Mr. Speaker, I urge all of my colleagues to support the conference agreement accompanying the Energy and Water Development Appropriations Bill for Fiscal Year 1999.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 1999 (H.R. 4060)

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	156,804,000	150,000,000	162,823,000	165,390,000	161,747,000	+4,943,000
Construction, general	1,468,373,000	806,000,000	1,456,529,000	1,240,068,000	1,429,885,000	-38,488,000
Contingent emergency appropriation	5,000,000	.....	.....	8,000,000	.....	-5,000,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	296,212,000	280,000,000	312,077,000	313,234,000	321,149,000	+24,937,000
Operation and maintenance, general	1,740,025,000	1,603,000,000	1,637,719,000	1,667,572,000	1,653,252,000	-86,773,000
Emergency appropriations (P.L. 105-174)	105,185,000	.....	.....	.....	.....	-105,185,000
Regulatory program	106,000,000	117,000,000	110,000,000	106,000,000	106,000,000	.....
Flood control and coastal emergencies	4,000,000	.....	.....	.....	.....	-4,000,000
Formerly utilized sites remedial action program	140,000,000	.....	.....	.....	.....	-140,000,000
Defense function	.....	140,000,000	140,000,000	140,000,000	140,000,000	+140,000,000
General expenses	148,000,000	148,000,000	148,000,000	148,000,000	148,000,000	.....
Total, title I, Department of Defense - Civil	4,169,599,000	3,244,000,000	3,967,148,000	3,788,264,000	3,960,033,000	-209,566,000
TITLE II - DEPARTMENT OF THE INTERIOR						
Central Utah Project Completion Account						
Central Utah project construction	23,743,000	22,189,000	24,189,000	28,189,000	25,741,000	+1,998,000
Fish, wildlife, and recreation mitigation and conservation	11,610,000	12,476,000	10,476,000	10,476,000	10,476,000	-1,134,000
Utah reclamation mitigation and conservation account	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	.....
Program oversight and administration	800,000	1,283,000	1,283,000	1,283,000	1,283,000	+483,000
Total, Central Utah project completion account	41,153,000	40,948,000	40,948,000	44,948,000	42,500,000	+1,347,000
Bureau of Reclamation						
Water and related resources	694,348,000	640,124,000	596,254,000	671,869,000	617,045,000	-77,303,000
(By transfer)	.....	(25,800,000)	(25,800,000)	(25,800,000)	(25,800,000)	(+25,800,000)
Emergency appropriations (P.L. 105-174)	4,520,000	.....	.....	.....	.....	-4,520,000
Colorado River Dam fund (by transfer, permanent authority)	(-5,592,000)	.....	.....	.....	.....	(+5,592,000)
Loan program	10,425,000	12,425,000	12,425,000	12,425,000	8,421,000	-2,004,000
(Limitation on direct loans)	(31,000,000)	(38,000,000)	(38,000,000)	(38,000,000)	(38,000,000)	(+7,000,000)
Central Valley project restoration fund	33,130,000	49,500,000	33,130,000	39,500,000	33,130,000	.....
California Bay-Delta ecosystem restoration	85,000,000	143,300,000	75,000,000	65,000,000	75,000,000	-10,000,000
Policy and administration	47,558,000	48,000,000	46,000,000	48,000,000	47,000,000	-558,000
Total, Bureau of Reclamation	874,981,000	893,349,000	762,809,000	836,794,000	780,596,000	-94,385,000
Total, title II, Department of the Interior	916,134,000	934,297,000	803,757,000	881,742,000	823,096,000	-93,038,000
(By transfer)	(-5,592,000)	(25,800,000)	(25,800,000)	(25,800,000)	(25,800,000)	(+31,392,000)
TITLE III - DEPARTMENT OF ENERGY						
Energy supply	906,807,000	1,129,042,000	882,834,000	786,854,000	727,091,000	-179,716,000
Non-defense environmental management	497,059,000	452,000,000	466,700,000	418,254,000	431,200,000	-65,859,000
Uranium enrichment decontamination and decommissioning fund	220,200,000	272,000,000	225,000,000	196,827,000	220,200,000	.....
Science	2,235,708,000	2,470,460,000	2,399,500,000	2,634,207,000	2,682,860,000	+447,152,000
Nuclear Waste Disposal	160,000,000	190,000,000	160,000,000	190,000,000	169,000,000	+9,000,000
Departmental administration	224,155,000	245,788,000	175,365,000	234,755,000	200,475,000	-23,680,000
Miscellaneous revenues	-136,738,000	-136,530,000	-136,530,000	-136,530,000	-136,530,000	+208,000
Net appropriation	87,417,000	109,258,000	38,835,000	98,225,000	63,945,000	-23,472,000
Office of the Inspector General	27,500,000	29,500,000	14,500,000	27,500,000	29,000,000	+1,500,000
Environmental restoration and waste management:						
Defense function	(5,520,238,000)	(5,783,000,000)	(5,683,651,000)	(5,583,500,000)	(5,576,824,000)	(+56,586,000)
Non-defense function	(717,259,000)	(739,000,000)	(691,700,000)	(615,081,000)	(651,400,000)	(-65,859,000)
Total	(6,237,497,000)	(6,522,000,000)	(6,375,351,000)	(6,198,581,000)	(6,228,224,000)	(-9,273,000)
Atomic Energy Defense Activities						
Weapons activities	4,146,692,000	4,500,000,000	4,142,100,000	4,445,700,000	4,400,000,000	+253,308,000
Defense environmental restoration and waste management	4,429,438,000	4,259,903,000	4,358,554,000	4,293,403,000	4,310,227,000	-119,211,000
Defense facilities closure projects	890,800,000	1,006,240,000	1,038,240,000	1,048,240,000	1,038,240,000	+147,440,000
Defense environmental management privatization	200,000,000	516,857,000	286,857,000	241,857,000	228,357,000	+28,357,000
Subtotal, Defense environmental management	5,520,238,000	5,783,000,000	5,683,651,000	5,583,500,000	5,576,824,000	+56,586,000
Other defense activities	1,666,008,000	1,667,160,000	1,761,260,000	1,658,160,000	1,696,676,000	+30,668,000
Defense nuclear waste disposal	190,000,000	190,000,000	190,000,000	185,000,000	189,000,000	-1,000,000
Total, Atomic Energy Defense Activities	11,522,938,000	12,140,160,000	11,777,011,000	11,872,360,000	11,862,500,000	+339,562,000

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 1999 (H.R. 4060)— continued

	FY 1998 Enacted	FY 1999 Estimate	House	Senate	Conference	Conference compared with enacted
Power Marketing Administrations						
Operation and maintenance, Alaska Power Administration	3,500,000					-3,500,000
Capital assets acquisition	10,000,000			5,000,000		-10,000,000
Operation and maintenance, Southeastern Power Administration	12,222,000	8,500,000	8,500,000	8,500,000	7,500,000	-4,722,000
Operation and maintenance, Southwestern Power Administration	25,210,000	26,000,000	24,710,000	26,000,000	26,000,000	+790,000
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	189,043,000	215,435,000	205,000,000	212,018,000	203,000,000	+13,957,000
(By transfer, permanent authority)	(5,592,000)					(-5,592,000)
Falcon and Amistad operating and maintenance fund	970,000	1,010,000	970,000	1,010,000	1,010,000	+40,000
Total, Power Marketing Administrations	240,945,000	250,945,000	239,180,000	252,528,000	237,510,000	-3,435,000
Federal Energy Regulatory Commission						
Salaries and expenses	162,141,000	168,898,000	166,500,000	168,898,000	167,500,000	+5,359,000
Revenues applied	-162,141,000	-168,898,000	-166,500,000	-168,898,000	-167,500,000	-5,359,000
Total, title III, Department of Energy	15,898,574,000	17,043,365,000	16,203,560,000	16,476,755,000	16,423,306,000	+524,732,000
(By transfer)	(5,592,000)					(-5,592,000)
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	170,000,000	67,000,000	65,900,000	67,000,000	66,400,000	-103,600,000
Denali Commission				20,000,000	20,000,000	+20,000,000
Defense Nuclear Facilities Safety Board	17,000,000	17,500,000	16,500,000	17,500,000	16,500,000	-500,000
Nuclear Regulatory Commission:						
Salaries and expenses	468,000,000	483,340,000	462,700,000	466,000,000	465,000,000	-3,000,000
Revenues	-450,000,000	-152,341,000	-444,700,000	-416,000,000	-444,800,000	+5,200,000
Subtotal	18,000,000	330,999,000	18,000,000	50,000,000	20,200,000	+2,200,000
Office of Inspector General	4,800,000	5,300,000	4,800,000	4,800,000	4,800,000	
Revenues	-4,800,000	-1,749,000	-4,800,000	-4,800,000	-4,800,000	
Subtotal		3,551,000				
Total	18,000,000	334,550,000	18,000,000	50,000,000	20,200,000	+2,200,000
Nuclear Waste Technical Review Board	2,600,000	2,950,000	2,600,000	2,600,000	2,600,000	
Tennessee Valley Authority: Tennessee Valley Authority Fund	70,000,000	76,800,000		70,000,000		-70,000,000
Total, title IV, Independent agencies	277,600,000	498,800,000	103,000,000	227,100,000	125,700,000	-151,900,000
Scorekeeping adjustments	-529,705,000	-424,000,000	-424,000,000	-432,000,000	-424,000,000	+105,705,000
Grand total:						
New budget (obligational) authority	20,732,202,000	21,296,462,000	20,653,465,000	20,941,861,000	20,908,135,000	+175,933,000
Appropriations	(20,617,497,000)	(21,296,462,000)	(20,653,465,000)	(20,933,861,000)	(20,908,135,000)	(+290,638,000)
Emergency appropriations	(109,705,000)					(-109,705,000)
Contingent emergency appropriation	(5,000,000)			(8,000,000)		(-5,000,000)
(By transfer)		(25,800,000)	(25,800,000)	(25,800,000)	(25,800,000)	(+25,800,000)

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

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

Mr. Speaker, I would begin by saying that I support passage of H.R. 4060, the appropriation measure funding the energy and water projects for the United States of America for the next fiscal year.

I particularly want to point out at this moment my particular regard for three of the members of the subcommittee who will not be with us next year because of retirements. First of all, the yeoman's service the gentleman from Mississippi (Mr. PARKER) has provided to the subcommittee over years. I appreciate all of his efforts and the contributions that he has made.

Secondly, I want to also thank the gentleman from California (Mr. FAZIO) for all that he has done for his country, for this institution, for the committee on which we serve. The reason I am here today is the gentleman from California (Mr. FAZIO) is about the business of this government doing the agriculture appropriation conference for the committee.

Finally, Mr. Speaker, I think it is a tremendous coincidence for me personally that the first bill that I will manage for the Democratic side will, as I would understand it, be the last bill that the gentleman from Pennsylvania (Mr. MCDADE) will be managing on the Republican side.

Having met the gentleman from Pennsylvania (Mr. MCDADE) in 1977 as a member of a congressional staff, I must say that I am honored by the pure coincidence and great privilege that this is the gentleman's last bill and my first. It is a moment that I will remember forever, and also the gentleman's friendship.

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

Mr. McDADE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KNOLLENBERG), a valued member of our subcommittee.

Mr. KNOLLENBERG. Mr. Speaker, I rise in strong support of this conference report, and first I want to pay tribute to the gentleman from Pennsylvania (Chairman JOE MCDADE) for his outstanding leadership, work, and cooperation. All of that is commendable, but we are very, very sorry to see him go. Believe me, we have appreciated having the gentleman's leadership here.

I also want to thank the subcommittee staff of the Subcommittee on Energy and Water, who have been working on a number of important provisions that are in this bill.

I just want to focus on a couple of areas where we have made, I think, great progress this year to clean up the former defense nuclear facilities. Specifically, in addition to the $4.2 billion we provided for defense environmental management, we provided over $1 billion for defense facilities closure projects, which provides funding for sites which have established a credible goal of completing cleanup by the end of fiscal year 2006.

The major environmental management sites, both Rocky Flats in Colorado and Fernald, Ohio, should be closed within the criteria of this program. It was just 2 years ago that DOE estimated that the total cost of the remaining clean-up of the environmental management sites at between, get this, between $189 and $265 billion over a 75-year period, almost as large in dollar amount as the S&L bailout.

That plan to us was unacceptable. Certainly, given the long-term funding outlook of all of the discretionary programs we had currently, entitlements and interest on the national debt constitutes, as I think everyone knows, about two-thirds of the budget, and in 10 to 12 years they are projected to consume 100 percent of the Federal revenues.

An accelerated clean-up schedule like the defense facilities closure projects will enable us to close some of the sites and free up funds to bring about closure to the entire environmental management program.

I also look forward to working with the new Secretary of Energy, Bill Richardson, and want to express the importance of closing out the remaining environmental management sites to him. I urge my colleagues to support this conference report.

Mr. VISCLOSKY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

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

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

I rise in support of the conference report on H.R. 4060, the fiscal year 1999 energy and water appropriations bill. First, I would like to thank the chairman, the gentleman from Pennsylvania (Mr. MCDADE) for his work on this bill, particularly as it relates to projects in and around my district in southeast Texas, and to the ranking member, the gentleman from California (Mr. FAZIO) for the work he did, as well as to my colleague, the gentleman from Texas (Mr. EDWARDS) a member of the subcommittee, who has done yeoman's service in looking out for the interests of our State.

Mr. Speaker, I would like to point out a couple of things. This bill carries forward with the funding necessary for the U.S. Army Corps of Engineers to meet the projects that were authorized, particularly the flood control and navigational improvements that were authorized for the 1996 Water Resources Development Act.

In particular, it is important to my area just earlier this month, after having gone through a long drought, the greater Houston area was hit with tropical storm Frances, flooding many neighborhoods along the Brays and Sims bayous in my district.

H.R. 4060 includes vital funding for several flood control projects, including those for the Brays and Sims as well as Hunting and White Oak bayous. I appreciate that the committee had the wisdom and foresight to see that the Corps got the funding that it needed for these projects.

Finally, Mr. Speaker, let me say that the bill includes $49 million for the deepening and widening of the Houston Ship Channel, the Nation's second largest port in terms of tonnage. This is a major part of the greater Houston area economy, having an indirect and direct effect on about 200,000 jobs, and this deepening and widening will allow the port to remain competitive, as we have more and more trade going on out of the Texas area.

Mr. Speaker, I want to thank all the Members of the committee, but particularly the chairman, who is departing, and the ranking member, the gentleman from California (Mr. Fazio), who is departing, and ask my colleagues to support the bill.

Mr. Speaker, I rise in support of the Conference report on H.R. 4060, the FY 1999 Energy and Water Appropriations bill. I would first like to thank Chairman MCDADE and Ranking Member FAZIO for their hard work on this important legislation. I would also like to thank my good friend from Texas, Mr. EDWARDS, for all the help he and his office have provided to projects in our state.

Mr. Speaker, I strongly support the decision of the Conference to ensure the U.S. Army Corps of Engineers receives adequate funding to continue their vital work in the areas of flood control and navigational improvements as authorized by the 1996 Water Resources Development Act.

I am very pleased by the support this legislation provides for addressing the chronic flooding problems of Harris County, Texas. Just this month, southeast Texas suffered significant flooding from Tropical Storm Frances including neighborhoods along the Brays and Sims Bayous in my district. H.R. 4060, includes vital funding for several flood control projects in the Houston area, including Brays, Sims, and Hunting and White Oak Bayous, which will provide much-needed protection for our communities.

I am most grateful for the subcommittee's decision to fund the Brays Bayou project at $4.5 million for FY '99. The Administration's FY '99 budget did not request any funding to continue work on this critical flood control project. However, the U.S. Army Corps of Engineers had initially requested $6 million to meet FY '99 construction needs. I am most apreciative that the Conference was able to fund this project while remaining within their budgetary spending caps as specified by the 1997 Balanced Budget Agreement.

This project is necessary to improve flood protection for an extensively developed urban area along Brays Bayou in southwest Harris County. The project consists of 3 miles of channel improvements, three flood detention basins, and seven miles of stream diversion and will provide a 25-year level of flood protection. The project was originally authorized in the Water Resources Development Act of

1990, as part of a $400 million federal/local flood control project. Through Fiscal Year 1998, over $6 million has already been appropriated. The Harris County Flood Control District has expended over $21 million for preconstruction preparation in terms of land acquisition, easements, and relocations, plus an additional $2.5 million in engineering and construction. As part of the Water Resources Development Act of 1996, the project was authorized as a demonstration project for a new federal reimbursement program. This program is an effort to strengthen and enhance the Corps/Local Sponsor role by giving the local sponsor a lead role and providing for reimbursement by the Federal Government to the local sponsor for the traditional Federal portion of work accomplished.

I am also most grateful for the committee's decision to fund the Sims Bayou project at $12 million for FY '99, which is much improved over the Administration's request for this project. This project is necessary to improve flood protection for an extensively developed urban area along Sims Bayou in southern Harris County. This project, authorized as part of the 1988 WRDA bill, consists of 19.3 miles of channel enlargement, rectification, and erosion control beginning at the mouth of the bayou at the Houston Ship Channel and will provide a 25-year level of flood protection. This continuing project has received over $100 million to date in state and federal funding and is scheduled to be completed two years ahead of schedule in 2004.

Mr. Speaker, I am also pleased that this legislation provides $49 million to fund continuing construction on the Houston Ship Channel expansion project. This project offers tremendous economic and environmental benefits and once completed, will enhance one of our region's most important trade and economic centers. The Houston Ship Channel desperately needs expansion to meet the challenges of expanding global trade and to maintain its competitive edge as a major international port. Currently, the Port of Houston is the second largest port in the United States in total tonnage, and is a catalyst for the southeast Texas economy, contributing more than $5 billion annually and providing 200,000 jobs.

However, the Port's capacity to increase tonnage and create jobs is limited by the size of the channel. Hence the need for the Houston Ship Channel expansion project, which calls for deepenning the channel from 40 to 45 feet and widening it from 400 to 530 feet. The ship channel modernization, considered the largest dredging project since the Panama Canal, will preserve the Port of Houston's status as one of the premier deep-channel Gulf ports and one of the top transit points for cargo in the world.

Again, I thank the Chairman and Ranking Member for their support, and I urge my colleagues to support this legislation.

Mr. KIND. Mr. Speaker. I rise today in strong support of the Energy and Water Appropriations Conference report and to commend my colleagues on the Conference Committee for their diligent work in bringing this Conference Report to the floor.

I would like to take a moment to highlight two items in this bill that are important to the citizens of western Wisconsin: The Upper Mississippi River System Environmental Management Program and the LaFarge Dam, located in the Kickapoo River Valley.

The Mighty Mississippi River runs through the heartland of our nation, and has been the focal point of our country's development throughout history. Today, Americans from 33 states live, work and play in its basin, and so it is only right that we recognize the Mississippi River as a nationally significant resource by funding programs such as the EMP, that serve the multi-purpose nature of this great river.

The Mississippi River is a working river with diverse uses. It carries the agricultural products of our nation's midsection to foreign markets while providing habitat for fish, wildlife and migrating waterfowl. Boaters and anglers use the rivers backwaters and side channels for a wide variety of recreational activities.

During this congress, I have worked with Rep. OBERSTAR, Rep. LEACH and Rep. GUTKNECHT to form the bipartisan Upper Mississippi River Task Force. Sixteen members of Congress—eight members from each side of the aisle—have joined together, to recognize the national importance of the navigational, recreational, and environmental benefits this nation enjoys because of a healthy, vibrant Mississippi River. The Upper Mississippi River Task Force has repeatedly voiced its unwavering support for fully funding the EMP. I thank the members of the Task Force for their bipartisanship, diligence and perseverance in supporting our nation's interest in the Mississippi River.

The EMP is unique in its multi-agency and multi-state cooperation in addressing the diverse needs of the resource. This Appropriations bill provides $18.9 million for the long-term resources monitoring and habitat restoration and enhancement efforts of the EMP. I commend the Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. Geological Survey, and the states of Wisconsin, Illinois, Iowa, Minnesota and Missouri for their participation in such a successful program.

This appropriations bill also provides $2.8 million in much needed funding for the LaFarge Dam project in my district in Western Wisconsin. The Water Resources Development Act of 1996 provisionally deauthorized the Army Corps of Engineers' La Farge Dam Project, located on the Kickapoo River in western Wisconsin. It also called for the transfer of ownership 8700 acres to the State of Wisconsin and Ho-Chunk Indian Nation.

This funding will provide the Army Corps of Engineers the resources it needs to continue the relocation of a state highway, conduct an environmental clean-up of reserve land, make safety modifications to the site, and address cultural resources issues in compliance with federal law. This funding will finally make the Kickapoo Reserve accessible to hikers, canoeists and outdoor enthusiasts for generations to come.

I applaud the Appropriations Committee for its diligence in protecting these priorities and providing the financial resources we need to preserve and protect the integrity of our nation's most treasured natural resources, our nation's rivers.

Ms. PRYCE of Ohio. Mr. Speaker, with the adoption today of the conference report on H.R. 4060, the Fiscal Year 1999 Energy and Water Development Appropriations, I would like to express my sincere gratitude to the House and Senate conferees for the inclusion of $14 million for the West Columbus Floodwall Project. Each year, as the appropriations process unfolds in Congress, I have made budget requests for the Floodwall Project, and have closely monitored the process to ensure that it receives the funding it needs. I remain committed toward achieving this goal. The $14 million included in this conference report will allow this project to proceed on-schedule and on-budget.

The threat of a major flood disaster continues to loom Columbus and Central Ohio. In 1913, 1937, and 1959, melting snow and heavy rains caused the Scioto River to overflow its banks. The resulting catastrophic floods caused the loss of many lives, destroyed homes and businesses, and damaged millions of dollars worth of residential and commercial property. Until the Floodwall Project is completed, the potential for a major flood disaster will continue to threaten citizens, homes, and businesses located in the very heart of downtown Columbus that borders the Scioto River. Currently, approximately 17,000 residents continue to be placed at risk of life, injury, and hardship. Should a 100-year frequency flood occur prior to completion of the project, the damages are estimated at $365 million and should a 500-year flood occur, the damages are estimated to exceed $455 million.

While risk to human life and safety is of paramount concern, completion of the Floodwall will also permit important new development along the Columbus riverfront. Columbus is now the largest city in Ohio and the sixteenth largest city in the United States. Its economy is strong and the city is experiencing rapid growth. New construction in the downtown riverfront area, however, will not be able to proceed until the Floodwall construction is completed. Without the important protection of the Floodwall, this looming risk will deter future business and housing development, economic growth, infrastructure improvements, and recreational opportunities in the city. Currently, flood plain zoning restrictions continue to remain in place for 5,520 residences and 650 non-residential structures, as well as the future development of 2,800 acres. It is, therefore, imperative to the city's growth and economic health that the Floodwall Project continue on schedule. Therefore, it is not only the safety of Columbus residents and businesses, but also the future growth of the city's downtown which depends on the timely completion of this important project.

On behalf of those that continue to live with the threat of a major disaster in Columbus and Central Ohio, let me again thank all the Members for their assistance on this very important project.

Mr. VENTO. Mr. Speaker, I rise with specific concerns regards the Energy and Water Appropriation measure. When conference with the Senate was sought the full House accepted my instruction which put the House on record in opposition to the Senate provision regards the Denali Commission which provided the authorization of an economic development commission with such sums as necessary and then topped it off with a $20 million appropriation. Little was understood, surely no hearings and no clear concept of what the purpose and cost would be were understood with the Senate language. The House on a voice vote said no to this policy path and process by accepting the veto instruction.

In conference I understand that the Senate advocate insisted upon this provision and that

the best the House conferees could do was to fence, to subject to authorization the $20 million that was included in the final conference that we are being asked to agree to today.

I must say I'm disappointed with this result and hope that the House can forestall and quick action to free up this $20 million solely for Alaska. This state has a significant oil reserve and billions in revenue that flows exclusively to the residents that have no income tax and little in other state-wide taxes that prevail in the other forty nine states. Alaska should look first to its own resources for the purposes anticipated by this commission provision and Congress should not short cut the normal process of open hearing and a good understanding of the topic. Nevertheless, we should and I'm hopeful that given the chance to review and limit this policy that the Congress would act responsibly. Therefore, I intend to vote for this measure with the hope that the intent of a true authorization, a complete evaluation, approved by the Congress is going to be implemented.

Mr. GREEN. Mr. Speaker, I rise in strong support of the Conference Report on H.R. 4060, the Energy and Water Development Appropriations Act for FY 1999. Included in this important conference report is an appropriation for the continued dredging project for the Houston Ship Channel. This has been a long time coming and we have all worked very hard to get to this point.

The expansion of the Houston Ship Channel is important on many levels. The Port of Houston, connected to the Gulf of Mexico by the 53-mile ship channel, is the busiest U.S. port in foreign tonnage, second in domestic tonnage and the world's eighth busiest U.S. port overall. With more than 6,435 vessels navigating the channel annually and an anticipated increase over the next few years, the widening of the channel from 400 to 520 feet and its deepening from 40 to 45 feet is a necessary step in safeguarding the economic viability of the port and the City of Houston.

The port provides $5.5 billion in annual business revenues and creates 196,000 direct and indirect jobs in our communities. By generating $300 million annually to the federal government from customs fees generated by port activities and $213 million annually in state and local taxes, this Ship Channel dredging project will more than pay for itself.

We have made a good first step. For Fiscal Year 1998, the Congress approved $20 million to begin construction. With the leadership and dedication of my colleagues, Chairman JOSEPH MCDADE and ranking Member VIC FAZIO, as well as Congressman CHET EDWARDS, we have secured $49 million for fiscal year 1999.

We still have a lot of work to ensure that the deepening and widening project remains on schedule. Working together, I know we will be successful.

Mr. STRICKLAND. Mr. Speaker, today I rise in support of H.R. 4017, the Energy Conservation Reauthorization Act of 1998. The bill supports the continued funding of worthy programs that stemmed from the Energy Policy and Conservation Act and the Energy Conservation and Production Act. During the mark-up of H.R. 4017 in the Commerce Committee, the bill was amended to include a provision that would make our Nation less dependent on foreign oil supplies by promoting the use of biodiesel fuel in the Federal Government.

I am proud to rise as a cosponsor of a provision that will provide credit for those who consume the biodiesel blend, B–20, an alternative fuel. Currently, Federal, local, and municipal agencies must add alternatively fueled vehicles to their fleets. B–20 is an easily-accessible alternative fuel that is a combination of many of the farm products produced in southern Ohio. The bill authorizes fleet managers using biodiesel in their motor vehicles to receive credit toward the requirements for alternatively fueled vehicles established under current law.

Of equal importance is the positive effect this bill will have on farming communities across the country including those in the Sixth Congressional District of Ohio. This bill supports farm incomes by increasing demand for soybeans, natural fats, and other farm products. This measure is critical, given the current economic woes of farmers in Ohio and the rest of this country. H.R. 4017 does not create any new mandates on covered fleets, and actually provides fleet operators greater flexibility in compliance with existing law. The Energy Conservation Reauthorization Act modified the purchase requirement program to reward the use of alternative fuel sources. In sum, the bill promotes U.S. energy security and regulatory flexibility while assisting America's farmers.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

Pursuant to clause 5 of rule I, further proceedings on this question will be postponed.

APPOINTMENT OF CONFEREES ON H.R. 3150, BANKRUPTCY REFORM ACT OF 1998

Mr. GEKAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3150) to amend Title 11 of the United States Code, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. NADLER moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the Senate amendment to the House bill (H.R. 3150) be instructed to agree to section 405 of the Senate amendment.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. GEKAS) will be recognized for 30 minutes.

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

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

Mr. Speaker, I am offering this motion in response to a disturbing practice that unfortunately has become all too common. Credit card companies have told the Congress that they need this bill to provide protection from irresponsible borrowers who abuse the bankruptcy system to evade debts that they can repay.

I do not agree with the bill and I do not agree with that contention, but even if that were true, the practice that some credit card companies have now engaged in is unconscionable. Some credit card companies now discriminate against the most responsible borrowers by cutting off their credit card or charging other fees to borrowers who commit the terrible sin of paying their bills in full and on time each month.

This form of discrimination against the most responsible borrowers is intolerable and outrageous. On the one hand they are telling us that borrowers are irresponsible and we should do something about that. On the other hand, they want the right to discriminate against borrowers who act responsibly.

Mr. Speaker, in response to this phenomenon, the other body adopted an amendment offered by the junior Senator from Rhode Island, Mr. REED, which would prohibit this practice. It is an amendment to the Truth in Lending Act. It makes sense, it is fair, and it reinforces the theme that the sponsors of this bill have been stressing, the theme of shared responsibility in lending between borrower and creditor.

☐ 1600

The House bill tightens the noose around the necks of bankrupt Americans, but does nothing to ensure that banks are also required to act responsibly. This amendment and the others adopted by the Senate will help bring some balance to an unbalanced bill.

Mr. Speaker, this is a real problem. Around the country, credit card customers who are most responsible with their borrowing practices have received letters from issuers which say, and I am now going to quote,

Our records indicate this account has had no finance charges assessed in the last 12 months. Unfortunately, the expense incurred by our company to maintain and service your account has become prohibitive; and, as a result, in accordance with the terms of your card holder agreement, we are not reissuing your credit card.

The message is clear. Be responsible but not too responsible. It reveals the true agenda of the supporters of this bill, which is not to encourage responsible borrowing but to allow banks to squeeze borrowers even further.

The banks were able to kill an amendment to prohibit the outrageous double fees at ATMs, a little balance

and fairness. Credit card companies have claimed that they need to cancel accounts which do not incur finance charges because the cost of servicing these accounts is, quote, ''prohibitive.'' That is not true.

Each year, an average $3,000 is charged to a credit card. The 2 percent interchange fees on these cards, which equals $60, would seem to more than cover the average industry cost of $25 needed to service an account for a year.

Americans hold over $450 billion in consumer debt; and with the average interest rate on credit card balances at 17.7 percent in an era of low interest rates generally, the overall profitability of credit card lending is apparent. In fact, we know that the credit card departments are the major profit centers in the banks today.

This amendment also will not bar lenders from cutting off cards or charging fees for other legitimate reasons. It would only block those actions if they are used to discriminate against the most responsible and conscientious borrowers.

Mr. Speaker, I urge my colleagues to support the motion to instruct the conferees. Let us have a bill which stresses balance and a shared responsibility in the credit card market.

Let me say also, Mr. Speaker, I hope, let me take this opportunity to express the hope, that the published reports that we have seen in which Members of the majority party have indicated that the Members from this House will get together with the majority party members from the other House and make an agreement and a deal behind the scenes and by implication will shut out the minority and to make a conference a sham, I hope that those reports are inaccurate. I hope that will not happen.

I hope that what has happened in certain other conferences where a behind-the-scenes deal is made and the conference is a sham and the members of both bodies from the minority party are completely shut out and are presented with a completed bill, take it or leave it, I hope that is not going to be repeated in this instance. Because if we are going to have a responsible bill that the President will not veto, that would be a very bad idea if that were to occur.

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

PERMISSION TO POSTPONE ELECTRONIC VOTE ON MOTION TO INSTRUCT CONFEREES

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that any recorded vote, if demanded, which may be requested on a motion to instruct conferees on the bill, H.R. 3150, be postponed until after 5 p.m. today.

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

There was no objection.

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

Mr. Speaker, I rise in opposition to the motion made by the gentleman from New York.

The Members should recognize, as in every other case, when a motion to instruct conferees takes place that it is kind of a suggestive motion, that it is not binding on the committee nor on the conference nor on the House itself.

But as a question of comity and of good faith, if a motion such as this should pass, I think the chairman of the conference should bring it up at the conference and note for the record that such a motion carried in the House.

If this should carry, I want the gentleman from New York to know that I as one will convey in the conference the notions that are expressed in the motion.

There are a couple things, though, that have to be made of record. At the start, the subject matter that the gentleman brings to the floor via this motion to instruct is probably not germane. If it were a complete House measure which we were discovering here, it is possible that we would not even be discussing it because the subject matter does not pertain to our portion of the bankruptcy realm. But, rather, this motion goes to something that is exclusively in the jurisdiction of the Committee on Banking and Financial Services. So we have that.

So just as I say to the gentleman from New York that I pledge to him, if this motion should carry, that I will in good faith mention that this motion was carried to the conference, I will just as strongly say that the House believes on its own that it is not germane, and that it should not be considered from a standpoint of other than what it is, a Senate proposal at the time of the conference.

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

Mr. GEKAS. I yield to the gentleman from New York.

Mr. NADLER. Mr. Speaker, I believe that it is germane simply because it is in the Senate bill, and that makes it conferenceable and germane.

Mr. GEKAS. Mr. Speaker, reclaiming my time, there is no question that the conference can deal with it. What I am saying to the gentleman from New York is, in companionship with the pledge I make to the gentleman that I will carry his wishes as it were through this motion to the conference, I will also point out at that time that the House is not enamored of and was not enamored of this provision during the regular House debate, not only because it was not worthwhile on its merits as we would say, but also because it would never reach the floor for discussion at all because it is not germane at all to the issue of bankruptcy reform as reflected in H.R. 3150. But having said that, I am willing to proceed as I outlined in my opening remarks.

Mr. Speaker, the gentleman from Texas (Mr. BENTSEN) had approached me at the outset, and I agreed that I would submit to interrogation, so I yield to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I appreciate the gentleman for yielding.

Mr. Speaker, it has come to my attention that the bill as written by the Senate that we are discussing today would further encroach upon the rights of the States to set their own laws and policies with respect to homestead.

As the gentleman knows, I had raised objections to the House bill which I realize that he worked quite diligently on trying to temper some of the concerns that Members from my State of Texas and I think Florida and others had. While I would like to go much further than what is in the House bill, in fact I would prefer a complete elimination of the homestead provisions, because I think they really are not to the point of what the bill is trying to address, I am eager to learn what the House position may be with respect to the Senate language.

I would just tell the gentleman, from this Member's perspective as one who did vote for the bill when it came out of the House, if it includes the language that is in the Senate bill, I will find it next to impossible if not impossible to support a conference report or to override a potential veto of the President as has been mentioned.

Quite frankly, it is still hard. Some of my support, and I think some of my colleagues from my State support, on the House bill was with the understanding that we might even do better than we did in the House.

Mr. GEKAS. Mr. Speaker, reclaiming my time, the gentleman from Texas (Mr. BENTSEN) should know, first of all, that we intend to defend strenuously the House position on homestead exemption. We believe it is the right course to adopt. We enter the conference unyielding on that point.

We believe that the States should retain the right under even the current law to set its own standards for homestead exemption.

We are buttressed on a couple of points by the fact, number one, that one of the gentleman's colleagues from Texas, the gentleman from Texas (Mr. SMITH), a member of the Committee on the Judiciary, is also strongly juxtaposed to this issue and has prevailed upon us to consider that position just as the gentleman has on the floor here today. He being a member of the Committee on the Judiciary adds weight to the argument that the gentleman has advanced.

Number three, we believe that the Senate, in the final analysis, will be able to move closer to our position. We have that by way of rumor or innuendo, shall we say, but we hope to press the point to the point that that innuendo will turn to support for our portion of this bill.

So with that, the gentleman should feel confident that at least moving into the conference the House position on homestead exemption will be the source of staunch defense.

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

Mr. GEKAS. I yield to the gentleman from Texas.

Mr. BENTSEN. Mr. Speaker, I appreciate the gentleman's comments. This motion to go to conference came up quickly.

The gentleman will be receiving a letter today, as will the gentleman from New York (Mr. NADLER), from myself and a number of my Texas colleagues on this issue in staking out our position. I appreciate the gentleman's comments and perhaps the members of the other body, if we had gone back to where we were prior to the beginning of this century when they were elected by their legislatures, would be more favorably inclined towards the will of their own legislatures rather than what they would seek to impose upon them.

So I appreciate the gentleman's comments and hope that the House stays the course.

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

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

Mr. Speaker, I would observe that the distinguished chairman of the subcommittee a moment ago, on the motion to instruct, talked about its germaneness to the House bill. Although he said it was conferenceable, he conceded that it was conferenceable, I am not clear but I think he said he objected to it but he did not discuss it on the merits. He did not say why it is a good idea or a bad idea.

I would like to hear whether he agrees with this or whether he thinks this is a good idea or a bad idea, whether he thinks that it is right that credit card companies are going to cut off the credit or discriminate against the 40 percent of credit card holders who pay their balances in full each month? In other words, does he oppose this or not?

I would like to know anybody's views on the merits of this.

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

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

Mr. Speaker, I think the proper thing for the gentleman from New York (Mr. NADLER) and me to do is to ask for a special order and debate his proposition for an hour in the well sometime when we are prepared for it.

At this juncture, where we are now, the gentleman should recognize that the merits of this proposition have not been debated in full, either in our committee, nor analyzed by our staff, nor in any way the subject of conversation or informal conference, as it were, between the gentleman from New York (Mr. NADLER) and me, but we ought to do it some time in the context of a full debate on the floor by way of a joint special order, if the gentleman wishes.

Suffice it to say that I will live up to my pledge, unless he keeps on insisting on debating it now, in which case I may have to retract my willingness to openly state the gentleman's wishes on this matter.

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

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

Mr. Speaker, this provision is in the Senate bill. It was fully debated on the Senate floor. It has been a matter of discussion. It has been debated in the Committee on Banking and Financial Services of this House and, frankly, if we were going to have a special order that would be after the instructions to the conferees were voted or not voted.

Frankly, I am a little surprised that no one has anything to say about the merits of this idea. Perhaps they think it is self-evident. I certainly do.

The 40 percent of credit card holders who pay their bills on time should not have their credit withdrawn for that or be discriminated against in other ways. I hope, therefore, the House will vote for this motion, which I recognize is not binding on the conferees, any instruction is not, but is a good expression of the will of the House, which hopefully the conferees will take into account.

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

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

Mr. Speaker, I am tempted to go for a full vote of the House just to try to get my point across to the gentleman from New York (Mr. NADLER). I am withholding my own inclination to disallow this thing wholly on the basis of a vote which I believe I can try to muster a majority to refuse the gentleman's motion.

He refuses to understand that as a matter of comity and courtesy, I am willing to transfer, to carry his point of view to the conference, even though I have strong feelings about the fact that that is not the salient point of the conference in total bankruptcy reform.

□ 1615

But if he keeps insisting about wanting to continue debate, I may want to have a full vote. At this juncture, I will vouch for myself and for him, that the pressure is off on this and that we are going to proceed to a voice vote.

Is the gentleman willing to agree to proceed to a voice vote?

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

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank the gentleman from Pennsylvania (Mr. GEKAS). I think we have an expanded opportunity to work out some issues. And let me add my expression of concern but also recognition, I think the chairman has recognized this issue, and I am delighted that the gentleman from New York (Mr. NADLER) has refreshed our memories and brought this very important point to our attention; that is, the question of those credit users, borrowers who in actuality pay on time or pay in full, for those individuals to be deprived of credit or to be put in a more disadvantaged position than otherwise.

Might I cite another example that does not go to this particular point, and I believe the gentleman from Pennsylvania (Mr. GEKAS) may be aware of this, is the complete consumption or being consumed throughout the Nation by credit cards. We have found many of my constituents who may not, in certain instances, be eligible for credit cards cannot even pay with cash. We have heard the stories of not being able to rent cars and purchase other large items, if you desire to purchase it without a credit card. So this idea of finding out that those who would be willing, if they had a credit card, to pay in advance I think is an important instruction.

I look forward to working with both the gentleman from New York (Mr. NADLER) and the chairperson on addressing these questions. I might add, if I might inquire of the gentleman from Pennsylvania (Mr. GEKAS), I am concerned, coming from Texas, as to how we might fix the homestead problem. It was raised by my colleague, the gentleman from Texas (Mr. BENTSEN).

I understand that the Senate bill makes it worse, and it makes it very difficult for us in Texas because of the different rules that we have. Is the gentleman familiar with the homesteading problem, the cap with respect to the amount of monies able to be preserved on one's homestead?

Mr. GEKAS. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I seem to recall that the gentlewoman did not support the House bill and in doing so on the whole, it appears that she rejected the homestead exemption language that we have in the House.

But I must say to the gentlewoman that the homestead exemption in the House, which we believe is the strongest version of that issue that is possible, is one that we plan to defend staunchly at the conference. We have been in consultation with her colleagues, her governor, and with our colleague on the Committee on the Judiciary, the gentleman from Texas (Mr. SMITH), who has kept us in tune with the wishes of the Texas legislature and of the Governor and of his colleagues in the Texas delegation in the Congress. So we intend to work hard to preserve the exemption that is now part of the House language.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman is absolutely right. I voted against the bill. I thought it was a bad bill. But that bill, as far as I am concerned, did not totally answer the concern that I had with the homesteading question. I am very delighted that we will try and fix or we will attempt to make it better, both out of the Senate and maybe even better than what was reported out of the House.

My final point will be that I think one of the missing items that could be

worked upon as well is the question dealing with educating credit users. I hope that in this conference there will be some discussions about those issues and, as well, I particularly raise the concerns I had about this bill in its lack of protection for child support and alimony.

With that, I would simply say that it is important that we put forward the best bill we can in protecting those who are most in need.

I rise to support this amendment in response to a disturbing practice that, unfortunately, has become all too common.

Credit card companies have told the Congress that they need protection from irresponsible borrowers who try to abuse the bankruptcy system to evade debts they can repay.

Yet, some credit card companies have been discriminating against the most responsible borrowers by cutting off the credit cards, or charging other fees, to borrowers who pay their bills in full and on time each month.

This form of discrimination against the most responsible borrowers is intolerable and outrageous. On the one hand, they are telling us that borrowers are irresponsible, and on the other hand, they want the right to discriminate against borrowers when they act responsibly.

In response to this phenomenon, the Other Body adopted an amendment offered by the Junior Senator from Rhode Island [Mr. REED] which would prohibit the practice. It is an amendment to the Truth in Lending Act, it makes sense, it is fair, and it re-enforces the theme the sponsors of this bill have been stressing—the theme of shared responsibility in lending.

The House bill tightens the noose around the necks of bankrupt Americans, but does nothing to ensure that banks are also required to act responsibly. This amendment, and others adopted by the Senate will bring some balance to an unbalanced bill.

This is a real problem. Around the country, credit card customers who are most responsible with their borrowing practices, have received letters from issuers which say—and I am quoting here:

> Our records indicate this account has had no finance charges assessed in the last 12 months. Unfortunately, the expense incurred by our company to maintain and service your account has become prohibitive, and as a result, in accordance with the terms of your cardholder agreement, we are not reissuing your credit card.

The message is clear: be responsible, but don't be too responsible, and it reveals the true agenda of the supporters of this bill, which is not to encourage responsible borrowing, but to allow banks to squeeze borrowers. The banks were able to kill an amendment to prohibit the outrageous double fees at ATM's. A little balance and fairness.

Credit card companies have claimed that they need to cancel accounts which do not incur finance charges because the cost of servicing these accounts is ''prohibitive.'' That's not true.

Each year, an overate of $3,000 is charged to a credit card. The 2 percent interchange fee on these charges, which equals $60, would seem to more than cover the average industry cost of $25 needed to service an account for a year.

Americans hold over $450 billion in consumer debt, and with the average interest rate on credit card balances at 17.7 percent, the overall profitability of credit card lending is apparent.

This amendment also will not bar lenders from cutting off cards or charging fees for other legitimate reasons. It would only block those actions if they are used to discriminate against the most responsible and conscientious borrowers.

I urge my colleagues to support the motion to instruct conferees. Let's have a bill which stresses balanced and shared responsibility in the credit market.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. LAFALCE), ranking member of the Committee on Banking and Financial Services.

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

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

I rise in support of the motion to instruct House conferees on the Bankruptcy Reform Act. I wish to commend my colleague, the gentleman from New York (Mr. NADLER) for his leadership in directing the House's attention to the important issues raised in the Senate bill by the Reed amendment. At a time of escalating consumer debt and record bankruptcies, it would be everyone's objective or it should be everyone's objective to encourage consumers to be more responsible in managing debt, particularly credit card debt.

This is a primary reason for enacting legislation to create a needs-based bankruptcy system. Unfortunately, many credit card companies have taken an opposite approach. Rather than encouraging responsible use of credit cards and reduction of credit card debt, they are imposing penalties on the 40 percent of their card holders who act responsibly and regularly pay off their credit card balances.

Press articles began appearing 2 years ago describing how one credit card issuer, then another, had begun imposing minimum finance charges or maintenance fees on the accounts of card holders who regularly paid off the card balances each month. Last year we read that several credit card issuers had also begun canceling the accounts of card holders who regularly paid their card balances in full.

These seemingly self-defeating actions were guided by the cynical theory that if consumers are going to pay fees anyway, they can be induced to run up their card balances and pay interest charges. The provisions added to the Senate bankruptcy reform bill by the Reed amendment are almost identical to proposals that I introduced in the House this summer. They would prohibit a credit card issuer from imposing fees or charges on a credit card account or canceling or refusing to renew such account solely because the cardholder pays off the card balances on time and does not incur finance charges.

At a time when Congress is seeking to induce debtors to be more responsible in managing debt, the credit card companies are actually punishing debtors for doing just that. These practices are unfair, they are costly to consumers, and they are inconsistent with the purposes of the bankruptcy legislation.

Part of the reason I voted against the bankruptcy legislation was the bill's inattention to legitimate consumer concerns in the bankruptcy process. The Reed amendment language in the Senate bill offers one important area where we can improve this legislation for America's consumers.

Mr. Speaker, we need policies that encourage responsible use of credit cards and reduction of consumer debt, not policies that impose penalties on consumers who want to repay their debts.

I urge adoption of the Nadler motion to instruct the House conferees to accept these very important provisions in the Senate bankruptcy bill.

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

Mr. Speaker, I am going to ask for a vote on this motion because I understand the intent of the distinguished chairman when he says he will convey to the conferees, if we do not seek a vote, he will convey to the conferees our views on this matter, but he will also tell them it is not germane to the House bill. In other words, he will quietly seek, the majority will quietly seek to kill this amendment and we will never hear about it again. So I want a vote on this motion.

This motion really shows what is going on here. Look at this chart here. We are told that the increasing number of bankruptcies is because middle-income and low-income Americans are generally deadbeats, that they are people of no character, that the moral stigma associated with welching on your debts is no longer around, people go bankrupt very easily. That is the whole basis for this unfortunate bill.

Whereas in fact, we know that 15 years ago, in 1983, the average bankruptcy filer had debts, personal debts equal to 75 percent of his annual income. Today the average chapter 7 filer, the average bankruptcy filer has debts equal to 125 percent of his annual income. So today it is not that people are filing for bankruptcy as the first thing when they get into trouble. It is that they are in way over their heads. They are in way over their heads, and they do not file until they are absolutely desperate. Their debts are 125 percent of their annual income.

The banks, having extended the credit recklessly, now want to do two things they want to do to the person who has gotten in over their head, because they keep throwing credit cards and credit at people who do not have that kind of income, they want us to crack down on bankruptcy so people cannot get out from under their debt. That is the chief point of this bill.

Now they also want to say to those people who actually pay their debts on time, let us milk them for more

money, too. If you have a credit card and you use it and you pay your bill in full on time every month, they are not making enough money off you. So they want and they are starting to say, we are going to cancel your credit card, or we are going to charge you a higher fee. And the Reed amendment says they cannot do that. They cannot charge a higher fee to someone who pays his debts in full each month than to someone who does not, and they cannot eliminate the credit card for that reason.

It is not a sin to pay your debts on time. Look at that quote from the letter I read before from the bank, I forget which bank, to a creditor, You pay your debts on time and that is terrible. It costs us a lot of money.

Let us look at this chart here. This chart shows the profitability of the credit cards as against the profitability of the banking system. Look at it here. The banking system's return on assets has averaged, since 1971, about 1 percent. Went down in 1987, with the stock market crash, to a little over, about a third of a percent and more recently was up at about 1.5 and 1⅔ percent, but about 1 percent.

But look at the profitability of the credit cards. We all know what has happened to the credit cards. In the early 1980s, we deregulated the banks. We eliminated the interest rate ceiling on credit cards because in the late 1970s we had huge inflation and the interest rate was below the inflation level and the banks lost money for a couple years.

So we said, no more limits. What happened? Well, the interest rates shot up. Interest rates on everything else, car loans, mortgages, cost of money to the banks has come way down, but the credit cards have stayed up there at almost 18 percent average. Do you know what the mortgage rate is today? It is 6.25 or 6.3 percent on a mortgage, on a 30-year mortgage. It is somewhat similar to single digits for car loans. But for credit cards, the average is 17.7 percent.

So what happened to the profitability? Here is where we deregulated the interest rates. It went up to about 5 percent and for the last 17 or 18 years, it has stayed between 5 and 4 percent, most recent measurement about 4⅔ percent, 4 times, 3½ to 4 times higher than the general profitability of the whole system.

So that banks are making out like bandits on the credit cards. They are making plenty of money. But it is not enough. After all, they have lent recklessly in foreign countries and we have got to really squeeze the American consumer to pay the banks back for what they have lost on investments in Russia and Argentina and other places. So let us squeeze the people. Those who got into, got in over their heads, who have debts amounting to more than 100 percent of their annual income and are filing for bankruptcy, let us pass this bill. Let us spend $40 million in campaign contributions and lobbying to pass this bill to enable us to really squeeze these consumers and make it harder for someone in over his head to go bankrupt and, for those who go bankrupt, make it harder for them to get out of it.

But that is not enough. Quite separate from this bill, let us tell those terrible people who actually pay their debts on time every month, we do not want your business, because we are not making enough money off you. We are making real money.

□ 1630

The 2 percent interchange fees on these charges equal $60. The average cost of servicing the account is $25. It seems to average, my arithmetic tells me, a $35 profit per year without any interest. But that is not enough. They are using the ability to cut off people from credit or to impose extra fees for the sin of paying their bills on time.

This amendment, Mr. Speaker, does not, unfortunately, deal with the other evils in this bill, but this amendment, which the Senate voted for, which is in the Senate version of the bill, simply says a creditor may not solely, because a consumer has not incurred finance charges in connection with an extension of credit, one, refuse to renew or continue to offer the extension of credit to that consumer; or, two, charge a fee to that consumer in lieu of a finance charge. That is the entire amendment.

So we will have a vote on the floor. Let the American people see who in this House thinks that the banks should be able to gouge in this way the debtor who pays his debts on time and who does not. I urge the Members of this House to vote for this motion to instruct the conferees to agree to the Senate amendment and it will show us who cares about consumers, at least a little, and who only cares about the profitability of the credit card companies.

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

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

Just as the overwhelming argument that had been heard throughout the bankruptcy bill debate about how the debtor is being crushed by our bill, the argument against that is the one that now prevails against the argument from the gentleman from New York. We maintain that if we do not reform the bankruptcy bill, every consumer in the United States is faced with higher consumer costs, higher interest rates, higher cost of goods at the supermarket, let alone at the credit market.

Now, what happens here, if this Senate provision remains in the bill, the one to which the gentleman from New York commands our attention, then the likely result will be higher annual fees for the rest of the debtors who consume credit on the credit market and higher interest rates because the losses that might be incurred by the credit companies in this particular facet of their enterprise has to be passed on to other customers. Who are they? They are all consumers who rely on credit across the land for the ability to purchase goods, to feed their families, to do all that is necessary to maintain a standard of living on the part of everyone.

So here is the question that is going to be answered by the gentleman's vote on the pending question that will come before the House on the motion to instruct. If my colleagues want to see higher annual fees for credit cards, if they want to see higher interest rates for credit cards, if they want to see our students, who want loans, to have to pay higher annual fees or higher interest rates, or to see a family that needs to borrow some money for improvement of some facet of their family life; if my colleagues want them to pay higher annual fees and higher interest rates, then they should vote in favor of the motion to instruct.

If, however, my colleagues believe, as I do, that just like bankruptcy, if it goes too far and is not controlled, it will cost all of us in interest rates, in cost of goods and cost of doing business in our country, then my fellow Members will vote against the motion to instruct; to preserve the path that we have already prepared to bring down interest rates, to reduce the cost of what bankruptcy does to the Nation, and to allow our families to be able, without more fees to pay and more interest to pay for credit, to be able to add to their families' stability.

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

Mr. CUNNINGHAM. Mr. Speaker, this is an issue of principal. If an individual makes a loan, it is simple, they pay it back. When an individual goes in to borrow, whether it is from their colleague, a bank, whether it is a savings and loan or whatever, they know what the interest rates are and they should adhere to the rules of that loan. If they do not, it is called responsibility. They should take responsibility for that action and pay it back. And if they cannot, then it is called accountability. We must all account for the fact that we did not take into account all the different areas in which we cannot pay back that loan, whether it is from our brother, a bank or anybody else.

The gentleman speaks about the rich versus the poor and the credit card companies making all this money. No one makes an individual go get a credit card. No one makes an individual borrow from their uncle or father or whatever it happens to be. But if they do, they darn sure better pay it back, because we do have laws in this Nation, versus someone saying, oh, someone is preying on the other individual.

Interest rates, according to Alan Greenspan, are below 2 and 8 percent lower than if a liberal Congress would have ruled since 1994 because of the balanced budget. Now, think how an 8

percent increase on a credit card would have affected these people. It would have been disastrous.

The other liberal answer is to tax people. And they talk about how in 1993, that, oh, they balanced the budget by increasing taxes on people. Well, they increased the tax on Social Security, some of our poorest people in our Nation. They increased the tax on the middle class. They cut the COLA of the military and the veterans. But yet now they cry the rich versus the poor and the profitability of credit card companies.

It is based on principle, Mr. Speaker, it is based on responsibility, and it is based on accountability; some things my liberals friends fail to recognize.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from New York (Mr. NADLER) has 9 minutes remaining, and the gentleman from Pennsylvania (Mr. GEKAS) has 15 minutes remaining.

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

I would simply observe, Mr. Speaker, that the gentleman from California apparently was unaware of the subject matter of this motion. We are not talking here about people who are irresponsible, if that is what it is; or perhaps just down on their luck; perhaps they did not have health insurance and needed an expensive operation; got laid off, whatever. We are talking here about people who pay their debts on time every month and for whom the credit card companies now want to say they cannot get credit because they pay their debts. That is what the subject of this motion is. So let us not talk about irresponsibility.

And let us not debate about the balanced budget. That is a separate debate. Let us talk about what we are talking about, and what we are talking about is this motion to agree with the Senate amendment, which says that the credit card companies should not be able to charge extra or to eliminate credit all together to a credit card holder simply because he or she commits the terrible sin of paying their debt on time. That is the amendment. So let us not talk about responsibility here. This person is meeting his responsibility or her responsibility.

Now, I would like to address the argument of the gentleman from Pennsylvania, who says that if the banks are not earning enough money from these people because they pay their debts on time, and they are not paying, therefore, interest charges; if we do not allow the banks to shut off credit to them; if we do not allow the banks to charge them a special extra fee, to penalize them for paying their debts on time, then that extra cost of the banks will be passed on to the consumer. Frankly, that is not true. In fact, it is nonsensical and history proves it.

When we voted in the early 1980s to deregulate interest rates, we were told, hey, the inflation rate in 1979 was 17, 18 percent. We cannot have an interest rate ceiling of 6 percent. The bank is losing money. So we will deregulate the interest rate, we will let the banks charge 20, 21 percent and, of course, when general interest rates come down, the credit card interest rates will also come down.

Well, the general interest rates came down. The current Federal Reserve rate is 5.25 percent, and they are thinking of lowering it further. Mortgage rates have come down, car loans have come down, everything has come down except credit card interest rates. They came down from 22 to about 18 percent, but they are way up there, and that is why the profitability jumped.

And who in this country really believes that if we allow the banks to gouge people who pay their debts on time that this profitability will not simply go up? Who believes that banks will pass that savings on to the consumer? Who believes that they will lower the interest rates that they have held artificially high by semi-monopolistic practices for the last 15 years? That is absurd.

I daresay if I proposed an amendment to mandate that the banks lower the interest rates to reflect this cost, people on that side of the aisle would say, that is terrible, that is socialistic, I do not know what it is, it is paternalistic. But the banks are not going to lower the interest rates. They have not for the last 15 years. It is way above their costs. And that is why from everything else they do they are making a profit in the 1 to 2 percent range. From credit cards they are making a profit in the 4 to 5 percent range because they are gouging the consumers now. They will continue to gouge the consumers. And this is one more way of gouging the consumers they have invented. And the gentleman thinks we should not prevent them from enjoying the fruits of their inventiveness on a new way to gouge consumers.

So I hope we pass this; we accede to the Senate amendment, and at least have a little control here and a little sympathy for the responsible consumer who pays his debts.

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

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

It is obvious to me that the gentleman from New York, if I could have his attention, does not have much faith in the free enterprise system. He keeps insisting that, even with strong competition in the banking industry, that somehow they will not allow the market to control whether or not credit interest rates will go down or up. But everyone knows, who has a scintilla of an idea about the free enterprise system, that competition, especially among banks, among credit lenders, is severe and that credit competition allows costs, annual fees, interest rates to be modified from region to region, from different kinds of loans to other different kinds of loans.

And I daresay that anything that we do, like the proposition that the gentleman espouses, that is now contained in the Senate bill and is the subject of his motion, if that remains in place, the student who is in college, who wants to borrow some money to use for a continuation of his studies at college will shop around and find an interest rate or an annual fee type of credit charge that best suits his needs. If the gentleman prevails in this, that student will have less choice. And whatever choice he does have will contain almost automatically annual fees that would not have existed before and higher interest charges for the purposes that the student wants to use: for books, for maintenance of his life-style in college, to perpetuate his existence at college even.

So why does the gentleman from New York want to risk having this student, or a family that wants to get together and have some additional credit for an addition to their house, or for some joint vacation that the family wishes to take, all of a sudden, in this free competitive market that we are talking about, the gentleman wants to add another burden, another crimp on the competitive angle of the enterprise system in the credit industry, and force upon this family the possibility of having less credit areas in which to shop for good credit, good rates, one that does not have as high an annual fee as others and, instead, will force the family to have to look at higher annual fees, higher interest costs, and perhaps even force them to forego the vacation, or forego the extra semester in college, or forego the ability to build an addition to their home, or forego a new appliance in their family atmosphere. Why? Because the credit companies, those wishing to offer credit, will be constrained one step more if they cannot recover some of their losses in different ways by being able to impose certain annual fees and credit charges.

□ 1645

This is a call to increase annual fees, for all of us to increase credit rates, interest rates for all of us, in the name of not allowing the banks or the credit card companies to get away with fees and credit interest costs.

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

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

Mr. Speaker, I believe the free enterprise system is by far the best economic system that we have discovered thus far in terms of the production of wealth in services. It produces a bounty of goods to distribute.

But the free market is not perfect. If it were perfect, we would not have this problem. If it were perfect, we would not have to regulate HMOs, which gouge their customers and sacrifice the quality of medical care to the bottom line, although I am sure some people think that is impossible in a free enterprise system.

The market is not perfect. If it were perfect, interest rates on credit cards would not average today's 17.7 percent. It is an oligopoly. Yes, there are some banks, banks we never heard of in some small town somewhere that will offer a credit card at 11 percent or 9 percent. But the big ones that have 90 percent of the business, that spend a lot of money on marketing, they are up in 17 and 18 and 21 and 19 percent, and they get away with it because the free market is not perfect. We need this protection.

Mr. GEKAS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Pennsylvania (Mr. GEKAS) has 11½ minutes remaining.

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

Mr. Speaker, now we hear that the HMOs gouge and the banks gouge. I suppose lawyers and doctors and dentists gouge, and the mom-and-pop grocery store gouges and everybody else gouges. Maybe the gouges are in the free market so people can select between gouges and thus reduce the cost of goods, et cetera.

The gentleman from New York (Mr. NADLER) overlooks the fact that in this competitive system that we have, that 11 percent which he mentions in the hometown, in the small town, will be very attractive to this student that I am talking about. He is not going to go to the big bank where 18 percent is charged. He has got a choice.

What we are saying is that the more constraints we put on the big banks and the little banks, that student will not be able to get the 11 percent anymore because that 11 percent company is going to have to raise its interest rates if some of these artificial constraints are put on them.

By his very example, he demonstrates why his motion should not carry. His motion is a constraint on the free market. His motion to instruct the conferees dampens the right and the ability of a student who requires credit to continue in college, constrains the family that needs extra credit for family needs and stability. For the economy itself, where we need fewer restraints on free enterprise, the gentleman offers even more ways to strangle it.

I hope that the body will vote an energetic ''no'' on the motion to instruct conferees on this bad idea.

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

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) has 4 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New York (Mr. NADLER) for yielding.

The motion of the gentleman is so obviously reasonable that I am unsure why we are even furthering the debate. As I understood the remarks of the chairman early on, if we had taken a voice vote we might have moved this forward. But I simply want to correct some of the comments made as to the enormous burden on our credit card companies.

The hearings that we held, few that they were, evidenced that there were very, very few default problems and loaded monetary problems or impact with our credit card companies. So I think that we are distorting this guilt that we are promoting in suggesting that our credit card companies, our banks, are suffering.

But I wanted to emphasize women in this particular motion, for many of my constituents came to me, particularly on the drastic and dastardly provisions impacting alimony and child support which still have not been corrected. But certainly many of them said that we try to manage our money and in managing our money, many of them have credit cards and attempt to pay off those credit card bills either in full or certainly timely. Women are being denied credit by this kind of legislation. The motion of the gentleman from New York (Mr. NADLER) should be passed.

Mr. GEKAS. Mr. Speaker, may I ask how much time is remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) has 10 minutes remaining. The gentleman from New York (Mr. NADLER) has 3 minutes remaining.

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

Mr. Speaker, there is another element of this that is being overlooked by the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from New York (Mr. NADLER), all of those who are criticizing so vehemently the free enterprise system and the people who are in business to extend credit, when the entire country, our family strongholds, run on the basis of credit extension, the entire system. That is such an obvious basic standard under which we live that it always galls me to listen to the rhetoric that would tear apart a credit system that enables us to have the highest standard of living that the world has ever known.

I am saying to my colleagues, and I would like to see anyone refute it, that the high standard of living that we have is 85 to 90 percent based on the fact that we have a marvelous credit extension system.

Now, having said that, I will always be mindful of the fact that credit unions, the most basic of neighborhood organizations and groups that are eager to extend credit to their membership, credit unions would be harmed by what the gentleman wishes to do here.

We have debated on this floor many, many times the value of credit unions, how people get together in the workplace, form a credit union, and then on a very tight system of profitability offer to each other the ability to have credit and to be able to purchase household goods, et cetera. The credit unions have to very carefully balance their books through annual fees and what interest rates they are going to charge, et cetera. They are very competitive.

Why in the world must we entertain always propositions that put the constraints on the credit extension on which the whole basic economy of our country is based?

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

Mr. NADLER. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Speaker, first of all let me commend the gentleman from New York (Mr. NADLER) for the fine work that he has done on this bill despite long odds early on in this debate.

I rise in strong support of the motion to instruct. This motion instructs conferees to insist upon the provisions in the Senate bill which outlaw the outrageous credit card practices that encourage higher debt and more bankruptcies.

All year long Congress has been teaming with credit card lobbyists pushing for legislation making it harder for consumers, for working Americans, to get relief from crushing debt woes. Some people think this bill only deals with credit card debt. The truth of the matter is all credit will be subject to these kinds of provisions.

These lobbyists were quite clever. Rather than admitting that their agenda was even greater profits in an industry characterized by 22 percent interest rates and mushrooming finance charges, they said bankruptcy reform was pro-consumer. The same people that send out hundreds of millions of dollars in unsolicited credit card offers each year argued that consumer debt was too high. The same people that buried consumers teetering on the verge of bankruptcy with 22 percent interest rates and unconscionable fees, argued that there were too many bankruptcies.

The simple truth is, Mr. Speaker and members of the committee, let me explain: Just last week my son, who is yet to turn 18, will turn 18 next week, received an unsolicited credit card offer of $3,000 from a credit card company. It is these kinds of unsolicited offers that go out to kids across America.

I sent my staff into high schools around this city and found that in every high school class we visited credit card companies were offering kids under the age of 18 credit cards without any provisions as to whether or not the kids can pay their debts back. Then what happens? We see in BJ's Holding Company, whatever it is, the name of the firm, that if they pay their bill on time, BJ's cancels their credit card.

The GE fee, if they pay their bill on time, if they are a good hard-working

American and they pay their credit card bill on time, what does GE do? They cancel their credit card. These are the provisions that we ought to be standing up and making certain are contained in this bill.

I know my friend the gentleman from Pennsylvania (Mr. GEKAS) has a great deal of consumers that I am sure he represents, and I hope that he would support the provisions in the Senate bill that incorporate these basic protections against the consumer.

Mr. GEKAS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) has 8 minutes remaining. The gentleman from New York (Mr. NADLER) has 30 seconds remaining.

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

Mr. Speaker, the gentleman from Massachusetts (Mr. KENNEDY) misapprehends the entire argument here in debate. His very concern about consumers, his stated concern about consumers is what drove us in the first place to bring about bankruptcy reform, because the consumers of our Nation have had to pick up the tab right across the board for those who fail to repay their debts even when they have the ability to repay their debts. Now, that is the core of the problem in bankruptcy.

Yet, while the detractors of our efforts on bankruptcy reform were attacking it on the consumer basis, they were also saying part of the problem is that credit card companies are too free, just like the gentleman from Massachusetts (Mr. KENNEDY) is saying, in distributing these cards to everybody and these people pick them up and use credit.

Now he is in favor of an amendment of the Senate that tightens up, that does not permit the extension of credit to some people. He wants to make it easier yet for people to have credit cards. That is a position against his own position. If his motion carries and this is removed, there will be creditors who are willing to have even more credit extended, and more consumers will want more credit and have nothing to stop them from more credit, exactly the position that he says causes the problem in the first place.

It is a convoluted argument. On one hand he says credit card companies swamp the American public with credit cards. Now this one which says that a credit company should be more discriminating in how to extend credit, then we have got to remove that discrimination, make the credit card company more easily distribute credit cards all over the place.

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

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

Mr. KENNEDY of Massachusetts. Mr. Speaker, I appreciate the gentleman yielding.

The truth is that what we are talking about here is not whether or not we should be allowing tens of thousands, for every single American 10 new credit cards provided each year. The question is whether or not we should be allowing companies to cancel only those credit cards that are being paid on time. That is what these companies are doing.

I am not in favor of expanding credit to those people that cannot pay. We are asking the companies that cancel credit cards when an individual simply pays on time to outlaw that practice.

Mr. GEKAS. Mr. Speaker, reclaiming my time, the gentleman makes an argument that I am certain the Committee on Banking and Financial Services would entertain at any given time, if only he would present it to them. Because that has to do with the whole competitive system of banks and credit cards and nothing really to do with the debate that brought about bankruptcy reform which is contained in 3150. This was added at the last moment.

But, in general, his argument has to do with the right of the credit card company to discriminate as to whom to give a credit card. He still maintains that they are too free in sending out thousands of credit cards to people, but then he says we should not let the credit company discriminate as to whom they should issue a credit card. How can we sustain both arguments? It does not make any sense.

What he is really saying, I say to the gentleman from Massachusetts (Mr. KENNEDY), is that this is an issue on credit card extension and credit extension generally that belongs in the Committee on Banking and Financial Services, on issues that have nothing to do with the narrow scope of the bankruptcy bill. It has to do with the ability of people to repay debts and allowing a channel for doing so.

□ 1700

That is exactly what the bankruptcy bill does. I believe very strongly that to adopt the motion that has been made here and to allow the Senate amendment to survive would mean increased costs for consumers generally across the land, all of us who use credit cards, for those who need to make available to students a credit system that will allow them to get credit, without the specter of higher annual fees or higher interest rates, which can be forced upon them if you insist that credit card companies would have to extend credit the way you want them to do it, not the way that the market itself demands. You insist that they should not be able to cut off someone and charge an annual fee because you know better than they what the market conditions are at a particular time, for which their profit margins and cost margins dictate that they have got to charge an annual fee, even to the good customer, or else they would not be able to offer credit to anybody. But you would substitute your judgment and say, by darn, they have got to do that, while the at the same time you say the credit card companies are too free in sending out credit cards all over the landscape. It makes no sense at all.

I maintain that in the motion to instruct, we ought to vote no to preserve the stability of the competitive system in credit extension.

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

Mr. NADLER. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. KENNEDY).

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Massachusetts is recognized for 30 seconds.

Mr. KENNEDY of Massachusetts. Mr. Speaker, let me just say that there is a bizarre twisting of the truth. What we have here is a situation where, yes, we want people to have access to credit, but we do not want people to have access to credit that the credit card companies simply know cannot pay back their bills. That is true with young kids, that is true with people that are overindebted, and it is true when we have a situation where the credit card company is not interested in costs, they are interested in profits. What they do not want is they do not want people who pay on time, because they cannot charge the 22, 25 and 30 percent interest rates, which is where they make their money.

Vote for the Nadler bill, vote for the motion to instruct; stand up for the American consumer.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NADLER. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. Pursuant to the order of the House of today, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each postponed question on which further proceedings were postponed earlier today.

Votes will be taken in the following order.

Motion to suspend the rules and pass H.R. 3891, as amended, de novo;

Conference report on H.R. 4103, by the yeas and nays;

Conference report on H.R. 4060, by the yeas and nays; and

The motion to instruct on H.R. 3150, de novo.

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

TRADEMARK ANTICOUNTERFEITING ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3891, 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 Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3891, as amended.

The question was taken.

Mr. FORBES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 245, nays 167, not voting 22, as follows:

[Roll No. 470]

YEAS—245

Abercrombie	Deal	Horn
Aderholt	Delahunt	Hostettler
Archer	Dooley	Houghton
Baesler	Doolittle	Hoyer
Ballenger	Duncan	Hulshof
Barr	Dunn	Hunter
Barrett (NE)	Ehlers	Hutchinson
Barrett (WI)	Ehrlich	Hyde
Bartlett	Emerson	Inglis
Barton	English	Istook
Bass	Eshoo	Jefferson
Bateman	Etheridge	Johnson (CT)
Bereuter	Evans	Johnson, Sam
Bilbray	Everett	Jones
Bilirakis	Ewing	Kaptur
Bliley	Farr	Kasich
Blunt	Fattah	Kennedy (RI)
Boehlert	Fawell	Kim
Boehner	Fazio	Kind (WI)
Bonilla	Fox	Kingston
Bono	Frank (MA)	Kleczka
Boswell	Franks (NJ)	Knollenberg
Boucher	Frelinghuysen	Kucinich
Boyd	Furse	LaHood
Brady (PA)	Gallegly	Latham
Brown (CA)	Ganske	LaTourette
Bryant	Gekas	Lewis (CA)
Bunning	Gibbons	Lewis (KY)
Burr	Gilchrest	Linder
Burton	Gillmor	Lipinski
Buyer	Gonzalez	LoBiondo
Camp	Goode	Lofgren
Canady	Goodlatte	Lucas
Cannon	Goodling	Maloney (CT)
Capps	Gordon	Maloney (NY)
Cardin	Graham	Matsui
Carson	Granger	McCollum
Castle	Greenwood	McCrery
Chambliss	Gutknecht	McDade
Chenoweth	Hall (TX)	McGovern
Coble	Hamilton	McInnis
Collins	Hansen	McIntosh
Condit	Harman	McIntyre
Cook	Hastings (WA)	McKeon
Cooksey	Hayworth	McNulty
Cramer	Hefley	Menendez
Crane	Herger	Metcalf
Crapo	Hill	Mink
Cubin	Hilleary	Moran (KS)
Cummings	Hinchey	Moran (VA)
Cunningham	Hobson	Morella
Davis (FL)	Holden	Myrick
Davis (VA)	Hooley	Nethercutt
Neumann	Rogers	Stump
Ney	Rothman	Sununu
Northup	Roukema	Talent
Norwood	Royce	Tanner
Nussle	Ryun	Tauscher
Obey	Salmon	Tauzin
Ortiz	Sanchez	Taylor (NC)
Oxley	Saxton	Thomas
Packard	Scarborough	Thornberry
Pappas	Schaefer, Dan	Thune
Parker	Schaffer, Bob	Tiahrt
Pease	Sensenbrenner	Turner
Peterson (MN)	Sessions	Upton
Peterson (PA)	Shadegg	Walsh
Petri	Shimkus	Wamp
Pickering	Shuster	Watkins
Pitts	Skeen	Watts (OK)
Pombo	Smith (NJ)	Weldon (FL)
Porter	Smith (OR)	Weldon (PA)
Portman	Smith (TX)	Wexler
Quinn	Smith, Adam	White
Radanovich	Smith, Linda	Whitfield
Ramstad	Souder	Wicker
Redmond	Spence	Wilson
Regula	Spratt	Wolf
Riggs	Stabenow	Woolsey
Riley	Stearns	Young (AK)
Roemer	Stenholm	Young (FL)
Rogan	Strickland	

NAYS—167

Ackerman	Hall (OH)	Pallone
Allen	Hastert	Pascrell
Andrews	Hastings (FL)	Pastor
Bachus	Hefner	Paul
Baldacci	Hilliard	Payne
Barcia	Hinojosa	Pelosi
Becerra	Hoekstra	Pickett
Bentsen	Jackson (IL)	Pomeroy
Berman	Jackson-Lee (TX)	Price (NC)
Berry	Johnson (WI)	Rahall
Bishop	Johnson, E. B.	Rangel
Blagojevich	Kanjorski	Reyes
Blumenauer	Kelly	Rivers
Bonior	Kennedy (MA)	Rodriguez
Borski	Kildee	Rohrabacher
Brady (TX)	Kilpatrick	Roybal-Allard
Brown (OH)	King (NY)	Rush
Calvert	Klink	Sabo
Campbell	Klug	Sanders
Chabot	Kolbe	Sandlin
Clay	LaFalce	Sanford
Clayton	Lampson	Sawyer
Clement	Lantos	Scott
Clyburn	Lazio	Serrano
Conyers	Leach	Shaw
Costello	Lee	Shays
Cox	Levin	Sherman
Coyne	Lewis (GA)	Sisisky
Danner	Livingston	Skaggs
Davis (IL)	Lowey	Skelton
DeFazio	Luther	Slaughter
DeGette	Manton	Smith (MI)
DeLauro	Manzullo	Snowbarger
DeLay	Markey	Snyder
Deutsch	Mascara	Solomon
Diaz-Balart	McCarthy (MO)	Stark
Dickey	McCarthy (NY)	Stokes
Dicks	McDermott	Stupak
Dingell	McHale	Thompson
Dixon	McHugh	Thurman
Doggett	McKinney	Tierney
Doyle	Meehan	Torres
Dreier	Meek (FL)	Towns
Edwards	Meeks (NY)	Traficant
Engel	Mica	Velazquez
Ensign	Millender-McDonald	Vento
Filner	Miller (FL)	Visclosky
Foley	Minge	Waters
Forbes	Moakley	Watt (NC)
Ford	Mollohan	Waxman
Fossella	Murtha	Weller
Frost	Nadler	Weygand
Gejdenson	Oberstar	Wise
Gephardt	Olver	Wynn
Gilman	Owens	Yates
Green		
Gutierrez		

NOT VOTING—22

Armey	Goss	Paxon
Baker	Jenkins	Poshard
Brown (FL)	John	Pryce (OH)
Callahan	Kennelly	Ros-Lehtinen
Christensen	Largent	Schumer
Coburn	Martinez	Taylor (MS)
Combest	Miller (CA)	
Fowler	Neal	

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Ms. WATERS, Mrs. KELLY, and Messrs. GREEN, GEJDENSON, HEFNER, LIVINGSTON, SMITH of Michigan, WYNN, DEUTSCH, LAZIO of New York, MCHUGH, HASTERT, TIERNEY, MEEHAN, BLUMENAUER, CALVERT, COSTELLO, ROHRABACHER, COYNE, FOSSELLA, SOLOMON, SANFORD and GUTIERREZ changed their vote from ''yea'' to ''nay.''

Messrs. SCARBOROUGH, FATTAH, SPRATT, MCINTYRE, ABERCROMBIE, ADAM SMITH of Washington, ROTHMAN, HINCHEY, and ROYCE changed their vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, I was unavoidably detained and wish to be recorded as a ''no'' vote on the motion to suspend the rules and pass H.R. 3891 (Rollcall 470).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). 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 may be taken on each additional question on which the Chair has postponed further proceedings.

CONFERENCE REPORT ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the vote on the conference report on H.R. 4103.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to the provisions of clause 7 of rule XV, the yeas and nays are ordered.

This is a five-minute vote.

The vote was taken by electronic device, and there were—yeas 369, nays 43, not voting 22, as follows:

[Roll No. 471]

YEAS—369

Abercrombie	Bateman	Bono
Ackerman	Becerra	Borski
Aderholt	Bentsen	Boswell
Allen	Bereuter	Boucher
Andrews	Berman	Boyd
Archer	Berry	Brady (PA)
Bachus	Bilbray	Brady (TX)
Baesler	Bilirakis	Brown (CA)
Baldacci	Bishop	Brown (OH)
Ballenger	Blagojevich	Bryant
Barcia	Bliley	Bunning
Barr	Blunt	Burr
Barrett (NE)	Boehlert	Burton
Bartlett	Boehner	Buyer
Barton	Bonilla	Calvert
Bass	Bonior	Camp

Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Ford
Fossella
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—43

Barrett (WI)
Blumenauer
Campbell
Conyers
Davis (IL)
DeFazio
Delahunt
Doggett
Filner
Frank (MA)
Franks (NJ)
Furse
Gutierrez
Hefley
Hoekstra
Hooley
Jackson (IL)
Kleczka
Kucinich
Lee
Lofgren
Luther
McDermott
McKinney
Minge
Nadler
Oberstar
Obey
Owens
Paul
Payne
Petri
Rivers
Rush
Sanders
Sanford
Sensenbrenner
Shays
Stark
Upton
Velazquez
Vento
Yates

NOT VOTING—22

Armey
Baker
Brown (FL)
Callahan
Christensen
Combest
Fowler
Goss
Jenkins
John
Kennelly
Largent
Lewis (CA)
Martinez
Miller (CA)
Paxon
Poshard
Pryce (OH)
Ros-Lehtinen
Schumer
Taylor (MS)
Waters

☐ 1738

Messrs. BERRY, CONDIT and FATTAH changed their vote from ''nay'' to ''yea.''

So the conference report 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. LEWIS of California. Mr. Speaker, on rollcall No. 471, I was inadvertently detained. Had I been present, I would have voted ''yea.''

CONFERENCE REPORT ON H.R. 4060, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the vote on the conference report on H.R. 4060.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to the provisions of clause 7 of rule XV, the yeas and nays are ordered.

This will be a five-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 25, not voting 20, as follows:

[Roll No. 472]

YEAS—389

Abercrombie
Ackerman
Allen
Andrews
Archer
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
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
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger

Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—25

Aderholt
Bachus
Blunt
Chenoweth
Clement
Cramer
Crane
Ensign
Ford
Gejdenson
Gibbons
Gordon
Hilleary
Kleczka
McKinney
Neumann
Paul
Petri
Pickering
Roemer
Royce
Sanford
Sensenbrenner
Stearns
Tanner

NOT VOTING—20

Armey
Baker
Brown (FL)
Callahan
Christensen
Combest
Fowler
Goss
Jenkins
John
Kennelly
Largent
Martinez
Miller (CA)
Paxon
Poshard
Pryce (OH)
Ros-Lehtinen
Schumer
Taylor (MS)

☐ 1746

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3150, BANKRUPTCY REFORM ACT OF 1998

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the vote on the motion to instruct on H.R. 3150 offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NADLER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 295, noes 119, not voting 20, as follows:

[Roll No. 473]

AYES—295

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (OH)
Bunning
Buyer
Canady
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilman
Gonzalez
Goode
Gordon
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hayworth
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
LaTourette
Lazio
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Nadler
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Scott
Sensenbrenner
Serrano
Shadegg
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith, Adam
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauzin
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates

NOES—119

Archer
Ballenger
Barr
Bartlett
Barton
Bateman
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Calvert
Camp
Campbell
Cannon
Chabot
Chambliss
Chenoweth
Coble
Collins
Cooksey
Crane
Crapo
Davis (VA)
Deal
DeLay
Dickey
Dooley
Doolittle
Dreier
Dunn
Everett
Fossella
Frelinghuysen
Gekas
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Granger
Hastings (WA)
Hefley
Herger
Hill
Hostettler
Houghton
Hunter
Istook
Johnson (CT)
Jones
Kasich
Kelly
Kim
King (NY)
Klug
Knollenberg
Latham
Leach
Lewis (CA)
Linder
Lucas
Maloney (CT)
Manzullo
McCollum
McCrery
McIntosh
McKeon
Metcalf
Miller (FL)
Moran (VA)
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paul
Pease
Petri
Pitts
Pombo
Porter
Radanovich
Riggs
Riley
Rogan
Rohrabacher
Roukema
Ryun
Sanford
Schaefer, Dan
Schaffer, Bob
Sessions
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Tauscher
Taylor (NC)
Thomas
Thornberry
Tiahrt
Watts (OK)
White
Young (AK)
Young (FL)

NOT VOTING—20

Armey
Baker
Brown (FL)
Callahan
Christensen
Combest
Fowler
Goss
Jenkins
John
Johnson, Sam
Kennelly
Martinez
Miller (CA)
Paxon
Poshard
Pryce (OH)
Ros-Lehtinen
Schumer
Taylor (MS)

☐ 1756

Mr. GILCHREST changed his vote from ''aye'' to ''no.''

Messrs. WELLER, BASS, SHIMKUS and ROYCE changed their vote from ''no'' to ''aye.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Without objection, the Chair appoints the following conferees:

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HYDE, MCCOLLUM, GEKAS, GOODLATTE, BRYANT, CHABOT, CONYERS, NADLER, BOUCHER, and Ms. JACKSON-LEE of Texas.

There was no objection.

SENSE OF CONGRESS THAT MEMBERS SHOULD FOLLOW EXAMPLES DISPLAYED BY JACOB CHESTNUT AND JOHN GIBSON

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the concurrent resolution (H.Con.Res 317), expressing the sense of Congress that Members of Congress should follow the example of self-sacrifice and devotion to character displayed by Jacob Chestnut and John Gibson of the United States Capitol Police, and asks for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

Mrs. MYRICK. Mr. Speaker, reserving the right to object, this past July, the United States Congress and our entire nation were gripped by a terrible tragedy, the deaths of the Capitol Police Officers Jacob Chestnut and John Gibson. Officers Chestnut and Gibson gave their lives defending the United States Capitol, all of us who work in this complex and the American people who visit it to see their democracy in action. They died heroically while defending our democracy.

The outpouring of affection and gratitude for these two men was as deep and genuine as any I have witnessed, and I am certain that the many tributes to them served as a comfort to their families.

□ 1800

Of course, no words or tributes can replace their loss. In the aftermath of this tragedy and the heartfelt sympathy of the American people, we in this body were briefly changed. We came together as one family to pay our respects, to reflect on the almost surreal tragedy of that July afternoon and, for a time, respect, civility and comity ruled the day.

In fact Pastor Marcom, in delivering Officer Chestnut's eulogy, remarked on the change that tragedy had on our relations with one another, and he speculated that probably the next week it would be business as usual. In the weeks and months since this time, I have thought long and hard about what we all experienced. I am convinced that what we admired about Officer Gibson and Officer Chestnut and what made them heroes is not the way they died but the way in which they lived.

Officers Chestnut and Gibson were honest, genuine, hard-working family men who loved their jobs and loved their country. In an age where too many people seem consumed by life's most superficial pleasures, they showed us that America is populated by common men of the most substantial and admirable character.

Of course, the great tragedy is that it took their deaths for us to recognize what heroes they had been all along.

Mr. Speaker, there is a lesson here. We would do well to learn it. While we too often argue, bicker and consume ourselves with political maneuvering and intrigue, the Nation cries out for real leadership, not in words but in deeds. These complicated times demand a Congress dedicated to integrity, good works and behavior that reflects admirably, not just on ourselves but on our sacred rights and responsibilities as constitutional officers. But that is too rarely the case.

Simply put, Mr. Speaker, we are too much like a caricature of ourselves and too little like Officers Jacob Chestnut and John Gibson. We are too much like adversaries and too little like we were in the days after the gun fire erupted in the Capitol.

This resolution asks that we honor those officers by living our lives and performing our duties with the same dignity, love and respect with which these men lived their lives and performed their duties.

This resolution asks us to honor them by honoring the people they protected and the people we represent, by living up to a standard of service and behavior that we can be proud of, as much as we were proud of the service of these two men. This resolution asks us to exemplify what is best in America, to lead rather than follow. If one thinks about it, it is really not much to ask, and it is long, long overdue.

Mr. Speaker, I would like to thank the honorable gentleman from Georgia (Mr. LEWIS), my friend, for his assistance with this resolution, as well as the gentleman from Texas (Mr. DELAY), the honorable majority whip, for his continued courage in the aftermath of a tragedy that struck him so close to home.

Mr. Speaker, in drafting this resolution, we consulted the United States Capitol Police and the Chestnut and Gibson families, who believe it to be appropriate and fitting.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

Whereas Jacob Chestnut and John Gibson of the United States Capitol Police laid down their lives for their country and all of us;

Whereas beyond the devotion of Jacob Chestnut and John Gibson to duty, honor, and country was their commitment to respect;

Whereas Jacob Chestnut and John Gibson were simple, humble, private men who deeply moved this nation simply by doing their jobs;

Whereas the focus on their exemplary personal character could not have come at a time of greater need as many in our country seem more and more dedicated to self-indulgence; and

Whereas the Members of Congress have an unparalleled opportunity to be urgently needed role models of respect and dignity with no loss of personal principles: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Members of Congress should follow the example of Jacob Chestnut and John Gibson by living lives of love, respect, and integrity every day at all times, including on the floor of the Senate and House of Representatives, and should deserve the title ''Honorable'' by setting an example so that Jacob Chestnut and John Gibson did not die in vain.

The concurrent resolution was agreed to. A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. HASTINGS of Washington (during consideration of conference report on H.R. 6) submitted a privileged report (Rept. No. 105–754) on the resolution (H. Res. 558) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON H.R. 6, HIGHER EDUCATION AMENDMENTS OF 1998

Mr. GOODLING. Mr. Speaker, pursuant to the order of the House of Friday, September 25, 1998, I call up the conference report on the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, September 25, 1998, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Friday, September 25, 1998, at page H8978).

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY), each will control 30 minutes.

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

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

I rise in support of the conference report on H.R. 6, the Higher Education Amendments of 1998. I want to express my sincere appreciation to the members of the conference committee for the efforts they put forth in resolving the differences between the House and the Senate bill. This has truly been a bipartisan, bicameral effort.

Particularly I want to thank the gentleman from California (Mr. MCKEON) and the gentleman from Michigan (Mr. KILDEE) for their efforts in putting this legislation together and for their determination in finding a solution to the 1998 interest rate problem.

Without their efforts, millions of students could not begin this academic year with the student loans they need to pay for college. Also I want to thank the ranking member of the committee the gentleman from Missouri (Mr. CLAY) for his efforts in resolving this issue and many others that arose throughout the process.

I especially want to thank the Speaker of House, the gentleman from Georgia (Mr. GINGRICH), the majority leader, the gentleman from Texas (Mr. ARMEY), and chairman of the Committee on the Budget, the gentleman from Ohio (Mr. KASICH). Without their help, this interest rate solution would not have been possible. All three contributed to ensuring that we could pay for this provision, which is now budget neutral, without passing any of the costs on to students.

Considering H.R. 6, we will complete a process that began in subcommittee

of the gentleman from California (Mr. MCKEON) 2 years ago. The Higher Education Act currently provides more than $40 billion per year in student financial assistance.

The legislation will benefit millions of students across the country in the pursuit of a higher education. This bill will improve programs such as Work-Study, Pell Grants, TRIO and, of course, student loans that help millions of students pay for college.

This legislation will do a number of important things. However, none may be as important as our efforts to keep student loans available for all students. As all of my colleagues know, we have been struggling for the past year and a half with the student loan interest rate issue that is the direct result of the Student Loan Reform Act of 1993. As a parent, I am keenly aware of the burden being placed on our youth by student loan debt.

I am personally committed to ensuring that our students entering college this fall have student loans, Pell grants and campus-based aid available to them to help offset the rising college costs facing this country today, very important.

I am especially pleased that the interest rate fix contained in H.R. 6 will ensure uninterrupted access to private capital for our Nation's students while at the same time provide today's borrowers with the lowest student loan interest rate in 17 years. Students, college leaders and bankers have all praised the compromise on interest rates included in the House and Senate bills. Major student groups have described this proposal as, and I quote, a realistic, fair and evenhanded compromise that protects students' needs for lower borrowing rates.

The American Council on Education and 10 other major higher education groups representing over 3600 colleges and universities praised the fact that the proposal ensures the continued availability of capital in the guaranteed student loan program.

As far as college costs are concerned, I would like to note that H.R. 6 will implement a number of the recommendations of the Commission on the Cost of Higher Education. Those who run institutions of higher education have to understand, we do not put more money into loans and grants so that they can raise their tuition rates. They have to tighten their belt just as businesses have to all over the country in order to make sure that college education is affordable.

H.R. 6 takes needed steps in that direction by ensuring parents and students that they have access to information on the price and the price increases at America's colleges and universities as well as information on the factors which are driving tuition increases.

I would like to single out one specific cost-saving provision which permits colleges to offer their faculty age-based voluntary retirement incentives. Championed by my good friend, the gentleman from Illinois (Mr. FAWELL), the retiring chairman of the Subcommittee on Employer-Employee Relations, this initiative will likely be Mr. FAWELL's last to become law in his distinguished 14-year career in the U.S. House of Representatives.

The provision will help both colleges and older faculty by allowing the institution to offer additional benefits to professors as an incentive to voluntarily retire.

As far as campus crime is concerned, we are fulfilling our promise to stress safety on our college campuses and have numerous issues in this legislation in order to make college campuses safer and make sure parents and students understand the problems on college campuses.

Teacher training is near and dear to me. It focuses on improving teacher quality. It will not matter whether our pupil-teacher ratio is one to one or one to 10, if there is not a well-trained teacher in the classroom, that will not make any difference.

The only difference it makes is that there are not 30 in there who may be under the influence of an unqualified teacher.

Under this legislation, States will be encouraged to undertake a wide variety of efforts to improve the quality and ability of classroom teachers. We also have to get those quality classroom teachers where they are most needed. I would like to thank the gentleman from South Carolina (Mr. GRAHAM) and the gentleman from Michigan (Mr. KILDEE) for working together to create an initiative under this legislation that provides loan forgiveness for teachers who agree to teach in high-poverty, urban or rural schools.

The literacy provision is important. This provision will encourage students to become involved in their communities, help children learn to read by ensuring that colleges use more of their work-study dollars to fund these initiatives.

I want to take a moment to thank the hard-working staff of the Committee on Education and the Workforce who shepherded this bill through many long days of negotiation and changes. In particular, Sally Stroup was very helpful to me in balancing the many interests that are represented in this bill. She, along with Pam Davidison, should be proud of our accomplishments today. George Conant was our point person on the National Commission on the Cost of Higher Education, whose report resulted in putting college cost accountability into high education for the first time in American history. Parents will be much better informed of how and why tuitions are rising.

Vic Klatt was our orchestra leader on the bill, pulling together the strings, the brass, the percussion and certainly the wind section, there was a lot of that, so we all sounded well tuned and harmonious. Jo-Marie St. Martin, with the help of Linda Stevens, actually got this 800-page bill through the legislative process so that today we can send this bill to the Senate and then to the President for his signature.

And Marshall Grigsby, Mark Zuckerman, Karen Weiss, Callie Cauffman, D'Arcy Philips and Sally Lovejoy for all the work they put into bringing this day to fruition.

Let me just say that the legislation before us today is truly one of the most important things that we in the 105th Congress will do this year. I hope the press will spend some time writing about it instead of everything else that they write about.

It will ensure that every American has access to a quality postsecondary education at an affordable price. This is a bipartisan bill that makes much needed reform to help students, parents and schools. I urge my colleagues to support the conference agreement.

Vote yes on the conference report.

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

Mr. CLAY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I am pleased to supported H.R. 6, the Higher Education Amendments of 1998. It represents a significant step forward in increasing our Federal investment in higher education.

Both the House and Senate have worked for over over a year to fashion legislation that I believe strengthens our country's commitment to higher education. When this bill is enacted, it will make a college education more affordable by significantly reducing student loan interest rates, by increasing Pell grant award levels, and improving the calculation of benefits for independent and dependent students.

The bill adopts a number of measures that enhance support for minority and disadvantaged students by strengthening the TRIO program and other programs supporting historically black colleges and universities, Hispanic serving institutions, tribally controlled colleges, and institutions serving significant numbers of native Alaskan and Hawaiian students.

☐ 1815

This bill includes the High Hopes Program of President Clinton and the gentleman from Pennsylvania (Mr. FATTAH). This new program will greatly enhance the opportunity for low-income middle-school-aged students to dream of a college education.

The bill also creates a major new effort to recruit and train teachers for our Nation's public schools. The new grant program provides for partnerships between States, institutions of higher education and local school districts, designed to increase the number of certified teachers available and to improve upon how those teachers are trained. Also included in that initiative is a loan forgiveness provision designed to attract the best and brightest to our classrooms.

This bill will also allow the Department of Education to strengthen and improve the way it administers all of the student financial aid.

Mr. Speaker, I strongly encourage my colleagues to vote ''yes'' on the conference report on the Higher Education Amendments of 1998.

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

Mr. GOODLING. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. MCKEON), the subcommittee chairman who worked long and hard to bring this legislation to the floor.

Mr. MCKEON. Mr. Speaker, I thank the chairman for yielding me this time, and I rise in strong support of the conference report to H.R. 6, the Higher Education Amendments of 1998.

It is hard to believe that it has been almost 2 years since the gentleman from Michigan (Mr. DALE KILDEE), the ranking member on my subcommittee, and I sat down to begin the reauthorization process. At that meeting we agreed that we would work together to develop legislation that would make college more affordable, simplify the student aid system, and stress academic quality. By adopting this conference report, we will accomplish those goals.

This legislation would not be possible without the remarkable bipartisan, bicameral spirit of this conference committee. I am sure that some are surprised that this Congress, in this political environment, would be able to produce a conference report of this magnitude.

I would first like to thank the chairman of the Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. BILL GOODLING), for his support and leadership on this important legislation. Additionally, the full committee ranking member, the gentleman from Missouri (Mr. BILL CLAY), along with all members of the conference committee, including the gentleman from Wisconsin (Mr. TOM PETRI), the gentleman from South Carolina (Mr. LINDSEY GRAHAM), the gentleman from Indiana (Mr. MARK SOUDER), the gentleman from Pennsylvania (Mr. JOHN PETERSON), the gentleman from Florida (Mr. CLAY SHAW), the gentleman from Michigan (Mr. DAVE CAMP), the gentleman from Missouri (Mr. JIM TALENT), the gentleman from California (Mr. MARTY MARTINEZ), the gentleman from New Jersey (Mr. ROB ANDREWS) and the gentleman from Michigan (Mr. SANDER LEVIN) and their staffs deserve a great deal of thanks for their hard work and dedication.

I also want to thank the gentleman from Texas (Mr. RUBEN HINOJOSA) and the gentleman from Pennsylvania (Mr. CHAKA FATTAH) for their hard work and amendments that they worked on, that I did not always agree with, but I appreciate the effort they put forth and the great work that they did.

And the members of the Senate Committee on Labor and Human Resources, including ranking member TED KENNEDY, DAN COATS and CHRISTOPHER DODD, should be recognized for their commitment to getting this conference completed. And in particular JIM JEFFORDS, the chairman, because he was always willing to work directly with me in putting this conference report together.

I would like to stress how thankful I am for the commitment of the gentleman from Michigan (Mr. KILDEE) to this legislation. Whenever a problem would arise, we would simply call the other in order to work out a solution.

This legislation is one of the most significant things this Congress will do for students and their families this year. It will bring us closer to my goal of ensuring that every American who wants a quality education at an affordable price will be able to get it.

As many of my colleagues know, one of the biggest challenges we faced during this reauthorization process was saving the student loan program. The scheduled change in the interest rate jeopardized access to private capital for students. After working extensively with all parties involved, the student groups, the higher education and lending communities, and Republican and Democrat Members of Congress, we found a solution that keeps student loans available for all students and provides current students with the lowest rates in 17 years.

Further, more Americans will be able to afford college through meaningful changes to the financial need analysis formula. These changes focus more resources towards the students with the greatest need and provide students with greater incentives to work and save for college.

The legislation before us will simplify the student aid system by bringing it into the next century. It will create a performance-based organization within the Department of Education that is focused on providing quality service to students and parents. For the first time, the department student financial aid systems will be run like a business, adopting the best practices from the private sector and focusing on bottom line results. Parents and students deserve a modern student aid system that meets their needs. This legislation will give the Secretary the tools he needs to provide it.

Additionally, H.R. 6 revises the guaranty agency system by changing the financing structure to give these entities the flexibility they need in order to use the latest private sector business practices, operate more efficiently, ensure program integrity and, most importantly, provide real savings to the Federal Government.

Furthermore, H.R. 6 contains provisions that implement a number of recommendations of the National Commission on the Cost of Higher Education. One of these provisions requires the Secretary to make available all information on each school's tuition, price and price increases. As a result, students and parents will be able to make more informed choices about the schools they choose, and colleges will be held more accountable for cost increases.

It is important to note that this legislation is paid for. I want to personally thank the Speaker, the gentleman from Georgia (Mr. GINGRICH), and the chairman of the Committee on the Budget, the gentleman from Ohio (Mr. KASICH), as well as the majority leader, the gentleman from Texas (Mr. ARMEY), and David Hobbs from the staff of the gentleman from Texas, for their hard work and support in making this solution possible.

In conclusion, I want to take a moment to recognize the outstanding staff members who have made this legislation a reality: George Conant, Pam Davidson, Vic Klatt, Sally Lovejoy, D'Arcy Philps, Jeff Andrade, Steve Cope, Margot Schenet, and from my personal staff, Karen Weiss and Bob Cochran. But the one person who deserves the most thanks is Sally Stroup, because without her leadership and expertise, we would not be here today.

With Washington divided on partisan lines on so many issues, it is remarkable to bring together congressional Republicans, Democrats, student groups, educators and the financial community to gain consensus on this higher education bill. The bipartisan support for H.R. 6 was evident when the House originally passed the bill on a 414 to 4 vote; then when the Senate passed it 96 to 1.

We can complete the legislative process today by adopting this conference report and sending it down to the President. So I urge my colleagues to vote ''yes'' on the Higher Education Amendments of 1998.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

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

Mr. HINOJOSA. Mr. Speaker, I rise today to express my strong support for H.R. 6, the Higher Education Amendments of 1998 conference report.

As a member of the House Committee on Education and the Workforce, and Chair of the Education Task Force of the Congressional Hispanic Caucus, I can say without reservation that this is one of the single most important pieces of legislation Congress will vote on for students and families this year.

Simply put, H.R. 6 will go a long way towards strengthening higher education for the next century. This bill will expand postsecondary education opportunities for low-income individuals and increase the affordability of postsecondary education for middle income families.

Included in the reauthorization conference report are provisions of my own bill, H.R. 2495, the Higher Education for the 21st Century Act. One of the reasons I came to Congress was to effect the very type change this bill will

accomplish for a deserving segment of the population that has been overlooked for far too long.

I am proud to say that through the combined efforts of the Congressional Hispanic Caucus, the gentleman from Pennsylvania (Mr. GOODLING), the ranking member, the gentleman from Missouri (Mr. BILL CLAY), Secretary of Education Dick Riley, the gentleman from California (Mr. BUCK MCKEON), and the gentleman from Michigan (Mr. DALE KILDEE), the bill we have before us today will create a new and separate title for Hispanic-serving institutions, well over 100 colleges and universities across the country with an undergraduate enrollment at least 25 percent Hispanic.

It will increase the authorization level for HSIs to $62.5 million, funds that can be used for construction of new classrooms, laboratories, libraries, the purchase of books and periodicals, technological improvements and, most importantly, improving and expanding graduate and professional opportunities for Hispanic students. And, yes, H.R. 6 will also improve teacher quality, preparation and improvement.

Mr. Speaker, I ask for the support of all my colleagues to pass the bill on behalf of every American who wants to pursue a higher education.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), an important member of the committee who is always helping us with education issues.

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

Mrs. ROUKEMA. Mr. Speaker, I thank the chairman for yielding me this time, and I must say, with others who have already spoken, that this is one of the most significant bills that we will be passing in this Congress, without a doubt. I must say so because these are the issues that count with the American people.

To be competitive in the global economy, we need to provide our country's youth with the means to a better education. It is the essence of the American dream. And that is what we are looking at here today. This is the legislation that will enable young people across the Nation to have the skills and the good jobs at good wages that they need.

I might say this has always been, as the chairman has said, one of my favorite subjects on the Committee on Education and the Workforce. And there have been lots and lots of good things said about this, but I want to stress at least two issues that I have particularly focused on in this, and that is the student loan interest rate issue. It at first was controversial, but we were able to work it out. And I believe that we worked it out and resolved the potential crisis of the loan interest rate issue very, very well. We are helping students while they can save the cost of higher education.

I am speaking here wearing really two hats, as a member of this committee and also as the chairwoman of the Subcommittee on Financial Institutions and Consumer Credit of the Committee on Banking and Financial Services, so I know the issue from both sides of the coin. And this legislative fix is necessary to ensure the banks do not leave the market, and yet at the same time provide the students with a lower interest rate than would have been necessary before.

I also want to point out, as a continuum of our reforms on scam schools, that we are now including the Pell Grant program in the reforms. So that those students who receive Pell Grants will not be taken in by scam schools and, at the same time, the money will go back into the revolving fund so that it will help more students get the access to the schools that they need.

I must also make the point that there are child care provisions here which many of us worked on, and I think they are all good, particularly for those who have young children and want to go back and complete their education.

In conclusion, I must say that these are the issues that count with the American people. Let us pass this conference report and continue keeping education as the essence and put these young people on the road to the American dream.

Mr. Speaker, I rise in strong support of the Higher Education Conference Report that we have before us today.

This bill is one of the most significant bills we will complete this Congress, and we are doing this with bipartisan support! These are the issues that count for the American people.

To be competitive in the global economy, we need to provide our country's youth with the means to better their education. This is the essence of the American dream.

Mr. Speaker, this is the legislation that will enable young people across this nation to obtain the education they need to develop their skills so that they may get the good job at good wages. In this exchange, our students get the job, they want the roof over their head and America gets hard-working, productive members of our society.

Among the many important provisions of this bill, are that this bill assures that the student loan program will be available for all families who need loans, encourages the provision of campus-based child care, cuts down on scam schools and works on the training of our teachers.

It is a good bill that makes sense for today's students!

STUDENT LOAN INTEREST RATE ISSUE

With this bill, I believe we have resolve the potential crisis of the federal student loan interest rate issue. The proposal in this legislation will help save access to higher education, while helping students save on the cost of higher education.

I am speaking today wearing two hats. One—as a longtime Member of the Postsecondary Education Subcommittee. The other hat—I serve as Chairman of the House Subcommittee on Financial Institutions of the House Banking Committee.

So I know this program from both sides—so to speak.

This legislative ''fix'' is necessary to ensure the banks do not leave the market, and to provide students with a lower interest rate.

Pell Grant Reform

Clearly, one of the biggest problems facing students today is the cost of higher education. While we must do everything we can to put higher education within reach of every student, we also must do everything we can to ensure to protect our scarce resources—to ensure that they are not misused or wasted or squandered.

With this in mind I (along with Representative BART GORDON of Tennessee) introduced a provision that is now a part of this Higher Education Act package which prevents a postsecondary school from participating in the Pell Grant program if that school is already ineligible to participate in the federally guaranteed student loan program because of high default rates—these are the SCAM schools—

This will recover millions of dollars currently being squandered and instead put that money to work with hard-working students at legitimate schools!

Child Care

This conference report includes an amendment I offered at Committee to help society with today's child care problems. This problem is especially great for men and women who want to further their education to make a better life for them and their family. This is near impossible to achieve when reliable, quality child care is not available.

We need to help students solve the child care problem. And we need to give institutions the means to put their proposals to the test. This bill helps us do that!

Conclusion

For all of these reasons, and many others that I do not have time to discuss today, this legislation is critical to all students.

Let's pass this conference report, and continue education as the road to the American dream!

Mr. CLAY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE).

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

This conference report on H.R. 6, the higher education bill, is the culmination of almost 2 years of bipartisan work on behalf of students and parents across this country. When we first started this process at the beginning of last year, the gentleman from California (Mr. MCKEON) and I set out to produce a bill that would enjoy widespread support. We decided to meet at least once a month for breakfast, without staff. And although this made our staffs very nervous, our breakfast meetings helped smooth out the rough spots and kept us moving with a truly bipartisan spirit. The gentleman from California (Mr. MCKEON) is truly an outstanding lawmaker. In light of our understanding that this bill was too important to be bogged down in bipartisan differences, we both had to give ground and to compromise.

Mr. Speaker, I am proud of this bill and I am especially grateful for the

hard work of all our staffs in getting us to this day. On the Republican side I want to acknowledge the excellent work of Bob Cochran and Karen Weiss of the personal staff of the gentleman from California; and Vic Klatt, George Conant, Pam Davidson, Sally Lovejoy, D'Arcy Philps, Lynn Selmser, and David Frank of the committee staff.

And I want to offer my special to Sally Stroup, who put her heart and soul into this effort. Her expertise and thoughtfulness were essential to making this process work.

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On the Democratic side, I want to thank Callie Coffman of my staff and Chris Mansour of my personal staff, and Mark Zuckerman, Marshall Grigsby, Peter Rutledge, Alex Nock and Gail Weiss of the committee staff.

Finally, I would like to thank my former staff member and dear friend, David Evans. The contributions he has made to the formulation of this bill deserve our collective gratitude.

I would be remiss in not thanking the fine people of the Congressional Research Service, Jim Steadman, Margot Schenet, and Barbara Miles. Steve Cope in the Legislative Counsel's Office and Deb Kalcevic at the Congressional Budget Office did exceptionally fine work.

For the millions who must borrow to help pay for college, we have sought to keep the cost of borrowing down. Under this bill, students will have the lowest interest rates in over 17 years. They will also be allowed to refinance their student loans at a lower interest rate. And next year the authorization level for the maximum Pell Grant will be $4,500, showing our concern that students have a heavy burden of debt.

We have created a new campus-based child care program to assist low-income parents in school, increased income protection for both dependent and independent students, and expanded the savings protection allowances. We strengthen the TRIO programs. We expand college work-study. We simplify the Perkins Loan program. We revamp the State incentive grant program. And we establish a new gear-up program to help young people complete a high school education and go on to college.

Because of this bill, an individual who enters teaching, remains in the profession, and teaches in a poverty high school could have a significant portion of their student loans forgiven.

I am particularly pleased that this bill strengthens programs to support tribal, Hispanic-serving, and historically black colleges and universities.

Most important, this bill is a reaffirmation that we in Congress remain deeply committed in a bipartisan way to expanding educational opportunities for all Americans.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON), another member of the committee for yielding time to me.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the chairman.

I would like to announce that we have no gridlock in Washington on the Committee on Education and the Workforce. I think we have a committee that is very productive and I am very pleased as a freshman to be a part of it. I was very pleased and I want to thank the chairman for the chance that he gave me to serve on my first conference committee in Congress. I will always be grateful.

I want to congratulate the gentleman from Pennsylvania (Mr. GOODLING), the chairman, and the gentleman from Missouri (Mr. CLAY), the ranking member, for their leadership, and the gentleman from California (Mr. MCKEON) the subcommittee chairman, and the gentleman from Michigan (Mr. KILDEE) for their leadership and their breakfast sessions. That is my favorite meal, so next year invite me.

Also, I think we owe a great debt of gratitude to the staff. We may have argued now and then, but they do good work and I want to commend them here publicly.

This act will ensure that college will be more affordable, with the lowest interest rates in 17 years. It will simplify the student aid system by using the same application no matter which program. It will improve academic quality, campus safety, and provide greater access to all aspects of higher education.

Last week, we debated a bill that I struggled with. I do not often struggle, but I struggled with where we allowed more immigrants, high skilled workers, to be allowed to come into this country. That was a bill that companies begged for because they did not have the ability to expand and grow. The high tech, fastest growing companies in this country were struggling to hire those high tech workers that were needed, so we had to increase the immigrant pool.

I view this as a partial indictment on our higher education community. But we in this bill have focused on this, and high skilled, technically trained workers are on a more even ground than they were before. In this country we need a combination of academic and technology. Through much bloodletting and compromising, H.R. 6 provides the opportunity for our Nation's youth to pursue their education, whether it is academic, technical, or a combination thereof.

Also, the conference report adopts the House admonition to the department that higher education consists of not only traditional but also nontraditional opportunities, an incentive provision calling for proprietary school liaisons, and several provisions ensuring against fraud and abuse.

An issue that has not been mentioned here tonight is a provision to fight drugs. I do not think there is any cause, in my view, that is more worthy than to help protect our young people in basic and higher education against drugs. This has a provision, if they are caught in possession or in selling, 1 year, they are out for a year; second offense, 2 years; third time, indefinitely. That is a lot tougher than the National Football League, because one of those players could be arrested today and they will be playing next Sunday.

It also provides incentives for distance learning, the wave of the future. It gives the Secretary of Education the authority to waive certain Federal restrictions that prevent students from receiving financial aid for some types of distance education programs. It also gives the Secretary the authority to promote and study distance learning techniques that will expand student access to higher education. In my view, the higher education community in this country is way behind the technology curve in delivering educational opportunities through distance learning.

It also will help those who serve our country. It exempts veterans' benefits from being counted against students when they apply for student loan subsidies. Previously, students receiving benefits under the Montgomery bill would have had their aid reduced.

I urge all my colleagues to support this bill.

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

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

Mr. ANDREWS. Mr. Speaker, I thank my friend the gentleman from Missouri (Mr. CLAY) for yielding.

I rise in strong support of this bill and urge its passage. Let me thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from California (Mr. MCKEON), the gentleman from Missouri (Mr. CLAY), and the gentleman from Michigan (Mr. KILDEE) for their leadership in this effort, for the staffs of the committee and the Members. And let me especially thank Audrey Williams and Edgar Ho from my office, who worked so very hard on this bill in making it a reality.

I am especially pleased that among the provisions that I offered, the committee has seen fit to include four provisions which I think are very important:

First, every student in America will know of their right to have an income-contingent loan, that is, to pay back their loan as a function of their income; so that, as their income rises, so will their payment, and if their income falls, so will their payment.

Second, a student who cannot receive a loan from a private lender has his or her right reaffirmed as a lender of last resort to go to either a guaranty agency or the direct loan program or both, and I think that is very important.

Third, I appreciate the fact that we have once again restored the incentive for private career schools, some of our very best job trainers, to train those who most need help in job training to move from welfare to work.

Finally, I appreciate the fact that the committee has included very visionary legislation which permits colleges and universities to offer voluntary early retirement packages to professors throughout the country. This will save a significant amount of money for the higher education system. It will open up faculty slots for young professors, particularly young women and minority professors, and I believe it will inject new blood onto our campuses where it is needed most.

I urge the passage of the bill. I look forward to the day when the President signs this bill, because I believe with that signature he will be widening even further the doors of educational opportunity for people throughout this country.

I urge the passage of the bill.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Speaker, I join in the accolades toward the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Missouri (Mr. CLAY), and the gentleman from California (Mr. MCKEON) for their hard work and their coming together to put together one of the most important bills that this body will vote on.

I also want to thank on my staff Gina Mahoney, who has done such hard work, and somebody who left our staff who the gentleman from Michigan (Mr. KILDEE) recognized, David Evans, for his hard work as well.

Father Hesberg, who has been noted as a leader in America on education, religious and civil rights issues, once said, ''As education goes, so goes America.''

Well, my colleagues, this bill puts education in the forefront and will help America get better and better. It does a number of things. It puts higher emphasis on academic quality. It emphasizes new ideas. It encourages regulatory simplification.

I am proud of this legislation to support students across the United States in the best higher education system in the entire world. There are some 3,000 post-secondary institutions in this country consistently turning out some of the best scientists, some of the best lawyers, some of the best teachers, some of the best researchers and doctors in the entire world, and this will continue to make our higher education system the best, second to none, in the world.

This bill reflects a number of priorities: The lowest interest rates since 1981 for our students, a revamped teacher training program which includes my alternative route certification bill, more choices for students when consolidating their loans, permits universities to offer early retirement packages to their faculty, provides regulatory relief to the nine colleges and universities in my district.

I encourage bipartisan support for this bill to pass smoothly and swiftly through the United States Congress.

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

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

Ms. WOOLSEY. Mr. Speaker, I too am a proud member of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, which crafted this reauthorization. And I can assure my colleagues that the Higher Education Amendments of 1998 make higher education more affordable for all students.

The amendments also make education safer, particularly for women, because we have included grants to combat violent crimes against women on campuses. Mr. Speaker, 20 percent of college women will be victims of sexual assault at some time during their years on campus. These are our daughters, our sisters, our mothers. They should not have to learn in fear, and this bill invests in their safety.

This conference report also includes a provision on prepaid college tuition plans. These plans let families lock in the cost of tomorrow's college tuition at today's prices. We need to get the word out so that families across the country can benefit from these well-thought-out plans.

I am also pleased that we are supporting teacher training partnerships in this conference report. Partnerships for Professional Renewal, based on a successful program at Sonoma State University in my district, funds partnerships between teachers' training programs and local schools.

I thank the gentleman from Missouri (Mr. CLAY), I thank the gentleman from Michigan (Mr. KILDEE), I thank the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MCKEON), for their bipartisan leadership on this reauthorization. They put the interests of students and families first. We can be proud to vote for the Higher Education Amendments of 1998.

The gentleman from Pennsylvania (Mr. GOODLING) is perfectly correct, this is a good-news day and it should be reported.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

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

Mr. FATTAH. Mr. Speaker, let me first thank the gentleman from Pennsylvania (Mr. GOODLING), the chairman and my colleague, and the gentleman from Missouri (Mr. CLAY), the ranking member, and all those who labored. Especially the gentleman from California (Mr. MCKEON), Chair of the subcommittee, did a great job on this bill, working with the gentleman from Michigan (Mr. KILDEE), and the staff who have already been mentioned, but we all need to remember their very hard work that will make it possible for tens of millions of American families to be able to improve the life chances of their young people.

This is a moment in which this Congress acts as statesmen more concerned about the next generation than the next election, and it is a moment we all can take pride in.

I would like to refer, obviously, to the High Hopes 21st century initiative which has now been termed Gear-Up in this bill. But beyond the semantics, what it really means is that we are going to reach out to young people in 6th and 7th grade, more than a million of them, each and every year from this point forward in thousands of junior high and middle schools across this country, and let them in on a secret that we have all known for a very long time, and that is that college is available to them if they are willing to work hard enough to get there.

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I would like to thank President Clinton for his embrace and support of this initiative. It was made possible because of the bipartisan support here in this House. Many, many of my colleagues, more than 200 of them on both sides of the aisle, have been helpful in moving this initiative forward.

I would like to point out the strong support on the conference committee, which I believe is indicative of the bipartisan support for this bill, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Pennsylvania (Mr. PETERSON) on the Republican side, and the gentleman from Missouri (Mr. CLAY), the gentleman from Michigan (Mr. KILDEE) and the gentleman from New Jersey (Mr. ANDREWS) really shepherding this particular provision through the conference committee. A conference is simply an opportunity for the House and the Senate to meet and to arrive at a shared consensus about the direction of public policy. I think this conference committee and all that it embodies represents the best of public policy.

This Congress indeed has a lot to be proud of, and I am happy to have played a part in the higher education amendments of 1998.

Mr. CLAY. Mr. Speaker, I yield two minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in strong support of the conference report for H.R. 6. We certainly have heard everyone here, back and forth, saying what a great bill it is, and it is. It has been a pleasure in my freshman year, which is actually two years, but we are freshmen for a long time around here, to share in the work that everybody did.

This is what should be getting through to the American people, that we are doing our work and we do care about certainly our young people out there. I commend everybody that put their hard work in, because we do care

about our children and we care about the future of our children, and it just goes to show that when you work in a bipartisan way, you can get things done.

I am really pleased that H.R. 6 still includes many of the provisions of my bill, the America's Teacher Preparation Improvement Act. We know if we do not teach our teachers to be better teachers, our children are going to suffer. I think that is wonderful having that in there.

I am also pleased that H.R. 6 includes legislation that the gentleman from New York (Mr. ENGEL) and I introduced to protect consumers. H.R. 6 requires the Department of Education to put out up-to-date information about financial aid scholarship scams on its web site.

We wish we could have put even more into this particular bill, but, as always, there are restraints. But it represents a major step forward for making college accessible and affordable. I urge my colleagues to support it.

We can make college affordable for every person in this country. That is our job, and we have taken a giant step towards that. I thank everyone so much.

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

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

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

Mr. Speaker, I rise in praise of the gentleman from Pennsylvania (Chairman GOODLING), the gentleman from California (Mr. MCKEON), the gentleman from Michigan (Mr. KILDEE), the gentleman from Missouri (Mr. CLAY) and all of the members of the conference committee on H.R. 6 for their hard work and their leadership. They deserve great credit for this thoughtful and carefully crafted bill that will increase access to a higher education for millions of Americans.

For most Americans, student loans are the primary source of education funding. From the GI Bill to Pell Grants and the Stafford Loan Program, financial aid has enabled millions of working class families to send their children to college.

This legislation will provide college students with the lowest interest rates for academic loans in 17 years. It expands the Pell Grant Program and also improves campus based aid programs like Supplemental Education Opportunity Grants. It improves teacher preparation and provides loan forgiveness for teachers who work in areas where the poverty rate is high. They have simplified the process of applying for student loans and there is more access to crime statistics and information to allow them to have an accurate picture of campus safety.

I am particularly pleased that the conference report on H.R. 6 includes legislation I introduced to expand access to a higher education for low income parents. My legislation, H.R. 3296, the College Access Means Parents in School Act, the CAMPUS Act, will enable more low income women to get a college education by providing campus-based child care centers. The conference report authorizes $45 million for competitive grants to institutions of higher education for the establishment of child care centers on college campuses serving the needs of low income students.

I do not have to tell you about the benefits of that, that when you motivate these parents and they have high quality child care, they will graduate faster with a higher grade point average. The good news is, as I mentioned, that students who have access to campus-based child care centers are more likely to stay in school and graduate than the average college student. What great preparation this is for them.

Again, I want to commend the conferees, the staff and the leaders of the House Committee on Education and Workforce and the Senate Labor and Human Resources Committee for their excellent endeavors on the reauthorization of the higher education bill. I urge all of my colleagues to support this bill.

I would also like to just add a note of congratulations to us for having had the gentleman from Illinois (Mr. FAWELL) with us here in the House of Representatives because of the great leadership he has given to that committee and to all of the other committees, the Committee on Science also on which he serves with me, and the integrity and character he has bought to this House of Representatives.

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

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

Mr. PAYNE. Mr. Speaker, I would also like to add my congratulations to the gentleman from Missouri (Mr. CLAY), the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Michigan (Mr. KILDEE), the gentleman from Massachusetts (Mr. MEEHAN) and the members of the conference committee for including many of the provisions in a bill I introduced, H.R. 3311, to improve international education programs in this final version of the reauthorization of the Higher Education Act.

As a member of the Committee on International Relations and the Committee on Education and Workforce, I know that in order to be competitive in this global economy, we must continue to encourage and support programs designed to educate our students in foreign languages, diplomacy and international affairs.

Throughout the years, Title VI of the Higher Education Act has been extremely effective in helping colleges and universities reach that goal. The inclusion of Technological Innovation and Cooperation for Foreign Information Access Grants in the conference report of the reauthorization of the Higher Education Act enables institutions and libraries to engage in collaborative international education projects utilizing innovative technology. This kind of program is timely as universities and libraries are faced with escalating costs of access to international resources.

This bill also allows the Institute for International Public Policy to expand the current Junior Year Abroad Program to permit summer internship experiences. And to assist in the cooperation of Federal support for the Minority International Affairs Program, this bill creates a seven member interagency committee on minority careers in international affairs. I am also pleased that the conferees have chosen to keep the international education program in its own separate title.

Overall, I believe the reauthorization of the Higher Education Act will provide our Nation's students expanded access to a college education. By increasing the authorization of the Pell Grant award to $4,500, we help students afford the cost of college without having to rely on loans and increase their debt. I only encourage the Committee on Appropriations to meet this authorization level.

The New Teacher Training Program included in this bill will increase the number of teachers who are trained in low income areas.

Mr. Speaker, as I conclude, I would just urge my colleagues to support this bill for final passage.

I only encourage the appropriations committee to meet this authorization level. The new teacher training program included in this bill will increase the number of teachers who are trained in low-income areas.

This extra hand in our overcrowded low income area schools will enable school children to receive more one on one attention in the classroom. And the Gear Up program, based on Representative FATTAH's and President Clinton's High Hopes program, will give students in low income areas the encouragement, the hope and the tools to go on to college. There are some concerns I have regarding the effects of some of the provisions of this bill on proprietary schools.

However, overall this bill contains many valuable programs that will help our inner city and low income youth realize the dream of going to college and the student financial aid programs will help students make that dream a reality. That is why I will support this bill today and encourage my colleagues to do the same.

Mr. CLAY. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin (Mr. KIND).

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

Mr. Speaker, I rise in strong support of this legislation. As a freshman member of this body, the United States Congress, I lobbied hard to get on the Committee on Education and the Workforce and the Subcommittee on

Higher Education, and it was exactly for this evening and this purpose, to be able to stand up and proudly support an outstanding piece of bipartisan legislation that really goes to the hopes and dreams of what my life has been about.

Growing up in western Wisconsin as a young student, my hope and dream was to be able to go on to school, go on to college. My father was a telephone repairman with five kids. He was in no position to be able to afford sending myself or any of my brothers or sister on to school. But for the existence of programs that are being reauthorized in this legislation today, the student loan program, the Work Study Program, expansion of the Pell Grant program, I in no way would have had the financial means to go on to school.

Now representing western Wisconsin, a place that has five state universities and seven technical school campuses and a private college, this legislation represents to me the fact that many, many more students growing up in western Wisconsin will now have the financial ability to go on to higher education, which is really the underpinning of the great American dream and that which we cherish so much in this country.

I commend the ranking members, the gentleman from Missouri (Mr. CLAY) and the gentleman from Michigan (Mr. KILDEE), for the fine work they have done; the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from California (Chairman MCKEON).

I also want to especially commend the gentleman from Pennsylvania (Mr. FATTAH) for the hard work that he put in for the Gear Up for High Hopes Program, that he worked incredibly hard on, not only in the Committee, but with every member of this body, who he probably spoke to two or three times to get their support.

This truly is an historic night, Mr. Speaker, an opportunity for us to encourage the rest of our colleagues to support what is probably going to be the shining example of the 105th Congress, of how we can bridge the partisan gap and come together and do what we think is in the best interests of this country and the future of our Nation.

Mr. CLAY. Mr. Speaker, I yield two minutes to the gentleman from New York (Mr. ENGEL).

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

Mr. Speaker, as a former member of the Committee on Education and Workforce, I rise today to state my strong support for this higher education the amendments conference report. If one goes down the list of all the goods things in this bill, increasing Pell Grants, lowering interest rates on student loans, strengthening direct loan and guaranteed loan programs, improving teacher quality, preparation and recruitment, making needs analysis more fair and reasonable, establishing the Gear Up Mentoring Initiative, strengthening TRIO, the historically Black colleges and Hispanic-serving institutions, we know we have a really, really good bill.

I am also thankful that my bill, which requires the Department of Education to directly link its web site to free data bases of accurate information concerning scholarships, fellowships and any other financial aid information, is also included in this conference report.

I introduced this bill with my good friend and colleague, the gentlewoman from New York (Mrs. MCCARTHY) back in April of 1997. Our provision within the conference report is vital in not only empowering parents and students, but in preventing fraud.

In September of 1996, the Federal Trade Commission began its investigation, Project ScholarScam, into unscrupulous companies that preyed on American families' anxieties about how to finance their children's college tuition.

These scholarship scams guaranteed or promised scholarships and grants in exchange for advance fees. Once these fees were collected, no scholarships or grants were ever provided. Sometimes these companies would ask for a student's checking account to confirm eligibility, then debit the account without the student's consent. American families by the thousands were defrauded and student's hopes were disheartened.

Currently my daughter is a senior in high school and I for one know firsthand the difficulties in meeting the skyrocketing costs of higher education. Our provision is a major step forward in preventing future scholarship scams and is a vital tool in empowering parents to look for creative ways to finance a college education.

I urge my colleagues to vote for H.R. 6, and I commend all the people involved, the gentleman from Missouri (Mr. CLAY), the gentleman from California (Mr. MCKEON) and the gentleman from Pennsylvania (Mr. GOODLING).

Mr. CLAY. Mr. Speaker, I yield two minutes to the gentleman from Virginia (Mr. SCOTT)

Mr. SCOTT. Mr. Speaker, I want to commend the conferees for producing a conference report which will serve as a foundation for a stronger system of higher education in this country.

More students will be able to afford a college education due to the lower interest rates on new loans and the increase in Pell Grant levels. We also target middle school students through the new Gear Up Program, which encourages colleges to provide students with information on college opportunities as well as mentoring and tutorial programs so they will be prepared to enter college after high school.

I am also pleased that the conference report retains provisions that I offered during committee deliberations. One will help students with high child care expenses qualify for student aid, and another provision rewards colleges for effectively collecting overdue loans.

At the same time, I have concerns about provisions in the conference report that may adversely affect Historically Black Colleges and Universities. The conference report only extends the current exemptions that those schools enjoy for one year, whereas the Senate version would have extended it for four years.

There is also a new provision which jeopardizes Pell Grants for students who attend schools with high default rates, many of which have high default rates because of open enrollment practices.

While I support the conference report, I hope the Committee on Education and the Workforce will be able to revisit these issues which are critical to the survival of schools which offer opportunities to those most in need. On balance, however, Mr. Speaker, there is no question that this bill represents a major step forward and should be approved.

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

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

Mr. Speaker, I would like to take just a moment to recognize a friend and a colleague on the committee who is retiring from Congress after 14 years of service to his constituents and to the House of Representatives.

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I have served with the gentleman from Illinois (Mr. FAWELL) on the Committee on Education and the Workforce since he first came to Congress. In the years that we have worked together, I have known the gentleman to be a committed and tireless member of the committee, a member who could be counted on to fight in the legislative trenches, but who was also able to work in a bipartisan manner to craft legislation to better the lives of working Americans.

From his leadership on health care and pension matters to his efforts to improve productivity, safety and health in the workplace and his overall philosophy that there should be a level playing field between labor and management, the gentleman from Illinois has been at the front lines in all of the major workplace policy debates in Congress.

I know that my colleagues will agree that the gentleman is renowned in the House, among other things, for his expertise in labor, health care and pension law. In committee, the gentleman was also known for taking excellent notes during hearings and markups. Many of my colleagues gained a great deal of their knowledge over the years by picking over his shoulder while he wrote.

Mr. Speaker, the gentleman from Illinois (Mr. FAWELL) has been a valued member of our committee and of the

House as a whole because he always fought for what he thought was right, he never compromised his principles, and he always kept his sense of humor. He always made sure he knew more about the matter at hand than his opponents.

Mr. Speaker, I know I speak for all of my colleagues when I say to HARRIS, we will miss working with you, we will miss the benefit of your knowledge, your energy, your persistence, your attention to detail, and your good humor. It would be difficult, if not impossible, for Congress to do the people's work without the knowledge and commitment of Members like HARRIS FAWELL.

HARRIS, we wish you well in whatever future activities you have planned, and I am certain that you and your family will enjoy life after Congress, and I am told there is life after Congress, although I do not want to find out just yet. It is us who will not enjoy it quite as much because you will not be here.

Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. FAWELL).

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GOODLING) very much. His friendship and leadership over 14 years, and it does not seem like 14 years, means a great deal to me. I cannot think of anybody who has as much moral authority to speak on educational matters than the gentleman from Pennsylvania (Mr. GOODLING) who was a teacher and a principal all of his life. He has stood for quality education, and I hope the gentleman continues to serve on and on here. The gentleman is doing obviously a tremendous job.

My congratulations on what has been accomplished here in regard to having this Higher Education Amendments Act finally passed. So many people put so much time in on it. My comments were meant only to refer to a bipartisan provision in Part D of Title IX that allows age-based voluntary retirement incentives. It was based on a piece of legislation that I had, and I am glad that that is a part of the bill, because I think it makes it a little bit better perhaps, adds more quality in the bill, and it is a quality bill.

I do want to just say ''thanks'' to all of my colleagues on the committee, and I still think of it as the Committee on Education and Labor. It really is education, labor, pension and health. But that extends also to the gentleman from Missouri (Mr. CLAY) on the other side of the aisle. We have differed at times in regard to how we view legislation, but I would never question the commitment and the intent of the good mind of the gentleman from Missouri, and the gentleman from California (Mr. MCKEON), who did so much in shepherding the Higher Education bill.

The other day I was defending Congress and they said, well, there are no longer any Mr. Smiths who come to Washington or Mrs. Smiths, or Ms. Smiths. And I said, oh, yes, there are. And they said, who? And I was caught right there, and right away the name of the gentleman from California (Mr. MCKEON) came to mind. I said, there is a guy without guile; he works hard, he is an intelligent man, he gives an awful lot, we are lucky to have him.

Mr. Speaker, we are lucky to have an awful lot of Members in this Congress. Ninety-nine and nine-tenths percent of the men and women here are fantastic people, and we are backed up by staff that do so very, very much.

Let me just sneak in one other comment. People think that Washington is kind of a creepy place, at times. Let me tell my colleagues, there are so many awesome good young people who are our staff, and not just on this committee, but elsewhere, that I stand in awe of the young people that I see coming along. I am in my third generation with watching my own generation, watching my children's generation, and now watching my grandchildren, and I report to my colleagues, this country is in good shape, because the young people I see coming along with each generation are just that much better than their predecessors.

So I leave Congress with a lot of good feelings, knowing that the City of Washington is a very fine place to live and to work, and I shall miss you all. By golly, I shall miss you. I may creep back here once in a while to give you some advice, but I thank you for all the tremendous help that so many of you have given to me. I do appreciate it.

Mr. GOODLING. Mr. Speaker, I yield 45 seconds to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I quickly would like to share my admiration for the gentleman from Illinois (Mr. FAWELL). I have known him less than 2 years, and he is somebody in Congress that I admire greatly. His district in Congress and the small business community is going to miss him.

The gentleman has a clear, thoughtful voice, a deep understanding of the issues, and the gentleman brings a passion to the debate. The gentleman has the zeal of a freshman and the wisdom of a long-term Member. The gentleman's arguments are very pragmatic and thoughtful, whether it is modernizing archaic labor laws or fighting for affordable health care for small business, and he has a passion for that.

Mr. Speaker, HARRIS FAWELL is the kind of Member I hope to become.

Mr. GOODLING. Mr. Speaker, I yield 45 seconds to the gentleman from California (Mr. MCKEON).

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

Mr. Speaker, I have been here now 6 years and I have been able to serve with the gentleman from Illinois (Mr. FAWELL) for that whole 6 years, and the last 4 years we have served as subcommittee chairmen together. We have a meeting about once a month at 7 o'clock in the morning and the full committee chairman and the subcommittee chairmen all get together, and during that time I have gotten to know the gentleman. I have gotten to know his integrity, his sincerity, his devotion that he brings to the cause, and I have never heard him say one negative thing about another person, on either side of the aisle. I have never heard him say anything disparaging. I just have the greatest respect for this man, and we really are going to miss him.

I talked to him the other day and I said, ''I do not know who is going to take your place; I do not know who knows anything like you do about ERISA.'' And I just want to say, HARRIS, we will really miss you. Thank you for all you have done for the country.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time to merely thank again all of those who made this evening possible. But I want to go a little bit beyond that. Every now and then I hear reports that is a ''do-nothing Congress.'' Well, I want to tell my colleagues a little bit about this committee. It is anything but a do-nothing committee.

Just to tick off a few off the top of my head, we reauthorized IDEA Special Ed; we reauthorized Head Start, it is in conference; we reauthorized Higher Education; we passed Dollars to the Classroom; we passed Bilingual Reform; we passed the Testing Prohibition bill; we passed the Emergency Consolidation Loan Bill and bailed out the Department. We passed the National Committee on College Costs; we passed the Equitable Child Care resolution. We passed the Job Training bill for the 21st century. We authorized Vocational Education for the 21st Century. We passed the Charter School bill; we passed the Reading Excellence bill; we passed the Juvenile Justice bill, and we passed the Child Nutrition bill.

It does not sound like a ''do-nothing Congress'' to me, at least not a do-nothing committee. Can my colleagues imagine what these staff members have had to do during this entire time because of this tremendous agenda that we put forth from this committee. This is a ''do-everything'' committee for the benefit of all, and particularly for young people in this country.

Mr. PRICE of North Carolina. Mr. Speaker, I rise today in support of the conference agreement to reauthorize the Higher Education Act. For the last thirty years, the Higher Education Act has enabled countless Americans to pursue their dreams.

One year ago, I held a forum in my district involving students, educators, and administrators to share their concerns and priorities about higher education. I am pleased that many of the issues addressed at that forum have been included in this reauthorization bill.

Some of these provisions include: simplifying and streamlining students loans and providing the lowest interest rate on student loans in 17 years; increasing maximum Pell grant awards to $4500 next year and up to $5800

by 2003; continuing to provide long-term low-interest loans to almost 800,000 students with financial need through the Perkins Loan program; readjusting the formula used to analyze financial needs in order to encourage students to work and save for their college education; and providing loan forgiveness for students who teach in low-income areas; and allowing historically black colleges and universities more flexibility in funding and expanding graduate programs through changes made in title III.

I am especially pleased that the Campus-Based Child Care Act, on which I worked with Congresswoman MORELLA and other members, is included in this conference report. This will provide seed money so that colleges and universities may provide quality child care on campus. This is one of the most forward-thinking parts of this Higher Education Act and will allow many low-income single and working parents to attend college when they couldn't before—including many who will be making the transition from welfare to work.

I congratulate the chairman, the committee, and the conferees on coming together to craft this reauthorization. I am happy to support the bill and encourage my colleagues to do the same.

Mr. KIND. Mr. Speaker, first, I would like to commend Ranking Member KILDEE and Chairman MCKEON for all of their hard work on making this important legislation bipartisan. This bipartisan conference agreement on the Higher Education Reauthorization Act includes a number of important initiatives to increase access to college, lower the student loan interest rate, and prepare more students for college.

Increasing access to quality higher education must be our nation's number one priority and this legislation helps us accomplish this goal. This legislation increases the maximum Pell Grant award $3,000 to $4,500. The Pell Grant is crucial to giving students the financial assistance they need to afford a higher education. The increased award level is important to keep peace with the increasing cost of a college degree.

One of the biggest concerns I hear from students in western Wisconsin, is the growing debt burden they face upon graduation. This legislation will ease that burden and give more students an opportunity receive financial aid assistance, by lowering the student loan interest rate. The bill slashes the interest rate from 8.25 to 7.46 percent, which will save college students hundreds and thousands of dollars over their loan repayment period.

This legislation also expands and creates initiatives designed to encourage students from disadvantaged backgrounds to pursue higher education. The highly successful TRIO outreach project is expanded and a new national effort called GEAR UP has been created to provide support services, mentoring and early intervention counseling to encourage students to strive for and attain an education beyond high school.

I am pleased to support this bipartisan conference agreement, which will provide students in western Wisconsin with increased access, affordability and quality higher education.

Mr. SPRATT. Mr. Speaker. I am pleased to have the opportunity to vote to help students go to college, and a vote for the conference report on the Higher Education Act Reauthorization is just that—a vote for students.

This bill will lower interest rates on student loans, help disadvantaged middle school students prepare for college, improve preparation and training for teachers, and promote distance-learning through expanded student aid and partnership models that will reach more students. These provisions and others targeted at improving the efficiency and access of student aid programs will help make college affordable for more students, and make attending college a reality for more students.

The bill has merit, but as the ranking Democrat on the Budget Committee I have to express my disappointment that Congress did not find a way to pay for these improvements. Because all costs are not offset according to the Office of Management and Budget, this bill will add to the PAYGO scorecard, expanding the sequester already in the cards for Fiscal Years 2001 and 2002 unless we take additional action before then.

This bill is another example of Congress acting without a guiding budget resolution or plan. This is the first year since the Budget Act became law, a quarter century ago, that Congress has failed to pass a budget resolution conference agreement. The failure of this bill to contain offsets is partly a result of Congress's failure to do its job and pass a budget resolution. We want the benefits of improved public policies, but lack the fiscal discipline to pass a final Congressional Budget Resolution. The American public deserves a Congress that can deliver on our fiscal obligations, and the Republicans in this Congress are shirking that responsibility.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise in strong support of this conference agreement on the Higher Education Amendments. I support this bill because it further expands the Pell Grant Program, provides the lowest student loan interest rates in nearly two decades, and addresses a new and exciting facet of education, distance learning.

Last year, my colleagues and I worked very hard to increase Pell grant appropriations contained in this year's budget. This trend is continued in this bill, which authorizes significant increases to the largest federal student aid grant program available.

This program is vital to my own state of Connecticut, where 69 percent of all federal student aid to students is in the form of Pell grants. Unfortunately, in the past, funding for this program has not kept pace with the growth of tuition fees. While tuition in Connecticut has risen 110 percent since 1989, federal resources have increased by only 37 percent.

This bill provides desperately needed resources to those who have demonstrated the ability and desire to achieve. It is a victory for those of us fighting to improve our higher education system, and fighting to make the opportunity of going to college a reality for every person in this country who desires to reach for it.

With this bill today we are going to pass a comprehensive higher education program. I urge my colleagues to give the same support to our other important education initiatives, hiring 100,000 new teachers to reduce class size, and providing comprehensive school construction and modernization bonds. If students are to succeed, they must have the resources to meet the challenges of obtaining a quality education today. This bill provides them with that fighting chance.

Mr. KLINK. Mr. Speaker, Chairman GOODLING, and Mr. CLAY, Chairman MCKEON and Mr. KILDEE and the rest of my former colleagues on the committee are to be congratulated for your good work on this legislation.

In the larger scheme of things, H.R. 6 is good for the country and good for our future. Making higher education more accessible to students will make America stronger and more competitive in the global marketplace.

This legislation will increase the maximum Pell grant, provide more funding for work study, increase resources for teacher training and rework the needs formula for student aid to target more money to those students with fewer resources to pay. It also reduces student loan interest to the lowest level in almost 20 years. All these things will increase access to higher education.

I am also pleased that the conference report includes several reforms in student loan management that I have been working on for years, many of which were in my bill, H.R. 2140, the Federal Accountability and Institutional Reform in Education Act (FAIR ED Act).

These common-sense reforms to the student loan program will reduce defaults, bring greater fairness and accessibility to the student loan program, save the Federal Government millions of dollars a year and allow schools to spend more time teaching and less time on education finance.

H.R. 6 will help reduce student loan default rates by cutting the incentive that lenders and guarantors have to let a loan go into default. Currently, the Federal Government not only reimburses these agencies for 98 percent of every defaulted loan, but they also get to keep an additional 27 percent of whatever they collect from defaulted borrowers.

H.R. 6 reduces those percentages to 95 percent and 23 percent, respectively. The bill will ultimately allow for recovery of only 118 percent of a defaulted loan instead of 125 percent. My legislation would have limited reimbursement to 100 percent of any loan, but H.R. 6 is a step in the right direction.

H.R. 6 will also increase communication in the education community in order to reduce student loan defaults. It will require student loan servicers to contact the school before allowing a loan to go into default. Very often schools have more recent information on students. That information can lead to actual contact with the student, which can reduce the likelihood of the student's loan going into default.

Furthermore, this legislation will prohibit guaranty agencies from requiring schools to pay a fee for student loan information. This information can help keep loans out of default and it should be available to schools without cost.

In addition, H.R. 6 will help institutions serving at risk students by requiring the department to retain the eligibility of schools serving those populations, provided they meet specific graduation and job placement requirements.

H.R. 6 will also allow for increased accuracy in default rates by removing students who defaulted loans but have been brought into repayment from the school's default rate.

H.R. 6 will also establish parallel student repayment terms and conditions within the Federal Family Education Loan and the Federal Direct Student Loan Programs. This will provide for income-contingent repayment and loan consolidation options, which are currently

available under direct lending, but not in the FFEL Program.

Finally, H.R. 6 will make several changes that were not in my legislation but will be good for students and educators. It fixes the onerous 85/15 rule by changing the requirement that 15 percent of a schools revenue come from non-Federal Title 4 sources to ten percent. The 85/15 rule is now the 90/10 rule and that is a good reform, especially for students and schools in low-income areas.

H.R. 6 also provides for a liaison in the Department of Education for career schools. These institutions are training many of today's workers and they deserve a voice at the Department.

Lastly, H.R. 6 will require that the Department publish the rules and regulations that students and schools must follow on time. If schedules are good for the students and schools, they should be good for the Department and they should be followed.

I commend Chairman GOODLING and members of the committee for a solid piece of legislation and I urge my colleagues to support H.R. 6.

Mrs. CLAYTON. Mr. Speaker, good, quality and affordable education in post secondary institutions is a goal to which all of us should aspire.

Our goal is to provide students with the tools they may use to pursue higher education by authorizing the maximum Pell grant award of $4,500 in 1999–2000 with increases in subsequent years; a more student friendly formula for determining the amount of student financial aid; and a two-tier interest rate structure.

In order to reach this goal, we must function as a partnership, at all levels of government and in the private sector.

This conference report to H.R. 6, the Higher Education Amendments Act of 1998, achieves this goal.

Furthermore, I recommend the conference committee for supporting a provision that I proposed in the House passed bill.

This provision increases voter registration among college students requiring colleges and universities that receive federal funding to provide voter registration forms to students.

Providing the opportunity of voter registration to students allows them to exercise one of their most fundamental rights.

I am pleased that my colleagues also value the importance of involving the most mobile group of our country in the political process.

Therefore, I urge my colleagues to support this conference report to H.R. 6.

Ms. DELAURO. Mr. Speaker, I rise today in strong support of the Higher Education Amendments conference report. In today's world, a college diploma is the key to success. But the rising cost of college tuition puts that diploma out of reach for many American students.

The Higher Education Act will help make the dream of a college diploma a reality for more families by making more financial aid available for some of our nation's neediest citizens. Students whose families earn incomes of $12,000 or less a year will be able to receive more financial aid through Pell Grants than ever before. The bill will also strengthen the formula which determines how much aid a student qualifies for, and allow young people to earn money and save for their education without being penalized by losing financial aid.

I am particularly pleased that this conference report contains provisions for campus-based child care. Many people with young children, who want to attend college and build a better life for themselves and their families, find themselves unable to go to school simply because they can not find high quality and affordable child care. This important program will allow parents to attend college with the security of knowing their children are well care for.

As a member of the Labor-Health and Human Services-Education Appropriations Subcommittee, I will work to ensure that this important program gets funding for fiscal year 1999, so parents can immediately begin to take advantage of campus-based child care.

I urge my colleagues to support the Higher Education Act.

Mr. MARTINEZ. Mr. Speaker, I rise today in support of the conference report on H.R. 6, the Higher Education Amendments of 1998.

I would like to begin by commending Chairman GOODLING and Ranking Member CLAY, and Subcommittee Chairman MCKEON and Ranking Member KILDEE, for their bipartisan leadership and their tireless effort to increase the accessibility and quality of higher education for all Americans.

Over two years ago, Mr. MCKEON and Mr. KILDEE began the process of reauthorizing the Higher Education Act with four goals in mind: making higher education more affordable; simplifying the student aid system; promoting academic quality; and improving access to post-secondary education. The bill we have before us today goes to great lengths in achieving these goals.

This conference agreement makes higher education more affordable by expanding the Pell Grant Program and nearly doubling the maximum Pell award over the next five years. It significantly increases the authorization for the College Work-Study program and nearly doubles the allowance for child care. It modifies the need analysis formula to encourage savings and allow students and parents to keep more of their money through increased income protection. It reduces new student loan interest rates to their lowest rate in 17 years and allows students to consolidate and refinance existing loans at a lower rate. Finally, the conference agreement requires the National Center for Education Statistics to conduct a study on the rising cost of tuition.

This conference agreement simplifies the student aid process by creating a Performance Based Organization within the Department of Education to provide quality service to students and parents and to ensure that the student financial aid system is run in a professional, business-like manner. It also requires the Department to develop a single, more simple student aid application and a single, more simple promissory note.

This conference agreement promotes academic quality by increasing institutional standards and providing assistance to those institutions that do not meet those standards. It also authorizes grants to states to improve teacher training programs and directs states to use a percentage of those grants to recruit quality teachers. Finally, it encourages qualified individuals to go into the field of teaching by creating a loan forgiveness program for teachers.

This conference agreement makes post-secondary education more accessible to all Americans, particularly low-income and minority students. It increases the authorization level and scope of the TRIO programs and creates the GEAR Up program to allow low-income students to participate in early-intervention and college awareness activities. It also increases the authorization levels for historically black colleges and universities, Hispanic serving institutions, and tribally controlled colleges. Finally, it creates grants to institutions serving a percentage of Native Alaskans and Hawaiians.

I am particularly pleased with what this bill does for Hispanics. Previously, Hispanic serving institutions were buried in title III. However, as a result of this conference agreement, HSIs will have their own title and a greatly increased authorization level. No longer will the Department be able to ignore the importance of these institutions which will only continue to grow as the Hispanic community continues to grow. As a matter of fact, the Census Bureau projects that by 2050, Hispanics will make up 25 percent of the population. It is only fitting that this reauthorization recognize the significance of these institutions which will play an even greater role in educating future generations.

For the above reasons, I strongly support this conference report and urge my colleagues to do the same.

Mr. EWING. Mr. Speaker, I am proud to rise in support of this legislation which will reauthorize the Higher Education Act of 1965. With seven institutions of higher education in my district, this bill is of great importance to my constituents.

While reauthorizing many existing programs this legislation establishes new programs which will provide low-income and disadvantaged students access to a college education. We are all aware of how important a college education is to our children who will be working in an increasingly global economy.

We must prepare our children for the world they will face and increasing the maximum Pell grant levels each school year until 2003–2004, providing low interest student loans, and expanding the work-study program are all ways to provide an affordable college education.

There are also a number of provisions included in this bill which will help to improve the recruitment and quality of the teachers we entrust with our children. It achieves this by granting states the ability to reform accountability and certification requirements for their current teachers and provides loan forgiveness for teachers who choose to go to low-income areas to teach. We must provide all students with a quality education if we expect them to succeed.

There is also an important provision which provides $5 million for fiscal year 1999 for a new grant and award program which would encourage colleges to establish alcohol and drug abuse prevention and education programs. I believe that other institutions should follow the lead of the University of Illinois and its Alcohol 101 program to help deter the increasing use of drugs and alcohol on campus.

Along with the drug and alcohol provisions there is also an incentive to help keep our children safe by requiring administrators and institutions to submit campus crime statistics to the Secretary of the Department of Education. It is important that parents have accurate records of the amount and types of crimes taking place. There are also grants, through the Justice Department, authorized to develop and strengthen effective security and

investigation strategies, along with victim services. It is very important that our children are protected while they are on campus.

I am proud to vote for the legislation and am proud of the work this Congress has done to improve the education of the most essential people in this country—our children. Mr. Speaker, I urge all of my colleagues to support this important legislation.

Mr. BARRETT of Nebraska. Mr. Speaker, today the House continues a commitment made more than 40 years ago, that if you have the ability, but not the means, you can get a college education.

I'm particularly pleased H.R. 6 will provide loan forgiveness to qualified teachers working at schools located in low-income areas. Many rural school administrators have told me they are having a difficult time attracting teachers trained in the sciences and mathematics. With these provisions, rural schools now be able to recruit such people and meet an ever growing challenge.

We've all heard from students who were denied federal student aid because they earned too much in the summer or throughout the year. Fortunately, there are provisions in the bill permitting students to earn a bit more and still qualify for student aid. Specifically, the agreement increases the income protection allowance to $2,200, and adjusts it annually to keep pace with inflation.

Mr. Speaker, I support the conference report. And, I congratulate Chairman GOODLING and Chairman MCKEON, ranking members CLAY and KILDEE for their good work.

Mrs. MCCARTHY of New York. Mr. Speaker, the conference report for H.R. 6 includes many provisions that I have long supported, and which are very important to my constituents on Long Island. I am especially pleased that the bill increases the authorization for the maximum Pell grant to $5,800 by the 2003–2004 academic year. I also am pleased that we have taken action to ensure that the FFEL and Direct Loan programs can continue providing financial aid to students.

As the sponsor of the America's Teacher Preparation Improvement Act of 1997, I have worked hard to ensure that the final version of H.R. 6 makes a strong statement in support of teachers. I am delighted that the conference report includes many of the provisions of my bill, including: replacing 17 ineffective programs with a consolidated program; creating partnerships between education schools, school districts and community groups; funding grants to recruit new teachers, including minorities, veterans and people changing careers; helping teachers learn the latest technology; providing mentoring for teachers in their first years on the job; helping states recruit teachers for undeserved areas; and helping the education system toughen the standards for preparing teachers. These provisions will help ensure that every classroom has a well-prepared teacher.

H.R. 6 also includes legislation that I introduced with Congressman ENGEL, H.R. 1440. Our bill ensures that students have reliable information about financial aid. While the Internet offer many legitimate scholarships, the World Wide Web also is home to scam artists who promise students financial aid—for a hefty fee—but don't deliver. H.R. 6 directs the Education Department to place information on its Web site about legitimate and fraudulent financial aid offers on the Internet.

As an original cosponsor of H.R. 3293, the Women's Higher Education Opportunity Act of 1998, I am very pleased that H.R. 6 includes several provisions to help women students, including grants to help colleges and universities establish child care centers for students with children, and grants to combat violent crime against women on campus.

Similarly, I am pleased that the bill incorporates provisions of H.R. 715, the Accuracy in Campus Crime Reporting Act, legislation I cosponsored to improve safety on campuses. H.R. 6 expands the list of crimes that schools must report to the public, and requires institutions of higher education to keep daily logs of crimes reported to police or campus security. This will go a long way towards ensuring that students can learn in a safe environment.

I was concerned that the House-passed H.R. 6 would have eliminated a separate authorization for the Jacob Javits Fellowship program for competitive grants for doctoral-level study in the arts, humanities and social sciences. I joined Congressman PAYNE to urge the conferees to maintain the Javits program. I am pleased that they did.

Finally, H.R. 6 includes a new program which will help grade school students prepare for college, and ensure they can afford it. The GEAR-UP program, based on legislation I cosponsored, H.R. 777, the 21st Century Scholars Act, lets young people know that higher education is a reality for them.

As I said, this bill contains many provisions to make college more accessible. However, I am deeply concerned that one provision will actually make college less accessible.

H.R. 6 eliminates schools from the Pell Grant Program if they are eliminated from student loan programs for having three consecutive years of cohort default rates over 25 percent. While supporters of the provision maintain it is needed to prevent fly-by-night colleges from defrauding students with Federal money, the reality is that this provision will cause many excellent schools that serve low-income populations to shut their doors.

I would like to call my colleagues' attention to a recent GAO report which evaluated several studies of default rates. According to GAO, ''A key theme from these studies is that student loan repayment and default behavior are primarily influenced by individual borrower characteristics rather than by the characteristics of the educational institutions they attend.''

We need to hold schools accountable. But we need to look very closely at the measurements we use to determine how well they are performing. I fear that the end result of this provision will be that many low-income students will not have access to a higher education. At a time when we are trying to move more people off welfare and into the workforce, the last thing we should do is make education unaffordable. This is a provision which I believe we will need to revisit next year.

On balance, H.R. 6 makes huge strides toward making higher education accessible and affordable. And it is faithful to the spirit of the original 1965 Higher Education Act. I urge my colleagues to support it.

Mr. WELLER. Mr. Speaker, while I intend to support the conference report, I have concerns regarding Section 972. This provision would raise the Ginnie Mae Guranty fee by 3 basis points beginning in the Year 2004. Such an increase unduly burdens low and moderate-income American families, and there is really no financial justification for the increase.

As you may be aware, Ginnie May guarantees payments to investors if private mortgage servicers are unable to make scheduled payments. Seviceers are charged a guaranty fee of 6 basis points for this added protection.

I believe that increasing the Ginnie May guaranty fee would subject homebuyers to an unnecessary tax on homeownership. The measure would cost homebuyers hundreds of dollar at in additional expenses at closing and prohibit thousands of families from achieving the dream of homeownership.

In addition, increasing the Ginnie Mae Guaranty fee have absolutely no financial basis. Recently, the independent auditor, KPMG, confirmed that Ginnie May is financially sound. In act, Ginnie May had a record profit of $601 million in 1997. In other words, Ginnie Mae's profit exceeded U.S. ticket sales or the movie, ''Titanic.'' In 1997 alone, Ginnie May collected a total of $326 million in guaranty fees. It paid out only $11 million in unreimbursed claims. From these statistics, It is apparent that Ginnie Mae does not need a financial boost from the increase fee.

You should also do bear in mind that the Senate already rejected the Ginnie Mae Guaranty fee increase by a wide margin. During consideration of the fiscal year 1999 VA/HUD appropriations bill, the Senate voted to take the Nickles amendment by a margin of 69–27. The Nickles amendment would have increased the Ginnie Mae guaranty fee by 6 basis points. In light of this recent precedent, I see no reason why we should now accept this harmful provision.

I am opposed to raising the Ginnie Mae Guranty fee. I believe it is bad public policy and will harm those low and moderate income families that the Higher Education bill is trying to assist. I think it was a mistake to include this provision in the conference report, and I hope that in the future, we make greater attempt to find out.

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

The SPEAKER pro tempore (Mr. FOSSELLA). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

EXTENDING QUARTERLY FINANCIAL REPORT PROGRAM ADMINISTERED BY SECRETARY OF COMMERCE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent to take from

the Speaker's table the Senate bill (S. 2071) to extend a quarterly financial report program administered by the Secretary of Commerce, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mrs. MALONEY of New York. Mr. Speaker, reserving the right to object, and I will not object, but I would like very much for the gentleman to explain the bill.

Mr. MILLER of Florida. Mr. Speaker, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, S. 2071 extends for 7 years the Quarterly Financial Report Program administered by the Secretary of Commerce. Current authorization for the program expires at the end of the fiscal year.

I want to thank the gentlewoman from New York (Mrs. MALONEY), the ranking member of the committee, for her support of this bill.

The Quarterly Financial Report Program is a survey of businesses conducted by the Census Bureau that documents the financial conditions for manufacturing, mining, wholesale, and retail corporations each calendar quarter. The program has been in place continuously for more than 50 years, since 1947.

It is a closely-watched principal economic indicator that provides critical data that are used in quarterly Gross Domestic Product estimates, as well as in the Flow of Funds account of the Federal Reserve and other official estimates. It also provides a performance benchmark that businesses use to assess their performance.

The Quarterly Financial Report does not duplicate any other data. It differs from the data collected by the Securities and Exchange Commission, since it measures only domestic operations of publicly held corporations and includes data on privately held companies that otherwise would not be available.

Since the program was last reauthorized in 1993, significant progress has been made in reducing the reporting burden. The total number of firms sampled has been cut. Moreover, to target the reduction in the reporting burden on small business and medium-sized business, limits have been placed on their reporting frequency. For example, firms with assets of less than $50 million may now be selected to report for one 2-year period only once a decade. Plans are under way to further reduce the reporting burden by allowing businesses to report electronically.

Mr. Speaker, I urge my colleagues to pass S. 2071 to avoid a gap in critical data that measure our Nation's economy.

Mrs. MALONEY of New York. Mr. Speaker, reclaiming my time, I also rise in support of S. 2071.

Extension of the authority of the Department of Commerce to conduct the Quarterly Financial Report is critical to the U.S. statistical system. This program provides financial data essential to the calculation of key government measures of the economy and has been designated by the Office of Management and Budget as one of the Nation's principal economic indicators.

The Quarterly Financial Report Program provides the most current and comprehensive quarterly financial data on business conditions and financial activity of U.S. corporations. It is the primary source of current estimates of the corporate profits used to derive the quarterly estimates of the Gross Domestic Product. These corporate profits estimates are also included with those select series prepared monthly by the Council of Economic Advisors for the Joint Economic Committee to provide quick picture data of the domestic economy.

Quarterly Financial Report data are a major building block for the Federal Reserve Board's Flow of Funds accounts and are the Federal Reserve Board's sole source of unconsolidated, nonfinancial data. Quarterly Financial Report data are also used by a host of private sector analysts to evaluate investment opportunities, compare their financial condition with industry trends, and analyze the performance of the small business sector.

Mr. Speaker, the extension of the authority is needed to continue this important program without interruption. I strongly urge passage of this legislation.

Mr. Speaker, I withdraw my reservation of objection.

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The SPEAKER pro tempore (Mr. PETERSON of Pennsylvania). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2071

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

SECTION 1. EXTENSION OF QUARTERLY FINANCIAL REPORT PROGRAM.

Section 4(b) of the Act entitled ''An Act to amend title 13, United States Code, to transfer responsibility for the quarterly financial report from the Federal Trade Commission to the Secretary of Commerce, and for other purposes'', approved January 12, 1983 (Public Law 97–454; 13 U.S.C. 91 note), is amended by striking ''September 30, 1998'' and inserting ''September 30, 2005''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 a.m. tomorrow, Tuesday, September 29, 1998.

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

There was no objection.

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure and the Committee on Ways and Means.

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 1997, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 28, 1998.*

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 PRESCRIPTION DRUG FAIRNESS FOR SENIORS ACT

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

Mr. BROWN of Ohio. Mr. Speaker, I rise today to call attention to a serious problem that affects the elderly and people without health insurance in my home State of Ohio and across the country.

Older Americans are having an increasingly difficult time affording prescription drugs. By one estimate, one in eight senior citizens in America has been forced to choose between buying food and buying medicine.

In an effort to discover why this is the case, I unveiled a study last week conducted at my request by the minority staff of the House Committee on Government Reform and Oversight that investigated prescription drug prices in my northeast Ohio district.

What this study reveals is startling. Seniors and those who buy their own prescription drugs in northeast Ohio are charged more than double for their prescription drugs compared to what drug manufacturers charge most-favored customers. Those preferred customers are HMOs, insurance companies, and large institutions.

To conduct this study, members of my staff obtained the prices of 10 brand name drugs with the highest sales to the elderly, including Ticlid for stroke victims and Zocor to treat high cholesterol.

The results are based on a survey of retail prescription drug prices in chain and independently-owned drug stores across my district. These prices were compared to the prices paid by the drug companies' most-favored customers.

For the 10 drugs cited above, the study found that the average difference between the price paid by a senior citizen and the price paid by an HMO was 98 percent, almost double the price for a senior citizen. Similar studies have recently been conducted by other Democratic Members in their districts, including the gentleman from Maine (Mr. TOM ALLEN), the gentleman from Massachusetts (Mr. JOHN TIERNEY), the gentleman from Wisconsin (Mr. TOM BARRETT), the gentleman from California (Mr. HENRY WAXMAN), and the gentleman from Texas (Mr. JIM TURNER). The average price differential of these studies combined is 108 percent.

With this in mind, I hasten to say that the high price of prescription drugs is not the fault of the pharmacist or the pharmacies. Pharmacies in fact have very small markups for prescription drugs, sometimes as low as 3 percent.

The problem is with large drug companies who drive up prices. Drugmakers whose annual profits top $20 billion make six times more profit on prescription drugs than do retail pharmacists. It is no secret that greed is the driving force behind this problem. Because HMOs buy their drugs in bulk, manufacturers sell to HMOs at a discount, and then conveniently shift that cost to the drugmaker on the backs of our seniors.

Pharmacies, as to our seniors, have no real choice in the matter. Unfortunately, seniors, many of whom are on fixed incomes, are obviously the ones who suffer. As we all know, the later years of life often bring reduced incomes and higher health care costs. Few elderly can escape this dilemma. We have a responsibility to take steps to make medicine more affordable for older Americans.

I want to tell the story of one elderly woman who lives in Elyria, Ohio, in the county in which I live, and is a victim of this ongoing price discrimination. This woman, who asked to remain anonymous, is 67 years old. She suffers from poor eyesight, high blood pressure, and a number of other serious ailments. She takes 13 prescription medicines. Her only income is social security, which is roughly $800 per month. While she has some insurance coverage, this woman's drug costs amount to almost 40 percent of her income. She said after she pays for her medicine, she has about $20 to buy groceries for the whole month.

More tragically, she has had to begin reducing some of the dosages to save money. She is supposed to take four pills a day. She will cut them into half and take four half pills a day, for instance.

This situation is surely unacceptable. The bottom line is we need to take steps to protect the elderly, who should not suffer this indignity. Our Nation's seniors should not bear the burden of paying for pharmaceutical company profits.

To address this issue head on, I signed on as an original cosponsor to a bill introduced by the gentleman from Maine (Mr. TOM ALLEN) to reduce the costs of prescription drugs for senior citizens. The Prescription Drugs Fairness for Seniors Act aims to protect senior citizens from drug price discrimination by making prescription drugs available to Medicare beneficiaries at the reduced price.

The bill achieves this by allowing pharmacies that serve seniors in Medicare to buy prescription drugs at the best market price available under the Federal supply schedule, which will reduce prescription drug prices for senior citizens by up to 50 percent.

An elderly person's well-being and quality of life are often determined by access to medicine prescribed by their doctor. This legislation directly addresses a problem we can no longer ignore. I urge my colleagues to act on behalf of the elderly and support this important measure, H.R. 4627.

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

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

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

Mr. SCARBOROUGH 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 Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

A TRIBUTE TO WAYZATA HEAD FOOTBALL COACH ROGER LIPELT UPON HIS RETIREMENT

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

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to a Minnesotan who represents the greatness and goodness that is America. I rise today to pay tribute to one of our State's top teachers and coaches who personifies Minnesota values. I rise today to pay tribute to my good friend of some 20 years, Coach Roger Lipelt of Wayzata High School.

Roger Lipelt, the highly successful head coach and outstanding teacher at Wayzata the past 22 seasons, is retiring this year after a legendary career. Under Coach Lipelt, the Wayzata Football Trojans have won 204 games and 11 conference championships. His boys' tennis team won a State title several years ago.

Coach Roger Lipelt has received countless honors during his brilliant coaching career: Coach of the Year, Head Coach of the Minnesota All-Star Football Team, Hall of Fame selection by his alma mater, Hamline University, to name just a few.

Despite all the attention this legendary coach has drawn, if a stranger walks up to Roger Lipelt and asks him what he does, he will most likely say, ''I am mainly a social studies teacher.''

Yes, teaching is what Roger Lipelt is mainly about. Roger has taught all of his students and his athletes many valuable lessons about life, about winning and losing, about family and faith, about love of country and community, and about how to treat other people.

Through his inspirational leadership and by his example, Roger Lipelt has profoundly affected the lives of countless young people, and shown them the way to lead healthy and productive lives. Never give up on yourself, Roger Lipelt tells his students and his athletes. For 22 years, Roger's spirited coaching has made the Wayzata Football Trojans one of the most consistently successful football teams in the State of Minnesota, season after season.

Mr. Speaker, I have known Roger Lipelt, I am grateful to say, for two decades. I could tell the Members firsthand the power and the guidance he has brought to so many young people's lives. He has been a member for many years of a small Bible study group that I am part of. We meet every Saturday at a local restaurant in Wayzata. Members of our Saturday morning group have been truly blessed by Roger's friendship and his faith.

Above all, Roger Lipelt's life is about faith, family, and friends. Roger's love for his family is an inspiration to all of us who know him. Roger's wonderful wife, Jo, and their daughters Heidi, Heather, and Holly, have been Roger's biggest boosters, and have shown all of us the true meaning and the importance of family.

Mr. Speaker, on behalf of all those people whose lives Roger Lipelt has touched through the years, I am honored to stand here today to pay tribute to our Wayzata hero on his well-deserved retirement. We wish Roger and Jo Lipelt many more years of happiness together.

Congratulations, Coach, on a great career, and thanks for all the memories. Thanks, also, Coach, for putting the ball in the air.

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.)

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

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

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

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

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

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

REGARDING STATEMENTS BY CHAIRMAN HYDE OF THE COMMITTEE ON THE JUDICIARY

Mr. CONYERS. Mr. Speaker, today the distinguished chairman of the Committee on the Judiciary held a press conference in which he made announcements which I had, until I read the report, known nothing about. There are comments here that I think require us to examine this quite carefully.

First of all, the gentleman from Illinois (Chairman HYDE) has indicated his intention to vote for an inquiry of impeachment of the President of the United States, quite within his scope of his duties, or any other Member, for that matter. But to suggest that Democrats ought to vote in the committee along with him to show bipartisanship I think stretches the bounds of reasonableness to a breaking point.

Every Member in this body has their own responsibility and inquiry within themselves to determine, especially on the Committee on the Judiciary, whether or not there should be an inquiry.

□ 1930

The fact that the gentleman from Illinois (Mr. HYDE) has decided that there should be, should not influence anybody else in this body. For him to suggest that Democrats should show bipartisanship by voting with him is, indeed, an incorrect position which I hope he will repair immediately tomorrow.

I just left his office, and he was not there. The office was closed. But one of his staffers was nice enough to inform me that I am on his schedule to meet with him tomorrow.

The gentleman from Illinois (Mr. HYDE) cannot dictate what the Committee on the Judiciary's Members, 21 Republicans and 16 Democrats, are going to vote a week from now. He cannot do it. Neither can I. Neither can the Speaker.

To announce to the press unilaterally that that vote will take place a week from today begs common sense. We are out until Thursday. There is a weekend of 2 days. We are supposed to come back on Monday, and the most important vote of the Committee on the Judiciary in its recent history is supposed to happen between 9 a.m. and 5 p.m. a week from today. I suggest that is an incorrect way to proceed. It is unilateral. I am reading about it.

When by chance does the committee get a chance to examine the materials for something other than looking for redactions to send out to the American people? We still have not finished. Because we sent over staffers to find out that there are even more boxes in the independent counsel's office in which he said he deemed them irrelevant and of no consequence to the Committee on the Judiciary.

Well, thank you, Mr. Starr. But I think that is within our jurisdiction to make the determination whether anything is irrelevant or not. He sent us 37 boxes. Send it all and let us examine it all.

But let us not be deceived. Going through materials for redactions that may contain 6(e) materials, that is Grand Jury materials that are accorded privacy, or that there may be defamatory materials that will harm innocent Americans, or that women's phone numbers and addresses should be redacted is a completely different matter from examining the materials with an eye to whether or not we should have an inquiry of impeachment.

The SPEAKER pro tempore (Mr. PETERSON of Pennsylvania). Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

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

THE EXPORT ENHANCEMENT PROGRAM

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

Mr. LUCAS of Oklahoma. Mr. Speaker, fiscal year 1998 ends in 3 days, and President Clinton has let cob webs grow on the Export Enhancement Program.

Yes, as our farmer constituents struggle through one of the most devastating downturns in commodity prices our country has seen, our President has sat on $150 million that could have been and should have been utilized to prevent the loss of markets in wheat, wheat flour, vegetable oil, and other commodities.

The 1996 farm bill made over $1.5 billion available for EEP, and this administration has used it to move some frozen chickens and some barley. They should be ashamed.

This administration's trade policy should be called promises made, promises broken. Understanding the need to open new markets for our commodities, the President has promised to utilize EEP to its fullest. This is a promise he has not kept.

In March of this year, I joined my colleagues from Oklahoma in sending a letter to Secretary Glickman outlining our thoughts on the need for the administration to utilize EEP. I would like to read the letter we sent.

Dear Mr. Secretary: It has come to our attention that according to the United States Department of Agriculture . . . February supply/demand report, the season average price for wheat is expected to decline by at least twenty percent compared to the 1996/97 season. This price decline is causing serious concern to our producers, and we strongly urge the Department to use all discretionary programs to strengthen market prices and export opportunities for U.S. producers.

We believe the Department should aggressively utilize export enhancement tools in strategic markets, including the Export Enhancement Program (EEP) and the GSM credit programs. All agree that export growth is fundamental to improved market prices for producers. As we talk it our producers/constituents throughout Oklahoma, they time and time again express great dissatisfaction with the Department's reluctance to use the EEP to counter competitive subsidization of wheat in world markets. The unwillingness to utilize this program has weakened its effectiveness both as a deterrent to unfair trade practices and as a means of gaining access to markets.

As U.S. producers lose market share to a growing list of countries with state trading enterprises, it is imperative that the Department implement a long-term strategy to counter these entities. As you begin the preparation for the next round of World Trade Organization Negotiations in Agriculture, we hope that you will utilize all export tools available.

Thank you for consideration. We are looking forward to your response. FRANK D. LUCAS, J.C. WATTS, JR., ERNEST ISTOOK, STEVE LARGENT, WES WATKINS, and TOM COBURN.

How did he respond? Nearly $50 million a month has sat idly by as our markets have dried up throughout the world as the administration plays partisan politics with the future of our producers. I would argue that one of the main problems plaguing those trying to earn a living off this land is this administration's lack of an agricultural trade policy. Mr. President, this needs to change.

SAVING SOCIAL SECURITY WHILE PROVIDING TAX RELIEF

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

Mr. THUNE. Mr. Speaker, I want to echo everything that my distinguished friend, the gentleman from Oklahoma (Mr. LUCAS), just said because that is a very important issue to the farmers and ranchers in my home State of South Dakota.

What I would like to do this evening is just for a few minutes here discuss some things I think are very important to the future of our country as well, and to say that a couple of years ago about this time there was a debate going on in this country over the airwaves about the Republican so-called commitment to destroy Medicare, and we heard over and over on the airwaves, from candidates who were seeking elective office, that this somehow was going to come to pass, and here we are two years later.

Of course, after that, when we came back in January, when those of us who were freshmen came and joined the Congress, and then last summer we passed the balanced budget agreement and believe it or not the plan at that time that was characterized as destroying Medicare then became our plan to save Medicare. A lot of our friends on the other side, who ran campaigns in the fall of 1996 attacking Republican candidates for what they perceived as a plan to destroy Medicare, ended up voting for a plan that then became a plan to save Medicare and actually spent less on Medicare than the very plan that they spent all of 1996 attacking.

Now, I just use that as an illustration to point out some of the hypocrisy that you are going to hear, and I want the American people to listen very carefully to this because the same thing is going to happen again this year. We have already heard it start.

On Saturday, we passed historic legislation to set aside money for Social Security. Ninety percent, or $1.4 trillion, of the projected surplus that will come into this country is going to be walled off and set aside to save Social Security. That is a commitment that we have made.

The balance, the remaining 10 percent, or about $80 billion, is going to be used to bring tax relief to the American people.

Already our friends on the other side have been relentlessly attacking the Republican plan to destroy Social Security, and I just want those who are watching this evening across America, the taxpayers of this country, the people who should care very deeply about this issue, to know one thing. You are going to hear over and over and over again repeated a parade of speakers on this floor in this House, and on the airwaves this fall, about attempts to kill Social Security. I want you to know they are flatly untrue.

What we are trying to do is to save Social Security, not only for the current generation but for generations to come, and that is why we are taking advantage of this historic opportunity to dedicate and set aside $1.4 trillion of that surplus to save Social Security.

What I would like to do this evening is talk about the other 10 percent, and that is those dollars that we have committed to give back to the taxpayer some of their hard earned money. We did it in a way on Saturday with a vote that was historic because it will deliver tax relief to families by relieving the marriage penalty. It will also allow small savers to set aside more in terms of dividends and interest and to protect that from income tax and lessen their tax liability there, but also for the farmers and ranchers of this country, and in my State, who are very near and dear to my heart.

This is such a wonderful plan for agriculture. If we think about the things that are accomplished in this tax relief bill and the problems that we are facing in agriculture today, we have an economic disaster in rural America. We have historically low prices. We have a price crisis, and we need to do everything that we can to help our farmers recover.

We are going to vote upon an ag assistance package later on hopefully this week that will provide some needed assistance out there, but at the same time we can couple that with tax relief that will put some dollars into their pocket.

One of the things that we did is we lessened the death tax and so that those farmers and ranchers who want to pass on their operation to the next generation will be able to do so without facing the undertaker and the IRS at the same time.

We also allow for the deductibility of health insurance premiums for self-employed people, farmers and ranchers and small business people who can benefit tremendously from being able to deduct health insurance premiums that they are paying.

There is a provision in there that makes permanent income averaging for farmers and ranchers who have very volatile income. Some years it is up. Some years it is down. This allows them to spread it out over time and thereby lessen their tax liability.

There is a loss carryback provision that allows farmers who have had losses in the last couple years to offset those losses against more profitable years and therefore get a tax refund this year. There are expensing provisions that they can use again to help them reduce their tax liability.

This is an incredible package for the farmers and ranchers of this country and it is, again, as I said earlier, done in a way that allow us to accomplish tax relief and yet make a long-term commitment to saving Social Security for the future of our country.

These are important provisions in this bill. I was proud to support it. I hope that we can move this bill forward and pass it in the Senate and have the President sign it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not the viewing audience.

THE DISTINGUISHED CAREER OF REPRESENTATIVE LEE HAMILTON OF INDIANA

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

Mr. VISCLOSKY. Mr. Speaker, it is an honor to stand before the Members of the House tonight in a special order devoted to honoring our colleague, the gentleman from Indiana (Mr. HAMILTON) who will be retiring from this institution after serving for 34 years.

The gentleman from Indiana (Mr. HAMILTON) has had a distinguished career, and I would note that literally, depending on the day the 106th Congress is sworn in next year, Mr. HAMILTON may also hold the historical record of having served in this House longer than anyone else in the history of the State of Indiana.

I am here tonight, and I know my colleagues are here tonight, not because of the quantity of the service of the gentleman from Indiana but the quality of the man and the quality of his service; the quality of his mind, which is exceptional; the quality of his service. He has been selfless every day of those 34 years as far as his commitment to the American people and to those who he has served internationally; and the quality of his person, his ethical conduct, his commitment to his God, to his family and, again, to the people that he has represented in the Ninth District of Indiana.

Seventeen years ago, as a young man, I decided to run for the United States Congress, and at that time the gentleman from Indiana (Mr. HAMILTON) gave me a gift. He gave me the gift of his intelligence and he gave me the gift of his support.

Following my election, 14 years ago, as a Member, the gentleman from Indiana gave me additional gifts: The gift of his patronage in the House of Representatives and the gift of his counsel.

□ 1945

To all of us, he has given the gift of his time, whether as chairman of the Joint Economic Committee, where he attempted to ensure that every American had the fairest chance for the best job in the world's strongest economy, whether it was chairing the House Intelligence Committee to ensure that our Nation was secure above all others, or whether it was his distinguished service on the Committee on International Relations as chair and ranking member, where he ensured that the voice of those least fortunate or those most in danger was always heard.

But on a personal note, I must emphasize that what I will miss most about LEE HAMILTON is our extended conversations about the Indiana University football team. I say that simply because LEE was the athlete I never was and never will be and would point out to those who might not know that

while at Central High School, LEE was best known for his skill on the basketball court. And as a senior he led his team to the final game of the State basketball tournament in Indiana before being sidelined with an injury. Though Central lost the championship, LEE was honored with the Trester award given to the senior in the final four who best exemplifies excellence in both athletics and scholarship.

In recognition of his athletic accomplishments, LEE was inducted into the Indiana Basketball Hall of Fame in 1982, certainly a very rarefied group. I would simply, in my remarks, wish LEE, his wife, Nancy, and their children Debbie, Tracy and Doug, every joy and every happiness that life has to offer.

Mr. Speaker, I rise today to pay tribute to a colleague and mentor, LEE HAMILTON.

LEE will retire this year after thirty-four years of distinguished service in the House of Representatives. The leadership LEE demonstrates in his roles as the senior member of our delegation and the Chairman of the International Relations Committee are only the most recent examples of greatness in a career that spans decades.

When I first ran for Congress in 1984, LEE was a confidant and a valuable resource. When I won the Democratic primary, LEE became my patron. And, after I became a Member of Congress, LEE's opinions on policy and the issues of the day were among the first I sought. Needless to say, this House will be a different place for me, without LEE HAMILTON.

The one thing that each of us has a finite amount of, is time. One thing LEE has always been ready to share with me, and each member, is his time. On both the professional and personal levels, LEE never hesitates to lend an ear and impart sage counsel.

I would point out that it is not just his friends and colleagues for whom LEE makes time. LEE has always striven to make sure the voices of those less fortunate, in our nation, and throughout the world, are heard. As Chairman of the Joint Economic Committee, he also worked to make sure that we have the strongest of economies in this country, and that every American has the chance to get a good job.

When you think of LEE, you think of someone who is judicious, deliberate, and serious about his work, without being serious about himself.

Aside from his interest in international affairs, LEE is deeply committed to the people of Indiana's ninth congressional district, the state of Indiana, and this nation. Now, LEE will take his commitment to public service to Indiana University, where he can keep a closer eye on the I.U. football program.

Congressman HAMILTON will be dearly missed in the counsels of government everywhere. He is a gentleman in the truest sense of the word. I wish LEE, Nancy, and their family continued success and happiness in the future.

Mr. Speaker, I yield to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, it is with mixed emotions that I rise to join in this special order for our good friend and colleague from Indiana, the ranking Democratic minority member of our Committee on International Relations, LEE HAMILTON.

On the one hand I am delighted with this opportunity to pay tribute to a Member of Congress who has exemplified and personified the highest standards of public service to our Nation for a period that extended over more than a third of our century.

I want to thank our colleague, the gentleman from Indiana (Mr. BURTON), distinguished chairman of our Committee on Government Reform and Oversight, and the gentleman from Indiana (Mr. VISCLOSKY) for taking the initiative in arranging for this special order this evening.

On the other hand, I am saddened that this well-deserved tribute is occasioned by the fact that LEE HAMILTON has decided to retire at the end of this Congress. I say it is premature. The courage, fortitude and plain midwestern common sense that have been his trademark will be long remembered and deeply missed.

LEE was first elected to Congress in 1964 and he was already a veteran House Member of four terms when, in January of 1973, I was privileged to join him as a freshman on what was then the House Committee on Foreign Affairs in the 93rd Congress. At that time Doc Morgan of Pennsylvania was our chairman, and our good friend PETER FRELINGHUYSEN of New Jersey was our ranking Republican. But LEE became my squad leader, so to speak, as chairman of the Subcommittee on Near East and South Asia, to which I was assigned as a junior member. And so began a working relationship that has spanned more than three decades, although our joint service on that subcommittee lasted only through that Congress.

We did not serve together on the subcommittee again until 1985, when LEE HAMILTON was chairman of the Subcommittee on Europe and the Middle East and I became its ranking Republican.

You might say that since then we have been joined at the gavel.

I was privileged to serve with LEE as cochairman of the Task Force on Foreign Assistance that was established by our good friend and former chairman, Dante Fascell from Florida during the 101st Congress. The report of our task force was a groundbreaking achievement that has served as a blueprint for many of the reforms that have helped to make our foreign assistance programs and the Agency for International Development, which administers them, even more effective.

The trademark of LEE HAMILTON's service in Congress has been his thoughtful and analytical approach to foreign policy. At times we may have disagreed, but we have always been able to work together on so many important foreign policy issues.

LEE HAMILTON has been a man of candor, of conviction and integrity. His sage and deliberate counsel will long be missed as Congress continues to take up the many complex foreign policy issues that face our Nation. We hope LEE will not be a stranger to this body.

In closing, Mr. Speaker, permit me to say to LEE HAMILTON, God bless, Godspeed, and best wishes for success and happiness to both Nancy and yourself in all of your future endeavors.

Mr. VISCLOSKY. I yield to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend from the northwestern part of the great State of Indiana, and I thank my friend, the gentleman from Indiana (Mr. BURTON), from down south of me, more of southern Indiana, who join together in paying tribute to LEE and Nancy Hamilton. I know Nancy joins us in the gallery this evening as well, too.

I recall, Mr. Speaker, that John Quincy Adams, after he had served in the presidency, was elected to the United States Congress. When asked about his service in the United States Congress, he said that it was probably the highest honor he served, a great compliment to this distinguished institution.

I do not think it is overemphasizing anything at all when we talk about LEE HAMILTON's 34 years of service to the people of Indiana, to the people of this country, and to those who have served with him over those 34 years in this body, to say that LEE HAMILTON has lived up to those kinds of accolades and expectations laid out by John Quincy Adams.

He ranks up there with the people that I look up to and admire through the history of this country. I will talk a little bit about some of those names as I close.

I want to talk about three instances, very briefly, Mr. Speaker, that really epitomize and bring out the talents and the skills of LEE HAMILTON. First, the Iran Contra hearings. These hearings, LEE HAMILTON conducted with civility and bipartisanship. He had a tight grasp of the law, a firm understanding of how to apply it fairly, and he epitomized, I think, what we vitally need in this body today, and that is that sense of objectivity and fairness and application of the law.

Secondly, on the Persian Gulf, that was my very first vote as a freshman Member of Congress, and I looked to the distinguished gentleman from Indiana (Mr. HAMILTON) for his understanding of foreign policy, for his spirited argument on why we should wait and have sanctions apply. And I think LEE's statement that I reread a few weeks ago probably is as applicable today as it was 8 years ago.

And thirdly, I think LEE HAMILTON has overseen and contributed to some of the most fundamental changes over these 34 years to make the domestic and the foreign policy institutions that we have in this country adopt to world changes and make sure we stay in a peaceful environment and an environment that is prosperous for our people;

not an easy task at all, as we have seen such change from the Cold War to the new environment in 1998.

I do not think anybody can be a public servant and have public service as their goal without a family that supports them. I cannot think of anybody that my wife Sally looks up to more than Nancy Hamilton. Nancy's paintings adorn LEE HAMILTON's office. They are all over his office. They are beautifully done and show her talent, her skill and her commitment.

LEE and Nancy's children, Debbie and Tracy and Doug, are also in different areas that epitomize LEE and Nancy's teachings and their parental skill and their devotion to family.

In conclusion, Mr. Speaker, Ernest Hemingway, in John Kennedy's book Profiles in Courage, talked about the meaning of courage. And he defined it as grace under pressure, grace under pressure.

I do not think anything epitomizes LEE HAMILTON or Nancy Hamilton or their family more than grace, more than civility, more than helping the people of Indiana, intelligence, commitment, wit, style, charm and devotion to this great country of ours.

LEE will continue to live up to those standards and goals, as he works at the Woodrow Wilson Center and establishes a center for a better understanding of Congress at Indiana University. I think we could all use a better understanding of Congress. LEE's work is cut out for him. We wish him well. We pray for him, and we wish his family well.

Mr. VISCLOSKY. Mr. Speaker, I yield to the gentleman from Indiana (Mr. BURTON), the senior Member of the Indiana delegation.

Mr. BURTON of Indiana. Mr. Speaker, that means that I am now going to be the oldest.

Mr. Speaker, you can tell an awful lot about people by their children. And I regret that I never had the chance to meet LEE HAMILTON's mom and dad, because they sure raised a wonderful son. I know his brother is a minister. I have never had the pleasure of meeting him, but I understand he is a wonderful guy as well.

Let me just say that in the time that I have worked with LEE HAMILTON on the Committee on International Relations, I have not known a nicer fellow than LEE HAMILTON. Obviously, we have strong differences of opinion on issues, but LEE handles those strong differences in a way that even though you strongly differ with him, you still like him.

That is very difficult in a body such as this. Sometimes our tempers get awfully hot and we explode and we say things that we do not mean, and we even say things about our colleagues that we should not say. But LEE HAMILTON has never made that mistake. I have watched him year after year on this floor and in the committee, and he handles those issues with diplomacy and understanding and tact. And he has just been an exemplary Member of this body and an exemplary member of the Committee on International Relations.

I, too, am a great admirer of athletic prowess, and I was talking to LEE just a few moments ago. I knew that he had won the Trester award when he was in high school back in 1908, excuse me, 1948. I am just teasing, in 1948.

And it came to my attention tonight that he was disabled in the State championship game by a torn cartilage in his knee, and they worked all afternoon trying to fix it so he could play that night, and he was only able to play about 3 or 4 minutes. With all deference to the team that won the State championship in 1948, I am confident that if LEE HAMILTON had been able to play the whole game in sound physical condition, his team would have been the State champion. But I doubt, LEE, if you would have won the Trester award had that happened.

Let me just say, once again, in closing that LEE HAMILTON will be missed by both Democrats and Republicans in this body because he is a good man. He is a kind man. He is a thoughtful man. He is a caring man. And he is a man that will be remembered by every Member who has served with him as a great Congressman.

Thank you, LEE, for all your service.

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman for his remarks.

I yield to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding to me.

Maxwell Anderson wrote of George Washington: There are some men who lift the age they inhabit until all men walk on higher ground in that lifetime. LEE HAMILTON, by his presence, has lifted the age in which he has inhabited the House of Representatives. Perhaps the greatest comment on a person's life is the legacy one leaves behind, and LEE's legacy will be his unwavering dedication to the House and our legislative responsibilities in regard to our Nation's role in world affairs as well as domestic challenges.

□ 2000

LEE has long recognized that we must not look only inward, we must be a Nation actively engaged in the word around us. LEE has been a leader in promoting an appropriate role for Congress in the foreign policy-making process and, at the same time, educating legislators, his colleagues, on world affairs and their need to understand those issues.

He nonetheless never has forgotten his roots in the soil of Indiana. Buckeyes and Hoosiers are down to earth people, well grounded, if you will. That grounding in love of country and a profound understanding of its good people augmented LEE's ability to represent our Nation's foreign policy in Congress and overseas. Now he leaves us to embark on a new mission as Director of the Woodrow Wilson Center.

I have raised some challenges to the Wilson Center in the past few years, because I believe that the center has strayed from its mission and its dedication to serving the public purpose. With LEE's leadership, I am confident that the Wilson Center will be in good hands and will be responsive to fulfilling its goals. I am also pleased that in this new assignment I will have the opportunity to continue working with LEE.

I wish LEE and Nancy the best for their continued success; LEE in the role of inspiring Americans through the Wilson Center; and Nancy in the world of beauty through art.

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman's participation, and yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend from Indiana for yielding to me. I too want to rise before this body tonight and offer my sincere thanks and congratulations to LEE HAMILTON.

LEE, I was 1 year old when you joined this great body, the United States Congress. Not to date you or anything. As a freshman Member, when I am back home in Western Wisconsin people come up to me and ask me how do you do it, how do you come up to speed with all the procedures and all the substance that you are confronted with out in Washington, D.C. And in a large respect it is by just listening and getting feedback from the people who sent me there to represent them. But I also tell them that as a new Member you seek out role models in this body, people who you can admire and emulate, that you can sit back and watch and listen to, see how they conduct themselves, see how they handle themselves during debate, and sit next to them at times before votes and as policy is starting to develop, especially in the area of foreign policy, and just pick their brains.

And, LEE, I am not too proud to admit tonight to you and to the Nation that you have always been one of my role models as a freshman Member. There have been countless times when I have taken the opportunity, that we so often have in between votes, to sit down next to you and talk to you about events in China, Kosovo, Bosnia or Russia, understanding the wisdom and experience that you bring and insight that you bring to these discussions that we wrestle with day-to-day in the United States Congress.

I have always been amazed at how oftentimes you turn the subject back to me in your questions, about me personally and the family and the children, my athletic career, which too was shortened because of a career-ending injury, and your intense interest on the Wisconsin Badgers. I was not so sure if it was because of your interest in Big 10 football, or if you were just getting a scouting report for Indiana University before the big game.

But I really have admired you and I have appreciated all the advice and counsel you have given me, someone who has an interest in foreign policy,

having studied abroad, in London for a couple of years; having traveled in Europe extensively, Central Europe, North Africa, and realizing the importance that foreign policy decision-making is to this place, the United States Congress.

It is my only hope, LEE, that when I finish my career here, however long the people in Western Wisconsin want me to represent them, that I will have lived up to the very high standard of personal integrity and honor that you have brought to this institution; that you have established while you have been here. I think the Woodrow Wilson Center and Indiana University are extremely lucky to get you, your wisdom, your integrity and your experience with the greatest Democratic institution in the world.

I wish you and your family a very long and very happy retirement. Thank you, LEE.

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman's participation and would recognize and yield to the gentleman from Indiana (Mr. PEASE).

Mr. PEASE. Mr. Speaker, I thank my colleague from Indiana for yielding to me, and I rise to add my voice to the chorus commenting on the contributions and virtues of my friend from Indiana, the distinguished Congressman from the 9th district, LEE HAMILTON.

It is typical of us Hoosiers to be obsessed with basketball and politics. Mr. HAMILTON is the quintessential Hoosier, because he has excelled in both. As a high school athlete, he propelled the Evansville Central Golden Bears to the Indiana High School State championship basketball game. And the Bears would have won if the future Congressman had not suffered an injury during the afternoon game.

He was awarded the coveted Trester award, which goes annually to the high school basketball player who has the best mental attitude. It is the most prestigious award conferred on an Indiana high school athlete, and it defines all that is best in sportsmanship and fair play. He went on to DePauw University, a fine institution, coincidentally in my district, where he also excelled in basketball and academics.

He is the son and brother of United Methodist ministers. Perhaps this background is responsible for the strong moral and ethical behavior that he has demonstrated over his lifetime and his career in the House of Representatives. He is well-respected by Members of both major political parties in Indiana.

Mr. HAMILTON and Senator DICK LUGAR make joint appearances in Indiana each year to enlighten the members of the press and others about the current aspects of United States foreign policy. I hope you will forgive my Hoosier pride for my belief that these two gentlemen are among the most knowledgeable Members of Congress on foreign policy issues.

There is no doubt that LEE HAMILTON could have had his party's nomination in Indiana for governor, for United States Senator, perhaps on more than one occasion. However, his devotion to his work in the United States House of Representatives precluded his accepting those opportunities, which many, though probably none in this chamber, would have thought were promotions.

On a personal note, let me say that Mr. HAMILTON, who came to this House when I was in junior high school, has been an example, a mentor, and a leader, but, most important, a friend to me as a freshman Member of this House. He has helped me professionally, he has supported me personally. His staff has helped mine as they have learned how this place works, and they reflect his professionalism and his ethical action.

LEE, please accept my thanks for all you have done for me, for our State, for our Nation. My best wishes to you and Nancy as you begin a new career, and may God continue to bless your life and your work. I thank the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Speaker, I deeply appreciate the gentleman's participation and would yield to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding to me, and I guess I have to start off by saying how old I was when LEE HAMILTON was first elected. LEE, I was 10, and it was shortly thereafter, living in Cincinnati, Ohio, in a district that actually borders Mr. HAMILTON'S district, we are in Southwestern Ohio, he is in Southeastern Indiana, that I began to hear about LEE HAMILTON.

I worked up here on the Hill briefly for my predecessor, Bill Gradison, and looked up to Mr. HAMILTON as someone of high integrity. And particularly in the foreign policy area, he was deemed, even in those early days, as being truly an expert.

He has been talked about tonight by a lot of people, including the chairman of the Committee on International Relations as an expert on international matters, and he is. Free trade is something that LEE has taken a courageous stand on over the years in that context, and I appreciate what he has done for our country in that regard. He has often stood up against his own party and done what is not necessarily popular politically, whether it is free trade generally or talking about our misguided sanctions policy, because he believes strongly in the fact that through trade we will create jobs and make a better country. He has put the Nation first, I really think, on foreign policy, again and again. And I am one of those who want to stand up here tonight and tell him that we appreciate that.

I got to work with LEE not too long ago on the Tropical Forest Conservation Act. Again, he put the interests of his country first and, frankly, gave us credibility to be able to promote that idea, which is a debt-for-nature swap. It makes all the sense in the world. I then went down with LEE to Santiago, Chile, for the Summit of the Americas, several months ago, and got to see him in action not only as someone who is highly regarded by the current administration, in terms of his foreign policy expertise, they do turn to him frequently, that is when all the right decisions are made, LEE, I understand, but also by leaders from around the hemisphere. There were 34 presidents there from 34 countries in our hemisphere, and it was amazing the respect that he has among those leaders and among their foreign ministers, their trade ministers and so on. And I got to see that firsthand, LEE, and was greatly impressed.

Again, he came to my aid recently. I told him on that trip to Santiago about an effort underway to try to pay tribute to George Bush, our only President who had served as the Director of the Central Intelligence Agency. And it was LEE HAMILTON who stood up, when needed, and provided a strong bipartisan support for that effort, which I think will probably be enacted into law, LEE, here in the next few weeks. And, again, I personally appreciate what you did there, putting your country first and making sure that this place continues to operate on a bipartisan basis.

One thing I want to mention briefly, if I might, and is something that folks may not be as familiar with about LEE'S background and his interests. He has been known, again, as truly one of the most distinguished leaders on foreign policy in this body, but he has also focused on illegal drugs in a very interesting way, not only on the interdiction side, which would make sense, given his focus and his experience, but also in his own back yard, in rural Indiana.

LEE has held meetings throughout rural Indiana, talking with law enforcement officials, talking with parents, talking with school administrators, talking with people in the trenches who are trying to deal with the problem of illegal drugs. He has spearheaded a project called Rural Indiana Profile, a comprehensive study that gives community officials, public officials throughout Indiana a sense of what is going on in our rural communities with regard to the illegal drug problem that is robbing so many of our young people of their dreams, indeed of their lives at times. And, LEE, I want to thank you for that, which is something that probably is not well-known in this body.

He was also a strong supporter of the Drug-Free Communities Act that was signed into law last year because of his recognition that we are not going to solve this problem just by focusing on source country problems, interdiction, but that we also have to look into our own hearts to see what we are doing wrong in our own communities and to begin to change the attitudes of our young people.

Mr. Speaker, my neighbor, LEE HAMILTON, is truly an example of the best in public service. The gentleman from

Wisconsin said earlier that he has been a role model. He certainly should be a model for all of us who have been fortunate enough to serve with him in Congress. I will miss his friendship in Congress. I hope we can stay in touch in his new role at Woodrow Wilson School and at Indiana University. I will miss his common sense. He has the most commonsensical haircut in the United States Congress, incidentally. And I wish him very well in his new responsibilities and also in his renewed responsibilities.

I know he had other opportunities to lead this country and to serve this Nation in very substantial and prestigious ways with the current administration and, instead, chose to remain here, closer to his family, closer to his beloved wife, and so I also wish him luck in his renewed responsibilities as a husband, as a father, and as a grandfather.

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman's participation very much, and now yield to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I want to thank very much the gentleman from Indiana (Mr. VISCLOSKY) for arranging for this special tribute to the Honorable LEE HAMILTON. This tribute is reminiscent of a poet that wrote many years ago that ''He shall be like a tree that is planted by the rivers of water that bring forth fruit in its season.''

I rise today to pay tribute to a towering figure in the House of Representatives and this Nation, and certainly on behalf of the State of Indiana. It comes as no surprise to those who have observed the Honorable LEE HAMILTON that he is the son and brother of Methodist ministers. In a political world sometimes characterized by dishonesty and backstabbing and inter-party feuding, LEE HAMILTON stands out as a rock of integrity and someone that certainly I have been extremely blessed to have had an opportunity to know even before I became a Member of this distinguished body.

□ 2015

In the 34 years that the gentleman from Indiana (Mr. HAMILTON) has been in the House of Representatives, he has built bonds of trust on both sides of the political aisle, and he can always be counted on to put the country ahead of any partisan political politics.

He is a man of great intellect. He has become perhaps the leading congressional spokesman on our relations with foreign lands and peoples. He also is a leading exemplar of the concept all too rare in Congress today, that politics stops at the water's edge.

The gentleman from Indiana (Mr. HAMILTON) has been a forceful advocate for honor with pragmatism in foreign affairs regardless of which party controls the White House. As chair of the Committee on Foreign Affairs and ranking member of the Committee on International Relations, the gentleman from Indiana (Mr. HAMILTON) has been a strong defender of the President's right to determine foreign policy, but was opposed to Presidents in both parties when he thought they were wrong. He exemplifies the highest degree of courage and commitment to the patriotism that all of us enjoy.

I remember in 1987 Mr. HAMILTON served as House chairman for the committee investigating the Iran-Contra matter. In his post he was stern, but a fair inquisitor in terms of where we were and where we ought to be in that particular situation. He is a firm believer in the rule of law. In the Iran-Contra investigation, he decried the establishment of a government within a government that was not ruled by the democratic process. He has always been guided by his belief that all public officials should be accountable to the law and to the voters.

It is for all of those reasons and certainly more than I could delineate here tonight that I am just happy that I have had an opportunity to stand in the Chamber that the gentleman from Indiana (Mr. HAMILTON) has served so well for so many years. And even though he has chosen not to run again for the House of Representatives, he will always be a Member of the House of Representatives because he will continuously be sought after for his wise advice, especially on foreign affairs.

The gentleman from Indiana (Mr. HAMILTON), in closing, exemplifies what a gentleman's gentleman is like. Andy Jacobs told me a few minutes ago that Mr. HAMILTON has always been a very civil person and very determined and dedicated.

I pay a special tribute to LEE HAMILTON, and certainly to Nancy, as he begins his next life as a scholar and a statesman in the academic community. And I certainly wish him good luck and Godspeed and thank him very much for all that he has done for Americans. It has really been a pleasure to have known him.

Mr. VISCLOSKY. Mr. Speaker, I yield to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, I have been privileged in preparing my remarks to have the benefit of the wisdom of Mr. Ben Cole, who for many years was the Washington correspondent of the Indianapolis Star and who I have the privilege of calling father-in-law. And Ben told me that in all of his time watching the Members of the House of Representatives from the Hoosier State, there is no one who in commitment to principle, integrity, intelligence, stands out more than the gentleman from Indiana (Mr. HAMILTON).

But passing now to my own remarks, as I say informed by my father-in-law, let me say there has been too much of a note of sadness here about the departure of Mr. HAMILTON from the political world. There should instead be a note of celebration at his admission to the world of professors.

Mr. Speaker, I ask to advise the gentleman from Indiana (Mr. HAMILTON) that this is a much better world and he has the qualities that will make him a superb teacher. Here is what I see when I make that statement.

First of all, a good teacher knows his subject and the students know it real fast if he does not. And just from what I have seen on the Committee on International Relations, Mr. HAMILTON knows the subject matter. People come to him because they know that he can recite it from memory, he can recite it from his experience, he can recite it because he has studied it. The gentleman from Indiana (Mr. HAMILTON) will be a superb teacher for that reason.

Secondly, students catch on if we are one-sided and they turn off. Nothing is worse than using the platform of a professor to be a proselytizer, and that happens on the right as much as on the left. Mr. HAMILTON does not use that platform to proselytize. As a professor, Mr. HAMILTON will find his students excited and interested because they will know that his point of view is not predetermined as to whether their point of view will be welcome in class discussion or not, but rather that he will be seeking the truth and inspiring them to find the truth through their own processes and their own gifts that God gives them.

And third and last, probably the most important aspect of a good professor is that there be something deep that the student sees, something worth admiring. Any idiot can hand out a grade. What matters is that the students admire the professor because there is something worth admiring in that professor. And that is what all of our colleagues have spoken to tonight. That is why we have as many Republicans as Democrats taking part in this special order.

Mr. Speaker, Mr. HAMILTON's students will see in this teacher a person who went into public life for all the right reasons, who went into the field of international relations in order to do his best for the people whom God made on this earth who may not have as many advantages as those of us with the tremendous privilege of being born in the United States.

I close by commenting with all sincerity that the students of the gentleman from Indiana (Mr. HAMILTON) will see in him a peacemaker whom our Lord has blessed; those who seek peace shall be called the children of God. And they will see in him a man who seeks after justice, who hungers and thirsts for justice, for he will be satisfied.

Mr. Speaker, on the graduation of our colleague the gentleman from Indiana (Mr. HAMILTON) from this institution to the new and in many ways more important institution of teaching, I offer my congratulations and my expectations of continued excellence in every respect.

Mr. VISCLOSKY. Mr. Speaker, I appreciate the participation of the gentleman from California (Mr. CAMPBELL).

I yield to the gentleman from New Jersey (Mr. PAYNE).

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

Mr. PAYNE. Mr. Speaker, I too join my colleagues in praising our friend and colleague, the gentleman from the great State of Indiana (Mr. HAMILTON). I know I speak for other Members in saying that it will be sad to see him leave this place.

As a member of the Committee on International Relations, which Mr. HAMILTON is the ranking member, he has held many hearings, timely hearings succinctly on issues of great concern to American people and people throughout the world.

I thank the gentleman from Indiana (Mr. VISCLOSKY) and the others who have called this special order because I know that the 9th District will be pleased to have Mr. HAMILTON come home. He has developed a reputation here in Congress as a very thoughtful and committed person. To countries going through transition, in particular trying to struggle with democracy and new issues, he has had keen interest in that. He is an independent thinker and treats foe and friend alike.

In some of the hearings, we would hear him question members of the administration, whether it was this current administration or previous administrations run by the other party. And so he is an independent thinker, a person who has served for 33 years in this House.

In 1964 the gentleman from Indiana (Mr. HAMILTON) was elected to Congress at his first attempt at public office, which is a very unique and honorable position to be in. As a matter of fact, it was not until my third attempt that I was able to get here, so I should have studied Mr. HAMILTON's techniques a little earlier before I took the challenge on.

But during his tenure in Congress, he has often been tapped for key leadership positions. In 1993 to 1994, as my colleagues know, he chaired the House Committee on Foreign Affairs, currently serves as our ranking member, and also chaired the House Intelligence Committee, and cochaired the House-Senate Committee which investigated the Iran-Contra affair.

Mr. HAMILTON has taken a lead in working to make Congress more effective. In 1991 he sponsored legislation to create a joint committee on the organization of Congress. Under his leadership, this committee recommended major reforms to Congress, a number of which have been adopted, and he continues to push vigorously for enactment of further reforms.

His leadership on the Joint Economic Committee has allowed Mr. HAMILTON to give even greater emphasis to some of the key interests in Congress, ensuring a sound and healthy economy and promoting economic development. Through his continuing service on the panel, the gentleman from Indiana (Mr. HAMILTON) has held many hearings and discussions on economic challenges facing the 9th District, and he has worked long to improve education and job training and the infrastructure in southern Indiana.

I am pleased to hear that he will not go far from issues of real concern to all of us, as he will be appointed as the new director of the Woodrow Wilson International Center for Scholars. He will continue the legacy that he left behind and will continue to work for all the people of the world.

I have enjoyed working with him. I know during 1992, when we had to reduce our standing committees or our subcommittees in the Committee on International Affairs from 8 to 6, I was very interested in the fact that I wanted the Subcommittee on Africa to remain as a standing subcommittee, and working with Mr. HAMILTON, working with other members of the committee, we were able to preserve it during that cut and even further when we reduced the number of subcommittees to five. And it has been his support that has allowed us to continue to move forward.

So I wish him well in his retirement. I started as a teacher and tried to come to Congress. He came to Congress and will end as a teacher. And so I do want to compliment him again for his success.

Mr. VISCLOSKY. Mr. Speaker, reclaiming my time, I appreciate the remarks of the gentleman from New Jersey (Mr. PAYNE), and I do have some concern based on the comments made by the gentleman from California (Mr. CAMPBELL) about Mr. HAMILTON's impact on academic politics, but I guess only history will tell the story.

Mr. Speaker, before I conclude my remarks, I would simply reference several essays that the gentleman from Indiana (Mr. HAMILTON) wrote a number of years ago about the influence of religion on politics. I have kept those theses that Mr. HAMILTON prepared, and was struck by the theme of both articles, and that is his abhorrence of those who are intolerant to others' ideas and the civility in which he connoted that we ought to, again, respect our differences of opinion, seek a responsible middle ground, and recognize that we have a country to govern in a moral perspective and that we ought to balance those two interests. I think it represents the gentleman that Mr. HAMILTON is and every good thing that that term connotes.

Mrs. NORTHUP. Mr. Speaker, I am proud to be here today to honor LEE HAMILTON, who has served this distinguished body for 33 years.

Divided only by the Ohio river, his district of Southern Indiana and my district of Louisville, Kentucky have shared a great deal together: The tribulations of the river flooding, the highs and lows of economic success, and the community spirit which makes Kentuckiana what it is today.

LEE HAMILTON is a part of that spirit.

While his talents have served his district and mine, his work on international issues has made him well known and well respected worldwide.

As the former chairman of the Committee on Foreign Affairs, and now the ranking member of the House Committee on International Relations, LEE has represented our country with the utmost dignity and dedication to helping others internationally, while maintaining our nation's place in international affairs.

Although he has served this Congress for many years and in the role of both the majority and the minority, LEE has always been able to work on a bipartisan nature.

Last year, I had an opportunity to work with LEE on a project that would help bring our districts even closer by providing the infrastructure needed to cross the Ohio River. Although we may be from different political parties, and even though he had been here many years and I was just a freshman, LEE HAMILTON treated me with the same respect as he has treated more senior members.

For this, I will always admire and respect him.

Mr. Speaker, it is only appropriate that we honor LEE HAMILTON today to thank him for his service and to wish him the best in the future. His presence in Congress will be missed by his colleagues and his district.

Mr. DREIER. Mr. Speaker, few of our former colleagues can claim, upon retirement, to have had a profoundly positive impact on the House of Representatives, but LEE HAMILTON is clearly one of them. His fairness and professionalism as a committee chairman, his leadership on trade and foreign policy issues, and his respect for the institutions of government are attributes that I strive to emulate in my day-to-day work as a Member of Congress.

Serving with LEE on the Joint Committee on the Organization of Congress in 1993 was a particularly rewarding experience, and I value our resulting friendship. Although our reform efforts did not meet with immediate success, LEE's leadership was instrumental to our later success in adopting a number of significant institutional reforms with strong bipartisan support.

Commentators regulatory highlight the partisanship that so often prevails on Capitol Hill these days. LEE is certainly a good Democrat, but he understands the value and importance of listening to other people's ideas, even if they come from Republicans. Our Joint Committee was evenly balanced between Democrats and Republicans and I can attest that LEE gave everybody a chance to be heard. He found friends and allies on both sides of the aisle.

I know I speak for many of our colleagues in saying that LEE's decision to retire at the end of this Congress is more than a personal loss. The institution will be losing one of its most respected Members and effective advocates. At a time when citizens generally view Congress skeptically and many of our colleagues feed their skepticism and even cynicism by blaming Congress for things that go wrong, no one has stood up more for the institution than LEE HAMILTON.

Fortunately, when LEE retires from Congress at the end of this year, he will remain close by as a result of his new career as director of the Woodrow Wilson International Center for Scholars. There, he will undertake a project to combat public cynicism toward and distrust of Congress. I am confident that he will do an outstanding job, I look forward to playing a role in making the project an enormous success.

Mr. ROTHMAN. Mr. Speaker, I rise today to join my colleagues in honoring LEE HAMILTON, a man who has rendered thirty three years of distinguished service as a member of the U.S. House of Representatives.

It was nearly two years ago that I, as a freshman member of Congress, first met LEE HAMILTON. Having been newly assigned to the House International Relations Committee, LEE HAMILTON was there to assist me during my very first days on the committee. And whether it has been learning more about the foreign policy challenges facing America, or working to build a consensus to support American efforts to bring peace abroad, LEE HAMILTON has always been there for me and the Democrats who serve on the International Relations Committee.

For all his work to enhance and advance American interests abroad, LEE HAMILTON deserves our enduring thanks. He has been a champion of U.S. engagement abroad, fighting this fight, often in the face of isolationists here in this very Congress.

I wish LEE HAMILTON the best as he takes leave of this body. I know that I and my colleagues on the House International Relations Committee, both Democrat and Republican, will miss his remarkable contributions, not only to our committee, but to the entire Congress and to our entire nation. LEE HAMILTON is and will continue to be a leading voice on foreign affairs.

Mr. Speaker, over eight decades ago President Woodrow Wilson remarked that ''there must be, not a balance of power [in the world], but a community of power; not organized rivalries, but an organized peace.'' LEE HAMILTON, to his credit, has worked to advance this goal like no other member of Congress during his 18 terms in the House of Representatives. For that our nation is eternally grateful.

Mr. SKAGGS. Mr. Speaker, when the gentleman from Indiana retires at the end of this session of Congress, this body will be losing one of its most thoughtful leaders.

LEE HAMILTON will be rightly lionized as an expert and a statesman in foreign policy matters; a Member whose thinking is consistently sought out to illuminate foreign policy debates. During his tenure on the International Relations Committee, he has brought a reasoned and careful approach to foreign policy. He's been irrepressibly constructive, keeping in mind the longer-range goal of leading Congress and the country along the path of international engagement where he knew we needed to go. He's never shrunk from being one of the few to stand up against popular but wrong-headed policies, even if that meant being on the losing end of a very lop-sided vote. He has been even-handed in the hard cases in foreign policy, such as U.S. policy toward the Middle East, or Cuba.

This body will also be losing a Member who cares deeply about the institutions of government, particularly Congress and its role under the Constitution. He played a leading role in one of Congress' best hours in recent years—the 1991 debate about whether to go to war with Iraq. He led the inquiry into the Iran-Contra scandal—an abuse that threatened our Constitutional order more than any in recent years. He led the panel in the 103rd Congress that resulted in important institutional reforms, including the gift ban and the application of workplace rules to Congress, that were implemented in the next Congress. LEE served as Chairman of the Intelligence Committee and of the Joint Economic Committee. He has been a workhorse on often unheralded projects, like the panel that reviewed government secrecy.

While focusing on Congress' role in foreign policy, LEE has also been mindful that Congress should not encroach on powers and responsibilities that are properly the President's. He has often worked to be sure that Congress' zeal on a particular issue does not tie the President's hands and impair the flexibility he needs in conducting our foreign policy.

LEE HAMILTON is a serious legislator, and a work-aholic. He is never too busy to discuss issues at length with other Members—or with his constituents. With all the time he spends on the big picture and on U.S. foreign policy, LEE has never forgotten the people of Indiana's 9th Congressional District. At a time when more and more Members are abandoning town meetings, LEE has continued to see the value in that kind of direct contact with the people he serves, hosting several meetings each year in the 20 counties of the 9th.

LEE HAMILTON is irreplaceable. He is a role model others can aspire to follow. I hope the 106th Congress will see Members of LEE HAMILTON'S stature. But if it doesn't, it will have the benefit of his example and his legacy.

At a time when Washington desperately needs all the grown-ups we can find, LEE HAMILTON has been a reliable adult. We all join in thanking LEE for his exemplary public service and wishing all the best.

Mr. ROEMER. Mr. Speaker, LEE HAMILTON is a tall order to follow. I am not making allusions to his height, although he is a tall man. But he stands tall in so many other ways. He is the conscience of America's foreign policy. He is the soul of dignity in politics. He is an institutional memory of the Congress. He is the epitome of clear, concise thinking and reasoning.

LEE HAMILTON is also the Dean of my State's delegation. He has been and remains to me an inspiration, a mentor, and a true friend. I will miss his presence here dearly.

Mr. Speaker, five decades ago, a young athlete at Evansville Memorial High School gained a reputation for dogged hard work, dedication, and perseverance. This student, LEE HAMILTON, would maintain the same reputation in the congressional career that began 16 years later, and keep it for over 30 years. When I first arrived here nearly 8 years ago, LEE was here to show me the many ropes. His quiet dignity, hard work, and keen knowledge of the issues has been a fine example every day since.

LEE has a talent for respecting the past while building the future, for defending and maintaining what is good in the world, and educating colleagues and citizens about what must change. He is a traditional man with conservative instincts, yet can still inspire young people and new Members with ideas about the future. Like the best thinkers of any generation, LEE teaches us that progressive ideas work best on solid foundations.

It is sad to reflect on the loss of talent that LEE HAMILTON's departure brings to the Congress. LEE is the epitome of bedrock values, straightforward thinking, and most of all, Hoosier common sense. He leaves a gap that will not be filled easily or soon.

Mr. Speaker, I join all of our colleagues in saluting LEE HAMILTON and his wife, Nancy, their children and family. I wish them all the very best for the future. I want LEE to know that following in his shoes is, for me, a very tall order. But LEE set such a good example, and has been such a good teacher, that he has given us all a very tall head start. I sincerely am indebted to him, as is the Nation, for his service, his leadership, and his dedication. I will have very few such friends in this life, indeed.

Mr. HALL of Ohio. Mr. Speaker, I rise today to express my thanks to one of our nation's tireless advocates of responsible and thoughtful American foreign policy. LEE HAMILTON is known around the world for the critical role he has played in shaping our relations with other countries.

But his also is a familiar hand in guiding our country's domestic initiatives, and by adding his strong voice to so many noble causes, LEE has has ensured that the voices of millions of Americans have been heard.

LEE'S name is recognized all over the world—in the powerful circles in New York, Geneva, Rome, Beijing, and Tokyo—and it is synonymous with integrity. His work has left its mark in other places too, because it has made a real difference to countless millions who lack power and, often, hope. Most recently, he made sure that the Freedom to Farm Act of 1996 included provisions for hungry and poor people.

Mr. Speaker, LEE HAMILTON is a legend in this Congress, and in our capitol. He was a work horse, chairing the House Foreign Affairs Committee, the Intelligence Committee, the Iran-Contra Committee, and undertaking countless other assignments that are essential to an effective Congress.

The tremendous strides we have made in almost every measurement of poverty have come during LEE HAMILTON'S tenure, and many of them bear evidence of his involvement. For example, the number of people who die every day of hunger and its related diseases is just half what it was when he first came to Congress. At 24,000 a day, that number is still tragically high, but initiatives that bear Lee's fingerprints are continuing to lessen such suffering.

And that is just one example. From infant mortality, to teaching literacy, to fighting disease, the people of the world have made unprecedented strides in the past three decades. Throughout this era, LEE HAMILTON has often been at the center of the battles that matter most: the struggles to ease suffering and make life better from millions of people.

Mr. Speaker, these are difficult times for the Congress, especially when we take up foreign policy. It is hard to imagine our debates without LEE HAMILTON'S measured contributions to them. It is harder still to assure our allies abroad that without LEE HAMILTON Congress will remain a reasonable partner in efforts to deal with the political and economic challenges ahead.

For many of us who have spent our careers in Congress secure in the knowledge that we can always turn to this senior statesman to improve our understanding or polish our approach, LEE'S retirement will be a personal loss. It has been an honor to serve with you, LEE, and you will be missed.

I join my colleagues in wishing LEE HAMILTON all the best, in thanking him for his dedicated service, and in appealing for his continued presence as we debate how America can best serve the people we represent in both our foreign policy and domestic policy.

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to LEE HAMILTON who is retiring from the House after 34 years of exemplary service. The House is losing its most respected voice on foreign policy issues, and for that the institution will be poorer.

LEE began his service in 1965, after winning election to the Congress in his first attempt. He has served the people of the Ninth District well, and they have returned him to Washington in every election since. That's a pretty good streak and it reflects the winning tradition that LEE established early in life, beginning with his leadership of Central High's basketball team all the way to the State championship.

During his tenure in Congress, LEE was often tapped to lead in very difficult situations. In 1986, he co-chaired the Iran-Contra investigation and in 1992 he chaired the Joint Committee on the Organization of Congress.

But his expertise in foreign policy rose to the fore and he was rewarded with the chairmanship of the Foreign Affairs Committee during the 103rd Congress. LEE has always led the sometimes lonely fight for the Clinton administration's policies but he has never shied away from letting the President know when the policy was wrong.

LEE'S tenure on the Joint Economic Committee allowed him to pursue his interests in ensuring a sound economy and promoting economic development in order to bring economic and infrastructure development to the people of the Ninth District.

Mr. Speaker, we wish LEE well in his new roles at the Wilson Center and with Indiana University and we hope that we can continue to call on his expertise, as the Congress deals with future foreign policy issues.

Mr. BERMAN. Mr. Speaker, I rise to honor the service to the United States of America by Mr. LEE H. HAMILTON.

In my 16 years in the House of Representatives I have come to know and admire LEE for the wisdom and seriousness which he brings to consideration of the people's business. The Hoosiers of the Ninth District lose a great congressman with LEE's retirement.

In 34 years few can challenge his record for thoughtful integrity in the face of strong political pressure. While confronting some of the nation's most serious foreign policy challenges, he always approached every issue with intellectual depth.

He led the Congress in defending the President when under partisan attack, but he worked hard to ensure that the administration did not make foreign policy decisions without full consideration of every option and insisted that action be taken only after the administration had developed a rationale for its policy which would have the support of the American people.

His reputation for probity and judicious reflection have made him the leader of choice when the Congress faced difficult foreign policy issues, whether as chairman of the Select Committee on Iran-Contra or more recently of the Select Subcommittee on Iran Arms Transfers to Bosnia. I have had the honor of serving with Mr. HAMILTON on one of those select committees and seen first hand how the nation has been well assisted by his probing intellect.

I have also been proud to serve with Mr. HAMILTON when he was chairman of the Foreign Affairs Committee. In his years as chairman, he demonstrated again and again the ability to forge the type of bipartisan political coalition essential to making government work for the people. LEE had a instinctive understanding that democracy was more important than politics and that he was elected to serve all the people, rather than a narrow agenda agreeable to the few.

The Ninth District has lost a great Representative in the retirement of Mr. HAMILTON. We honor more than Mr. HAMILTON today, we honor the principles which he has stood for against so many pressures for so long. I wish I could say that in losing Mr. HAMILTON, some are gaining more but I am afraid that his retirement is the country's loss.

I thank you for your service to the Congress and the American people. I salute you. I will miss you on the committee but I know you will not have gone far and we will continue to benefit from your expertise on foreign policy at the Wilson Center.

Mr. LANTOS. Mr. Speaker, it is truly a pleasure for me to join our colleagues in paying tribute to our colleague and my friend, Congressman LEE H. HAMILTON of Indiana, for his distinguished service to our nation as a Member of Congress for 34 years. I can think of few members who can rival his intelligence, wit, integrity, and commitment to public service.

For the past 18 years that I have been a Member of this body, I have served on the House Committee on Foreign Affairs/International Relations, and during that entire time I have served with LEE HAMILTON. For well over a decade, I sat next to him on the Subcommittee on Europe and the Middle East, which LEE chaired for two decades. When LEE served as chairman of the full Committee on Foreign Affairs, I headed one of the subcommittees, and in that capacity we worked closely together for two years.

Mr. Speaker, it has been truly an honor to serve with LEE over these many years, and to admire his commitment to democracy and America's international interests in the broadest and most positive sense. From the cold war to the collapse of the Iron Curtain to the serious challenges of the post-cold-war world, LEE has stood as a pillar of principle in defending the values that we in America cherish. In combating world hunger, firmly backing foreign assistance to the developing democracies in Eastern Europe, and fighting for developing programs for sustainable development in Africa, he has never hesitated to use his superb intellect and creativity to address our national concerns. Even when we have disagreed on policy matters, I have found it impossible to keep from admiring his independence, integrity, and moral conviction underlying his beliefs. LEE HAMILTON is a statesman, a leader, a champion for the American people.

Mr. Speaker, I also want to say something about LEE's wife, Nancy Hamilton. Of all of LEE's many good decisions, his judgment in marrying Nancy was probably his best. She has been a steadfast and dependable companion throughout his service in the Congress. She has not only brightened LEE's office with her outstanding and original art, she has added an air of elegance and quality to all that LEE has done.

While I have no doubt that LEE will continue to serve our country and the state of Indiana even though he will be retiring from the U.S. Congress. I believe that I speak for all of my colleagues in the House when I say that LEE's voice of reason and the integrity that he brings to our deliberations will be sorely missed.

Mr. Speaker, we all owe the people of southeastern Indiana an enormous debt of gratitude for giving us LEE HAMILTON.

Mr. RAHALL. Mr. Speaker, it is with great sadness that I rise to pay tribute to my esteemed colleague, LEE HAMILTON, as he retires from the House of Representatives after 34 years of service to Indiana's Ninth District, and to our Nation.

LEE HAMILTON arrived in Washington to begin his long tenure in the House during the Lyndon Johnson administration. As those times demanded, he was present for the creation of such landmark legislation as the Elementary and Secondary and Higher Education Acts, helping assure an educated citizenry so that the socio-economic needs of this country might be met. He also presided over the enactment of legislation to assist those living at or below poverty—especially the children—as Johnson's War on Poverty began, and the President's Great Society began to take shape.

LEE HAMILTON was here in 1965 when the Medicare Program for senior citizens health care was enacted, lifting many seniors out of poverty once they no longer had to choose between paying for health care and eating, providing seniors with a healthier, quality life of hope and dignity.

There was much going on in this House when LEE HAMILTON arrived from Jeffersonville, Indiana to begin his service as the representative of the Ninth District of that great state, and aside from domestic issues, LEE was soon to become deeply involved in international issues as well.

As LEE HAMILTON'S distinguished service grew and flourished on behalf of those who needed federal support in order to obtain an education, food, shelter and health care, he quietly became our most able leader in International affairs. As the chair of the International Relations Committee for many years, and as its current ranking member, LEE has devoted himself to leading this country through the cold war, helping bring about the fall of the Berlin Wall and the dissolution of the former Soviet Union and the Communist threat.

LEE HAMILTON too great care to help ensure America's security in an unsafe world.

LEE's lifetime commitment to public service, under the administrations of seven Presidents from both parties, has never faltered. His enormous achievements are a testament to a remarkable life of selfless duty and an unstinting commitment to the peace and prosperity of the people of Indiana as well as our Nation, for which we owe him a great debt of gratitude.

LEE is known for his unimpeachable integrity, his gentle voice of reason, and a firm hand, and I have personally benefited from both his reason and his strength.

I take this opportunity, Mr. Speaker, to publicly thank LEE for his assistance to me over the years with concerns I have had over events in the Middle East, and especially in the land of my grandfathers, Lebanon. His deep understanding of the culture, history and traditions of the Middle Eastern countries is enormous. I know there have been many times over the years when, at my request and no matter how busy he was, he has taken the time to share with me and my colleagues his remarkable insight into how best to address

events in a troubled area in times of great distress.

I thank him also for his direct assistance to me as I have endeavored to bring humanitarian and non-lethal military assistance into Lebanon as that country struggles to return to its former state of independence and sovereignty after a 17 year civil war.

And so it is with warmest personal regard, highest esteem and deepest appreciation that I rise to pay tribute to LEE HAMILTON as he takes his leave of this House where he has served with distinction for more than three decades. I wish him God Speed, and great personal happiness and success as he embarks upon his newly chosen career path.

Mr. LUTHER. Mr. Speaker, the House of Representatives will lose one of it's most respected members with the retirement of LEE HAMILTON. As a junior member of the International Relations Committee, I have come to greatly admire LEE's evenhanded and bipartisan approach. At a time when far too often questions of foreign policy become mired in partisan battles, I believe it is essential that we continue LEE's tireless efforts to achieve bipartisanship on international relations matters.

Because of his extraordinary leadership in foreign affairs, many people don't realize LEE's many other significant accomplishments. For example, he was among the first to call on Congress to reform its internal operations. In 1992 he served as co-chairman of the Joint Committee on the Organization of Congress which was among the first to recommend long overdue ideas, which we now take for granted, such as the gift ban, tightening lobbying regulations and applying laws of the workplace to Congress.

Coming from Minnesota where we have had great leaders like Hubert Humphrey, Walter Mondale and former Congressman Don Fraser, I have been particularly impressed with LEE's leadership on international issues. Just one current example is his highlighting the many negative effects that the proliferation of unilateral economic sanctions have had on our relationship with our economic allies. As many of you know, LEE is the lead House author of legislation which would establish a more disciplined and deliberative process for imposing unilateral sanctions.

I am going to miss LEE HAMILTON not just because he is an excellent leader on foreign policy and an admirable person, but because he is the kind of person we need more of in Congress. A person truly dedicated to making government work better for our employers, the people we represent. As a relatively new person to this institution, I sincerely thank him for the guidance he has given me and for his outstanding service to the people of our country and the world.

Mr. FROST. Mr. Speaker, I rise today to commend LEE HAMILTON for his 34 years of service to the House of Representatives and our great Nation. LEE HAMILTON is one of the greatest statesmen of our time and I am honored to be able to count LEE HAMILTON as a friend, fellow Democrat, role model, and inspiration. Through his hard work, dedication, sensitivity, and strong ethical underpinnings; LEE HAMILTON has forged a path in the U.S. House that all politicians strive to duplicate.

LEE is one of the most influential policy makers of this century, both domestically and internationally. This is not by accident—his hard work and determined spirit, coupled with his strong efforts to promote ethical behavior in those that govern, has distinguished him as an exemplary statesman and policy maker, a positive role model not only to those of us in Washington, but for our Nation and future generations.

LEE has excelled as a U.S. leader at the forefront of world affairs by distinguishing himself as a thoughful policy maker, with a strong understanding of the difficult issues that effect the world political environment. To name but a few examples: His support of the Middle East peace process over the entirety of his career and his leadership in initiating and crafting U.S. aid to the former Soviet Union in the late 1980's and early 1990's has helped to craft the social, political, and economic environment of both of these regions.

But probably the most important contribution LEE has made to this House is the contribution he has made to the foreign affairs debate over the last three decades. LEE has been instrumental in not only addressing the important issues; but in bringing the foreign policy debate to a new level. He has served to broaden Members' understanding of the issues through his careful review of these issues. LEE has impacted the foreign affairs agenda for an entire generation of Americans—for both Congressman, political leaders, and individual citizens.

LEE HAMILTON stands for all that is good about the American political system. It has been an honor to serve with him and follow his example of ethical behavior, dedication to the American people, the determination to bring and keep important issues at the forefront of the national American debate. LEE'S contribution to this House will be sorely missed, but luckily in his new capacity as director of the Woodrow Wilson Center, we in Congress will be able to continue to rely on his valuable contributions to the foreign policy debate.

Ms. ROS-LEHTINEN. Mr. Speaker, if there is a Member who deserves recognition for his years of service to his constituents, to the country, and to this institution—it is LEE HAMILTON.

Throughout his distinguished career as a Representative from the Ninth District of Indiana, LEE has challenged generations of Members to research the issues, make them their own, to defend their positions with vigor—even if that position meant being philosophically and fundamentally opposed to LEE's views.

LEE and I have certainly had our fair share of disagreements on U.S. foreign policy, in particular, when it came to the best approach to bring about freedom and democracy to the Cuban people. However, he was always respectful of differing views, advocating open, comprehensive, and frequent—very frequent—debate.

LEE has been more than a participant in the formulation of foreign policy. He is truly dedicated to studying the nuances of world events. He excels in times of crises and thrives on analyzing the potential impact of global developments on U.S. national security.

Whether the issue is the proliferation of chemical and biological weapons, or climate change and the Kyoto Protocol, or reform in Latin America or NATO enlargement, we have grown to expect LEE HAMILTON to know every intricacy and to be able to encapsulate the contending approaches.

While he may be leaving this body, I am certain his involvement in foreign affairs will continue. We would not want it any other way. We are all the better for having had LEE HAMILTON as a Member of this body for over three decades.

He is a scholar, an exemplary public servant, a formidable adversary, and a gentleman. LEE, you will be missed.

Mr. VISCLOSKY. Mr. Speaker, it is certainly my honor to yield to the gentleman from Indiana (Mr. HAMILTON), our leader in the Indiana delegation.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding. And of course, first I want to express my appreciation to my friends and Indiana colleagues, the gentleman from Indiana (Mr. BURTON) and the gentleman from Indiana (Mr. VISCLOSKY), for making arrangements for this special order. I am most grateful to them.

Secondly, I want to express my thanks to all of the Members who have spoken and a large number of Members who have submitted their statements to me, many of which I have had an opportunity to read.

I must say that the constant references to my age and the references to how young they were when I first came to Congress have made me feel a little uneasy tonight, but it has impressed me about how young the Members of this institution are and how able they are as well.

All of their remarks have been very kind and generous, and of course for me memorable. I shall think very often of this evening and the comments that have been made about me. I have always wanted to walk off the stage before I was kicked off or shoved off, and I think their comments tonight have made me think I have done that.

I had the Library of Congress check the other day, and I have worked with 1,515 House colleagues. I guess with most of those colleagues I have had differences from time to time, but I think I can say that I have liked all of them, I have enjoyed their friendship, and I have certainly tried to respect them.

The Members of this House reflect the American people I believe more than any other institution in America, at least so far as I know. Getting to know the Members has been just an extraordinary privilege. The recollections of my colleagues form in my mind an endless line of splendor. Working with them has given me insights into the vastness and the complexity and the diversity of this country. It has reinforced my belief in representative government and the crucial role that Congress plays in reflecting the diverse points of view, acting as a national forum in this room, managing conflict in the country, and over time, usually but not always, developing a consensus that reflects the collective judgment of the people.

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I have been impressed almost daily with the enormous importance and resilience of the institution of the Congress and the Members who make up this body. It has always been a source of great pride for me to say, as I have

done on so many occasions, that I am a Member of the House of Representatives.

So it has been a great privilege to work in this chamber and in this Capitol building in the area of my interest, which is public policy. I have been grateful for every day that I have been part of this House. I do not know of any place in the world that I would have preferred to be.

I am pleased that this evening my colleagues, for whom I have the greatest respect and affection, have noted my work, and I thank you all.

GENERAL LEAVE

Mr. VISCLOSKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the special order just given.

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

There was no objection.

EFFECTS OF HURRICANE GEORGES ON THE VIRGIN ISLANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTIAN-GREEN) is recognized for 5 minutes.

Ms. CHRISTIAN-GREEN. Mr. Speaker, before I begin, I would like to join my colleagues in adding my commendations, gratitude and well-wishes to the gentleman from Indiana (LEE HAMILTON) and Mrs. Hamilton as he retires from this House.

Mr. Speaker, today I rise to inform the House of the relative good fortune fared by my constituents when the Virgin Islands was hit by Hurricane Georges last Monday. We are sure it is only through prayers and the grace of God that the storm downgraded from a category 4 to a 2 before it passed over our islands, and the eye, which was to have traversed my home Island of St. Croix, shifted and instead passed between the islands. Thus we were spared the widespread devastation suffered by many of our neighboring Caribbean islands.

By all accounts, the Virgin Islands and Virgin Islanders responded well to the challenges presented to us by Hurricane Georges. As of midday last Wednesday morning, less than 48 hours after Georges, life was almost back to normal on the island of St. Thomas. Although we were and still have power outages, the resilient island of St. Croix has held its own. We suffered no deaths directly attributable to the storm and no major injuries on any of our islands.

Despite the fact that over all the islands only suffered mild damage, we must not forget that there are those individuals who suffered significant damage to their homes and businesses. Some hotels and shops suffered minor damages, but most have remained intact and open for business. Crop and fruit farmers suffered total losses, and livestock farmers and fishermen were also severely affected. Many public buildings suffered moderate damage and curtailed services, but our hospitals and health department facilities stood up well and no services were disrupted there.

Mr. Speaker, while I rise tonight to give thanks for our good fortune in the Virgin Islands, I must also ask my colleagues to continue to pray and support the people of the other Caribbean islands, as well as the residents of South Florida and the Gulf Coast, who were not as lucky as we were.

On our sister U.S. island of Puerto Rico, at least three people were directly killed by the storm and damages surpassed nearly $2 billion. Likewise, in the Dominican Republic and Haiti, over 300 persons have been reported dead and damages have been estimated in excess of $1 billion.

I look forward to joining our First Lady and my other colleagues tomorrow to view firsthand their damages and early recovery efforts and to bring the prayers, support and good wishes of this House, as well as of their sisters and brothers from my district and the U.S. Virgin Islands.

While we must express our concern and extend aid to the residents of the larger Caribbean islands of Puerto Rico, the Dominican Republic and Haiti, we must not forget our smaller neighbors to the south, like Antigua and St. Kitts, which also suffered serious devastation from Georges. On Antigua, two persons lost their lives and hundreds of homes lost their roofs. Similarly devastated was St. Kitts, where 3 persons were reported dead and 85 percent of the homes on the island were reported damaged. The residents of these smaller islands also need our help.

Mr. Speaker, I must also thank director of the Federal Emergency Management Agency, James Lee Witt, and his entire Washington headquarters and Virgin Islands field office staff for the opportunity to participate in all of the relevant briefings and for their immeasurable assistance in keeping us informed of the status of the storm and the extent of the damage we suffered once the storm had passed.

On this latter point, I want to particularly thank Barbara Russell of FEMA and her team who rode out the storm in the Virgin Islands and provided early information as well as critical help in damage assessment and coordination of the initial response. Special commendations to Colonel Gene Walker, his assistant, Elroy Harrison, the entire VITEMA staff and Emergency Service Coordinating Team for their preparation and response, and to the hundreds of volunteers who gave up their time to help. We especially thank President Clinton for his immediate response to our request for disaster assistance, and he and Mrs. Clinton for their concern, as well as the Members of his cabinet.

One of the most difficult aspects of experiencing a hurricane is not being able to obtain information about an affected area when long distance phone service has been disrupted, as it was in our case. I especially want to thank my Washington office staff for their tireless work in keeping Virgin Islanders and others here on the mainland informed on how their relatives and friends in the islands were faring.

My Washington office was open around the clock from the point when we were certain on Monday the 21st that we were going to be hit and for 72 hours afterward. In addition to fielding telephone calls, we were pleased to be able to inform business people, students, friends and relatives of Virgin Islanders viewing the storm via mainland media through press conferences and interviews on TV and radio, as well as providing the most reliable information through several Internet sources, including our own web site. I also want to thank the many Virgin Islanders who came to my office to assist.

Mr. Speaker, the Virgin Islands is a testament to the effectiveness of mitigation, for without the many improvements made in the wake of the major storms of the last nine years, we would not have been able to bounce back. We still have work to be done and that needs to be addressed.

Today the Virgin Islands are back, businesses are open and we welcome you. Our hotels, our beaches, our tropical breezes and the warm hospitality of our people welcome you back to our shores.

TRIBUTE TO BONNIE LOIS KELLY

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

Mr. BURTON of Indiana. Mr. Speaker, I will not take the full 60 minutes. I will just take a few minutes here tonight to talk about my mother, Bonnie Lois Kelly. She was born in February 1920, and she died last Wednesday. We had the funeral on Saturday.

She was one of those unique individuals that never gets much attention, but she did a tremendous job in raising three children through a great deal of hardship. She was five feet and one-half inch tall, but, to me and my brother and sister, she was ten times that height.

She married when she was 18 to a brutal person, my father, who was 6-foot-8 and who terrorized her and my brother and sister and I for 12 long years. I can remember during all that time, every time that my father started to mistreat me or my sister or my brother, she would stand between us and take the body blows and stand up for us, no matter what the cost, and many times the cost was almost her life. She finally was able to get away from him when I was 12 years old, after 13 years of married torture.

I can remember many times she would take us to the police department in the middle of the night. Back in those days there was not much sympathy from a lot of the people in blue toward abused wives and children. I can remember one night the police told her that if she did not take the children home at that moment, which was about 1 o'clock in the morning, with her face all bruised, that they would arrest her, which I could not understand.

Anyhow, she finally met a really nice fellow, after she was divorced from my father. Incidentally, my father came in through the floor of the house where we lived on the West side of Indianapolis with a sawed-off shotgun and took her away after breaking down the door, and we did not know whether she was dead or alive for many days, and we spent quite a bit of time at the Marion County Guardian's Home while she was away. But, thankfully, she was able to get away from him and survive.

She finally met a very nice man, Kindeth A. Kelly, who ended up becoming my stepfather on December 23rd, 1950. He and my mother were married for 48 years. He worked in a foundry as a sand hog and later as a foreman of that foundry for a long, long time, I think it was 30-some years, and my mother worked in Ayres Tea Room as a waitress for 18 years.

The thing I recall about her was that she never complained. She would get up every morning and go to work at the tea room, work all day long on her feet, and come home at night and fix dinner for us, and I never heard her complain once. Those were very difficult times.

Looking back on those times, I realize how really wonderful she was. I do not recall that I told her very many times how much I appreciated her, but I did, and I was able to at least convey some of that to her in her last days.

There are so many things that you would like to say about your mother at a time like this, and you just cannot recall all of them. But she was really something special. She instilled in her children a love of nature, a love of art, and a love music and poetry. In fact, she requested that I memorize a lot of poems when things were going very difficult for the family in my formative years. Those poems, that poetry, gave me a lot of strength and courage during some very difficult times that I encountered in my life.

One of the poems that she asked me to commit to memory was one that I would like to just recite for my colleagues who may be paying attention tonight, Mr. Speaker.

When things go wrong, as they sometimes will,
When the road you are trudging seems all uphill;
When care is pressing you down a bit,
Rest, if you must, but don't you quit.
'Cause life is queer with its twists and turns,
As every one of us sometimes learns;
And often the goal is nearer than it seems,
To a faint and faltering man.
Often the loser has given up,
When he might have captured the victor's cup;
And he learned too late when the night came down,
How close he was to the golden crown.
Success is failure turned inside out,
The silver tint on the clouds of doubt;
So stick to the fight,
When you're hardest hit;
It's when things go wrong,
That you mustn't quit.

My mother was not a quitter; my stepfather, who really was my father because he treated us so well, was not a quitter; and I will never forget as long as I live the wonderful things that she did for me and the things she taught me.

OMISSION FROM THE CONGRESSIONAL RECORD OF SATURDAY, SEPTEMBER 26, 1998

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. 4112. Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COMBEST (at the request of Mr. ARMEY) for today on account of personal reasons.

Mrs. FOWLER (at the request of Mr. ARMEY) for today and tomorrow on account of family medical emergency.

Mr. GOSS (at the request of Mr. ARMEY) for today and on September 29 on account of illness in the family.

Mr. JENKINS (at the request of Mr. ARMEY) for today on account of a death in the family.

Mr. MARTINEZ (at the request of Mr. GEPHARDT) for today on account of personal business.

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. VISCLOSKY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. CHRISTIAN-GREEN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

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

Mr. RAMSTAD, for 5 minutes, today.

Mr. CASTLE, for 5 minutes, today.

Mr. BATEMAN, for 5 minutes each day, today and on September 29.

Mr. METCALF, for 5 minutes, today.

Mr. LUCAS, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. VISCLOSKY) and to include extraneous material:)

Mr. VENTO.
Mr. KIND.
Mr. HAMILTON.
Mr. STARK.
Mr. FRANK of Massachusetts.
Mr. STOKES.
Mr. EVANS.
Mr. BERMAN.
Mr. FROST.
Mr. ROTHMAN.
Ms. VELÁZQUEZ.
Ms. DELAURO.
Mr. CLAY.
Mr. SKELTON.
Mr. MARTINEZ.
Mr. LANTOS.
Mr. MARKEY.
Mr. KUCINICH.

(The following Members (at the request of Mr. LUCAS of Oklahoma) and to include extraneous material:)

Mr. BOB SCHAFFER of Colorado.
Mr. SAXTON.
Mr. DREIER.
Mr. GILMAN in two instances.
Mr. PORTER.
Mr. GEKAS.
Ms. PRYCE of Ohio.
Mr. ENSIGN.
Mr. HUTCHINSON.

SENATE BILL REFERRED

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

S. 2511

An Act to authorize the Secretary of Agriculture to pay employees of the Food Safety and Inspection Service working in establishments subject to the Federal Meat Inspection Act and the Poultry Products Inspection Act for overtime and holiday work performed by the employees; to the Committee on Agriculture; in addition to the Committee on Government Reform and Oversight 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.

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 29, 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:

11302. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—Common Crop Insurance Regulations; Guaranteed Production Plan of Fresh Market Tomato Crop Insurance Provisions [7 CFR Part 457] received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11303. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—Nursery Crop Insurance Regulations; and Common Crop Insurance Regulations; Nursery Crop Insurance Provisions (RIN: 0563–AB65) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11304. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Agency Disapproval of Directors and Senior Executive Officers of Savings Associations and Savings and Loan Holding Companies [No. 98–96] (RIN: 1550–AB10) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11305. A letter from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting the Department's final rule—Methylene Chloride; Final Rule [Docket No. H–71] (RIN: 1218–AA98) received September 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11306. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Canton and Glasford, Illinois) [MM Docket No. 97–186] (RM–9130) received September 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11307. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Detroit, Howe and Jacksboro, Texas, Antlers and Hugo, Oklahoma) [MM Docket No. 97–26] (RM–8968) (RM–9089) (RM–9090) received September 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11308. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sturgis, Kentucky) [MM Docket No. 96–226] (RM–8893) received September 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11309. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Beaver Dam and Brownsville, Kentucky) [MM Docket No. 98–17] (RM–8819) received September 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11310. A letter from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Physical Protection For Spent Nuclear Fuel And High-Level Radioactive Waste: Technical Amendment (RIN: 3150–AG00) received September 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11311. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revocation of Reexport Authorization Issued Prior to June 15, 1996 [Docket No. 980821223–8223–01] (RIN: 0694–AB74) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11312. 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 List the San Bernardino Kangaroo Rat as Endangered (RIN: 1018–AE59) September 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11313. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Subpart J—Pipelines and Pipeline Rights-of-Way (RIN: 1010–AC39) received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11314. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—An update of Addresses and OMB Information Collection Numbers for Fish and Wildlife Service Permit Applications (RIN: 1080–AF07) received Spetember 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11315. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Indiana Regulatory Program [SPATS No. IN–131–FOR; State Program Amendment No. 95–13] received September 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11316. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Ohio Regulatory Program [OH–218–FOR; Amendment Number 61] received September 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11317. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation Of Nonimmigrants Under The Immigration And Nationality Act, As Amended—Fees For Application And Issuance Of Nonimmigrant Visas [Public Notice 2894] received Septemebr 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11318. 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–12–AD; Amendment 39–10757; AD 98–19–17] (RIN: 2120–AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11319. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 98–NM–26–AD; Amendment 39–10764; AD 98–19–23] (RIN: 2120–AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11320. 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–17–AD; Amendment 39–10763; AD 98–19–22] (RIN: 2120–AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11321. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757–200 Series Airplanes [Docket No. 96–NM–232–AD; Amendment 39–10765; AD 98–19–24] (RIN: 2120–AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11322. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes Equipped with Air Cruisers Evacuation Slide/Rafts [Docket No. 97–NM–95–AD; Amendment 39–10766; AD 98–19–25] (RIN: 2120–AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11323. 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) Series Airplanes [Docket No. 98–NM–236–AD; Amendment 39–10767; AD 98–20–01] (RIN: 2120–AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11324. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models T210N, P210N, and P210R Airplanes [Docket No. 97–CE–62–AD; Amendment 39–10773; AD 98–05–14 R1] (RIN: 2120–AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11325. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56–5B/2P Series Turbofan Engines [Docket No. 97–ANE–29–AD; Amendment 39–10286; AD 98–02–04] (RIN: 2120–AA64) received September 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11326. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Update of Existing and Addition of New Filing and Service Fees [Docket No. 98–09] received September 22, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11327. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Contracting by Negotiation [48 CFR Parts 1801, 1802, 1803, 1804, 1805, 1814, 1815, 1816, 1817, 1832, 1834, 1835, 1842, 1844, 1852, 1853, 1871, and 1872] received September 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

11328. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Regulations Governing Book-Entry Treasury BONDS, Notes, and Bills; Determination Regarding State Statutes; Wisconsin, New Hampshire and Michigan [Department of the Treasury Circular, Public Debt Series, No. 2–86] received September 21, 1998, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

11329. A letter from the Chief, Regulations Branch, United States Customs Service, transmitting the Service's final rule—Lay Order Period; General Order; Penalties [T.D. 98–74] (RIN: 1515–AB99) received September 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11330. A letter from the Director, Office of Management and Budget, transmitting the OMB Sequestration Update Report to the President and Congress for FY 1999; to the Committee on Appropriations.

11331. A letter from the Commissioner for Rehabilitation Services, Department of Education, transmitting the annual report of the Rehabilitation Services Administration on Federal activities related to the administration of the Rehabilitation Act of 1973, Fiscal Year 1995, pursuant to 29 U.S.C. 712; to the Committee on Education and the Workforce.

11332. A letter from the Secretary of Health and Human Services, transmitting the annual summary report on the findings of the monitoring reviews, this initial report covers fiscal years 1994 through 1997; to the Committee on Education and the Workforce.

11333. A letter from the Acting Museum Director, Holocaust Memorial Museum, transmitting the consolidated report on accountability and proper management of Federal Resources as required by the Inspector General Act and the Federal Financial Manager's Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

11334. A letter from the Benefits Administrator, Western Farm Credit Bank, transmitting transmitting the annual report disclosing the financial condition of the Retirement Plan and Annual Report 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.

11335. A letter from the Director, Financial Services, Library of Congress, transmitting the financial statements for the first nine-months of fiscal year 1998, which ended on June 30, 1998, and the comparable data for the same period of the previous fiscal year for the Capital Preservation Fund; to the Committee on House Oversight.

11336. A letter from the the Kenneth W. Starr, the Office of the Independent Counsel, transmitting starr; (H. Doc. No. 105—316); to the Committee on the Judiciary and ordered to be printed.

11337. A letter from the Secretary of Health and Human Services, transmitting a report that the Department of Health and Human Services is allotting emergency funds made available under section 2602(e) of the Low-Income Home Energy Act of 1981, pursuant to 42 U.S.C. 8623(g); jointly to the Committees on Commerce and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. YOUNG of Alaska: Committee on Resources. House Resolution 494. Resolution expressing the sense of the House of Representatives that the United States has enjoyed the loyalty of the United States citizens of Guam, and that the United States recognizes the centennial anniversary of the Spanish-American War as an opportune time for Congress to reaffirm its commitment to increase self-government consistent with self-determination for the people of Guam (Rept. 105–751). Referred to the House Calendar.

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 2943. A bill to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes (Rept. 105–752). Referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1608. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have died in foreign conflicts other than declared wars (Rept. 105–753). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 558. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 105–754). Referred to the House Calendar.

Mr. GILMAN: Committee on International Relations. H.R. 633. A bill to amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes; with an amendment (Rept. 105–755 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Government Reform and Oversight discharged from further consideration. H.R. 633 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

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

H.R. 633. Referral to the Committee on Government Reform and Oversight extended for a period ending not later than September 28, 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. LAZIO of New York (for himself, Mr. STARK, Mr. HASTERT, Mr. CAMP, Mrs. KELLY, Mrs. MORELLA, Mr. ROGAN, Mr. EHLERS, Mr. BARRETT of Wisconsin, Mr. SHAYS, Ms. PRYCE of Ohio, Mr. MCHUGH, and Mr. VENTO):

H.R. 4650. A bill to amend title XIX of the Social Security Act to extend the authority of State Medicaid fraud control units to investigate and prosecute fraud in connection with Federal health care programs and abuse of residents of board and care facilities; to the Committee on Commerce.

By Mr. MCCOLLUM (for himself and Mr. CONYERS):

H.R. 4651. A bill to make minor and technical amendments relating to Federal criminal law and procedure; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 4652. A bill to provide for adjustment of status for certain nationals of Bangladesh; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself and Mrs. KENNELLY of Connecticut):

H.R. 4653. A bill to amend title XVIII of the Social Security Act to prevent sudden disruption of Medicare beneficiary enrollment in MedicareChoice plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself and Mr. BARTON of Texas):

H.R. 4654. A bill to provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. HAMILTON, Mr. SMITH of New Jersey, Mrs. MALONEY of New York, Ms. WOOLSEY, Mr. FRANKS of New Jersey, Mr. ACKERMAN, Mr. BERMAN, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Mr. CHABOT, Mr. DEUTSCH, Mr. FALEOMAVAEGA, Mr. FOLEY, Mr. FOX of Pennsylvania, Mr. FROST, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. HORN, Mrs. LOWEY, Mr. MENENDEZ, Ms. ROS-LEHTINEN, Mr. SANDERS, Mr. SCHUMER, Mr. SHERMAN, Mr. SISISKY, Mr. WAXMAN, and Mr. WEXLER):

H. Res. 557. A resolution expressing support for U.S. government efforts to identify Holocaust-era assets, urging the restitution of individual and communal property, and for other purposes; to the Committee on International Relations.

By Mr. EHLERS (for himself and Mr. ROYCE):

H. Res. 559. A resolution condemning the terror, vengeance, and human rights abuses against the civilian population of Sierra Leone; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

400. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Senate Resolution 41 memorializing the Congress of the United States to propose an amendment to the Constitution of the United States, for submission to the states for ratification, to limit the number of terms a person may serve in the United States House of Representatives to no more than six and to limit the number of terms a person may serve in the United States Senate to no more than two; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 372: Mrs. EMERSON.
H.R. 902: Mr. GOODE and Mr. HYDE.
H.R. 1375: Mr. HEFLEY and Mr. SHADEGG.
H.R. 1531: Mr. LEWIS of California.
H.R. 1608: Mrs. FOWLER and Mr. ENGLISH of Pennsylvania.

H.R. 2327: Mr. NEY and Mr. SHADEGG.

H.R. 2882: Mr. NEY, Mr. BONILLA, and Mr. ROTHMAN.

H.R. 2950: Mrs. CUBIN.

H.R. 3081: Mr. WEYGAND, Ms. HOOLEY of Oregon, Mr. BOUCHER, Ms. BROWN of Florida, Mr. NEAL of Massachusetts, Mr. BILBRAY, Mr. TIERNEY, Mr. COYNE, Mr. DEFAZIO, Mrs. JOHNSON of Connecticut, Mr. THOMPSON, Ms. SANCHEZ, Mr. BENTSEN, and Mrs. MEEK of Florida.

H.R. 3779: Ms. ROYBAL-ALLARD, Mr. JOHNSON of Wisconsin, and Mr. RODRIGUEZ.

H.R. 3783: Mr. GILMAN, Mrs. MYRICK, and Mrs. KELLY.

H.R. 3792: Mr. MANTON.

H.R. 3833: Mr. LIPINSKI and Mr. PASCRELL.

H.R. 4073: Mr. RANGEL, Mr. SHERMAN, and Mr. WAXMAN.

H.R. 4126: Mr. ADAM SMITH of Washington.

H.R. 4219: Ms. KAPTUR and Mr. EDWARDS.

H.R. 4339: Mr. OLVER and Mr. FORD.

H.R. 4362: Mr. FORBES, Mr. HOLDEN, Ms. RIVERS, Mr. HINCHEY, Mr. BERMAN, Mr. MCDERMOTT, and Mr. BISHOP.

H.R. 4399: Mr. THUNE.

H.R. 4448: Mr. HORN, Mr. BERMAN, Mr. STARK, Mr. HILLIARD, and Mr. ACKERMAN.

H.R. 4455: Mrs. ROUKEMA.

H.R. 4489: Mr. HILLIARD and Ms. SLAUGHTER.

H.R. 4492: Mr. PICKETT.

H.R. 4513: Mr. BLUNT and Mr. STUMP.

H.R. 4514: Mr. SAWYER.

H.R. 4531: Mr. MORAN of Virginia, Mr. LEWIS of Georgia, and Mr. SHERMAN.

H.R. 4597: Mr. POSHARD.

H.R. 4627: Mr. LUTHER.

H.R. 4634: Mr. FOLEY.

H.R. 4647: Mr. BARRETT of Nebraska, Mr. MCHUGH, Mr. SMITH of Michigan, Mr. POSHARD, Mr. TOWNS, Mr. NETHERCUTT, Mr. FOLEY, Mr. WELLER, Mrs. EMERSON, Mr. BLUNT, Mr. THUNE, Mr. BOSWELL, Mrs. CLAYTON, Mr. LUCAS of Oklahoma, Mr. CANADY of Florida, Mr. COSTELLO, Mr. LEWIS of Kentucky, Mr. GUTKNECHT, and Mr. PETERSON of Minnesota.

H.J. Res. 123: Mr. FOX of Pennsylvania.

H. Con. Res. 229: Mr. BURR of North Carolina and Mr. HAMILTON.

H. Con. Res. 274: Mr. FOX of Pennsylvania, Ms. KILPATRICK, Mr. ADERHOLT, Mr. REGULA, Mr. BOYD, and Mrs. MEEK of Florida.

H. Con. Res. 317: Mr. FRANKS of New Jersey and Mr. QUINN.

H. Con. Res. 328: Mr. KENNEDY of Rhode Island, Mr. BUYER, and Mr. BONIOR.

H. Con. Res. 329: Mr. METCALF, Mr. FRANK of Massachusetts, and Mr. GUTIERREZ.

H. Res. 519: Mr. KING of New York.

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PROCEEDINGS AND DEBATES OF THE *105th* CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, MONDAY, SEPTEMBER 28, 1998 *No. 132*

Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, You replenish our diminished strength with a fresh flow of energy and resiliency. The tightly wound springs of tension within us are released and unwind until there is a profound peace inside. We relinquish our worries to You and our anxiety drains away. We take courage because You have taken hold of us. Now we know that courage is fear that has said its prayers. We spread out before You the challenges of the week ahead and see them in the proper perspective of Your power. We dedicate ourselves to do things Your way under Your sway. And now, we are filled with Your joy which is so much more than happiness. We press on to the work of this week with enthusiasm. It's great to be alive! In the Name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. KYL. Thank you, Mr. President.

SCHEDULE

Mr. KYL. Mr. President, for the benefit of all Members, I would like to announce that there will be a period of morning business today until 2 p.m. Following morning business, the motion to proceed to the Internet tax bill will be the pending business. Members are encouraged to come to the floor to discuss the important issue of Internet tax.

At 3:30 p.m., under the previous order, the Senate will resume consideration of the so-called Vacancies Act for debate only until 5:30 p.m. Following that debate, the Senate will proceed to a cloture vote on the vacancies bill. Therefore, the first vote of today's session will occur at 5:30 p.m. Following that vote, the Senate may consider any other legislative or executive items cleared for action. Members are reminded that second-degree amendments to the vacancies bill must be filed by 4:30 p.m. today.

Mr. President, I now ask unanimous consent that Senators FEINSTEIN and KYL control the time during morning business from 12:45 until 1:30 p.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. I thank my colleagues for their attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered. The Senator from New Mexico is recognized.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that floor privileges be granted to Dr. Ken Whang, of the staff of the Joint Economic Committee, during morning business today.

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with Senators permitted to speak for up to 5 minutes each.

ORDER OF PROCEDURE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes.

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

R&D TAX CREDIT

Mr. BINGAMAN. Mr. President, both the House and the Senate are working on what is likely to be a final tax bill for this Congress. As we go about considering tax bills, I hope my colleagues on both sides of the aisle will be thinking about the long-term economic effects of the legislation.

Let me start, of course, by making a distinction that should be obvious to all of us who work around here. That is the distinction between tax bills that are paid for and tax bills that are not paid for and that instead obtain the revenue for the tax cuts from the surplus that we anticipate.

I agree with the President that if we do a tax bill this year—and I hope we are able to do a tax bill—that we will pay for the tax bill, that we take whatever revenue is required to make those cuts in taxes, and that we will find revenue in the current budget with which to do that.

I do not think the American people want us to go ahead and begin to spend an anticipated surplus which we have not even realized as yet. Unfortunately, some of the tax proposals—particularly the one passed by the House on Saturday—have that very major defect.

But let me get back to the primary subject of my comments, which is that if we pass tax legislation we need to be thinking about the long-term economic effects of such legislation. Will such bills enhance our economy by promoting sound investments and sustained future economic growth? Or, instead, will they threaten our projected budget surplus and Social Security without

really doing anything for the future economic well-being of the country?

I raise these questions because there is one crucial element of our Tax Code, more than any other provision in the code, that is directed at our future economic growth. In all the discussions of taxes that have occurred over the past few months, that provision appears to have been given very short shrift. I am referring to the research and experimentation tax credit, commonly called the R&D tax credit, which is slated for yet another minimal, temporary extension, the way tax bills seem to be evolving here today.

As I am sure most of my colleagues are well aware, investment in research and development is the single largest contributing factor to our past, present and future economic growth. In an economy that is increasingly knowledge-based and increasingly globalized, it is also an important factor in the competitiveness of American industry. Research leads to improved productivity, economic growth, better jobs and new technologies—technologies that have spawned entire new industries and revolutionized the way people do business around the world. But our research tax policy has not been keeping pace with today's economic realities.

Research investment is of greater and greater importance to American industry. But the on-again-off-again research credit is becoming less and less certain. It was allowed to expire for the ninth time this past June, and is slated for a renewal for less than 2 years.

Research is being done by large and small businesses in a growing variety of different industries. The way that the credit is currently structured, some companies derive incentive value from it, but others, even though they may be making identical research investments, do not get value.

Research is also being done increasingly in partnerships. Without partnerships between industry and Federal laboratories, we would never have created the Internet. Without collaborations between independent industry and universities, we would never have biotech. Without alliances among large and small firms, and in broad-based research consortia, we would not be seeing the efficiency gains in our manufacturing base that have been bridging the benefits of technological advances to every corner of our economy. But the research credit, as it is currently structured, does little, if anything, to encourage these partnerships.

Research is changing. It is important to American business. Its importance to American business is growing. Yet, our policy is stuck in an outdated status quo.

We have an R&D tax credit that is complicated and difficult for many companies—especially small companies—to use. We have an R&D tax credit that offers almost no incentive—less than three cents per additional dollar of research investment—for many of our, historically, most innovative research-intensive companies. We have an R&D tax credit that does nothing to encourage the interchange of ideas between industry and our great universities, Federal laboratories and other companies. We have an R&D tax credit that cannot even be relied upon as an incentive that will last for more than 1 or 2 years at a time. So the obvious question is: What kind of a commitment is this to America's economic future?

The U.S. Senate has an opportunity, as we consider tax legislation in the remaining days of this Congress, to move beyond this sorry status quo. Improvements to our research tax policy could not come at a more critical time—while our economy and our Federal finances are in good order but as we look with some anxiety toward prospects for continued prosperity.

I introduced legislation this summer—Senate bill 2268—to improve the research credit. As the ranking member of the Joint Economic Committee, I then organized a workshop in conjunction with the Senate Science and Technology Caucus on the topic of R&D tax credits. That workshop received the views of a broad range of experts from government, industry and universities who have studied the problems of the current R&D tax credit, and have proposed changes to make it more effective.

Invitations to attend the workshop on the tax issues were sent to legislative assistants from every Member in the Senate. As a result of that workshop, and the input that I have received from other experts in research groups and small businesses, I have developed an improved research and development tax credit proposal that adds to Senate bill 2268 provisions that will make the bill even more effective in stimulating partnerships through public-benefit research consortia, and that will provide small, high-tech businesses with tax credits for patent filing so that small businesses can more effectively defend their inventions, both here and abroad.

Mr. President, I ask unanimous consent that the text of this new proposal be printed in the RECORD following my remarks.

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

(See Exhibit 1.)

Mr. BINGAMAN. Some of my colleagues will undoubtedly be concerned about the cost of improving and making permanent the R&D tax credit, even though improvements like those in S. 2268 are long overdue. But I think there is an even more important cost to consider. What will it cost us if we don't improve the R&D tax credit?

Limiting an extension of the R&D tax credit to 20 months, as has been proposed in some of the legislation working its way through Congress, just because of the budgetary scoring consequences, and with full knowledge that we will be back in 20 months with another temporary extension that will also be limited by scoring considerations, is a false economy. The long-term revenue cost to the Treasury of ten one-year extensions of the credit, or five two-year extensions, or one ten-year extension are all the same. We are kidding ourselves if we think we were really saving any money by continuing with these piecemeal, temporary extensions. In fact, this scoring-driven strategy of repeated short-term extensions is worse than a fiscal parlor-trick. It is irresponsible public policy. Why? Because the unpredictable, on-off nature of the short-term extensions keeps America from fully realizing the long-term investments that a R&D tax credit should produce. Thus, we are failing to maximize the public benefits of the tax credit, we are reducing the degree to which it can stimulate research and invigorate our economy, and we are losing future tax revenues that would come from R&D-driven economic growth.

Our current policy, of piecemeal extension of an archaic, decreasingly effective tax structure, has gone on for 17 years now—a little longer than I have served in the Senate—and I am not the first to propose that we take a better approach. My colleague, the senior Senator from New Mexico, has proposed similar improvements to the R&D tax credit. Improving and making permanent the R&D tax credit should be a bipartisan cause. When the Senate considers tax legislation, I look forward to working on this issue with all of my colleagues who care about our economic future, and I urge the members of this body to treat research and development as an urgent priority in our upcoming deliberations.

EXHIBIT 1

SEC. 1. PERMANENT EXTENSION OF RESEARCH CREDIT.

(a) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking subsection (h).

(b) CONFORMING AMENDMENT.—Section 45C(b)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (D).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after June 30, 1998.

SEC. 2. IMPROVED ALTERNATIVE INCREMENTAL CREDIT.

(a) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 (as amended by section ___1) is amended by adding at the end the following new subsection:

''(h) ELECTION OF ALTERNATIVE INCREMENTAL CREDIT.—

''(1) IN GENERAL.—At the election of the taxpayer, the credit under subsection (a)(1) shall be determined under this subsection by taking into account the modifications provided by this subsection.

''(2) DETERMINATION OF BASE AMOUNT.—

''(A) IN GENERAL.—In computing the base amount under subsection (c)—

''(i) notwithstanding subsection (c)(3), the fixed-base percentage shall be equal to 85 percent of the percentage which the aggregate qualified research expenses of the taxpayer for the base period is of the aggregate gross receipts of the taxpayer for the base period, and

''(ii) the minimum base amount under subsection (c)(2) shall not apply.

''(B) START-UP AND SMALL TAXPAYERS.—In computing the base amount under subsection (c), the gross receipts of a taxpayer for any taxable year in the base period shall be treated as at least equal to $1,000,000.

''(C) BASE PERIOD.—For purposes of this subsection, the base period is the 6-taxable year period preceding the taxable year (or, if shorter, the period the taxpayer (and any predecessor) has been in existence).

''(3) QUALIFIED RESEARCH.—

''(A) IN GENERAL.—Notwithstanding subsection (d), the term 'qualified research' means research with respect to which expenditures are treated as research and development costs for the purposes of a report or statement concerning such taxable year—

''(i) to shareholders, partners, or other proprietors, or to beneficiaries, or

''(ii) for credit purposes.

Such term shall not include any research described in subparagraph (F) or (H) of subsection (d)(4).

''(B) FINANCIAL ACCOUNTING STANDARDS.—

''(i) IN GENERAL.—Subparagraph (A) shall only apply to the extent that the treatment of expenditures as research and development costs is consistent with the Statement of Financial Accounting Standards No. 2 Accounting for Research and Development Costs.

''(ii) SIGNIFICANT CHANGES.—If the Secretary determines that there is any significant change in the accounting standards described in clause (i) after the date of enactment of this subsection—

''(I) the Secretary shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate of such change, and

''(II) such change shall not be taken into account for any taxable year beginning before the date which is 1 year after the date of notice under subclause (I).

''(C) TRANSITION RULE.—At the election of the taxpayer, this paragraph shall not apply in computing the base amount for any taxable year in the base period beginning before January 1, 1999.

''(4) ELECTION.—An election under this subsection shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary.''

(b) CONFORMING AMENDMENT.—Section 41(c) of the Internal Revenue Code of 1986 is amended by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 3. MODIFICATIONS TO CREDIT FOR BASIC RESEARCH.

(a) ELIMINATION OF INCREMENTAL REQUIREMENT.—

(1) IN GENERAL.—Paragraph (1) of section 41(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) IN GENERAL.—The amount of basic research payments taken into account under subsection (a)(2) shall be determined in accordance with this subsection.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 41(a)(2) of such Code is amended by striking ''determined under subsection (e)(1)(A)'' and inserting ''for the taxable year''.

(B) Section 41(e) of such Code is amended by striking paragraphs (3), (4), and (5) and by redesignating paragraphs (6) and (7) as paragraphs (3) and (4), respectively.

(C) Section 41(e)(4) of such Code (as redesignated) is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

(D) Clause (i) of section 170(e)(4)(B) of such Code is amended by striking ''section 41(e)(6)'' and inserting ''section 41(e)(3)''.

(b) BASIC RESEARCH.—

(1) SPECIFIC COMMERCIAL OBJECTIVE.—Section 41(e)(4) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following new subparagraph:

''(F) SPECIFIC COMMERCIAL OBJECTIVE.—For purposes of subparagraph (A), research shall not be treated as having a specific commercial objective if all results of such research are to be published in such a manner as to be available to the general public prior to their use for a commercial purpose.''

(2) EXCLUSIONS FROM BASIC RESEARCH.—Section 41(e)(4)(A) of the Internal Revenue Code of 1986 (as redesignated by subsection (a)) is amended by striking clause (ii) and inserting the following:

''(ii) basic research in the arts or humanities.''

(c) EXPANSION OF CREDIT TO RESEARCH AT FEDERAL LABORATORIES.—Section 41(e)(3) of the Internal Revenue Code of 1986 (as redesignated by subsection (a)(2)(C) of this section) is amended by adding at the end the following new subparagraph:

''(E) FEDERAL LABORATORIES.—Any organization which is a federal laboratory within the meaning of that term in section 4(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(6)).''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 4. CREDIT FOR EXPENSES ATTRIBUTABLE TO CERTAIN COLLABORATIVE RESEARCH CONSORTIA.

(a) CREDIT FOR EXPENSES ATTRIBUTABLE TO CERTAIN COLLABORATIVE RESEARCH CONSORTIA.—Subsection (a) of section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 20 percent of the amounts paid or incurred during the taxable year (including as contributions) to a qualified research consortium.''

(b) QUALIFIED RESEARCH CONSORTIUM DEFINED.—Subsection (f) of such Code is amended by adding at the end the following new paragraph:

''(6) QUALIFIED RESEARCH CONSORTIUM.—The term 'qualified research consortium' means any organization which—

''(A) either—

''(i) is described in section 501(c)(3) and is exempt from taxation under section 501(a) and is organized and operated primarily to conduct scientific or engineering research; or

''(ii) is organized and operated primarily to conduct scientific or engineering research in the public interest (within the meaning of section 501(c)(3));

''(B) is not a private foundation;

''(C) to which at least 5 unrelated persons paid or incurred (including as contributions), during the calendar year in which the taxable year of the organization begins, amounts to such organization for scientific or engineering research; and

''(D) to which no single person paid or incurred (including as contributions) during such calendar year more than 50 percent of the total amounts received by such organization during such calendar year for scientific or engineering research.

All persons treated as a single employer under subsection (a) or (b) of section 52 shall be treated as related persons for purposes of subparagraphs (C), and as a single person for purposes of subparagraph (D).''

(c) CONFORMING AMENDMENT.—Paragraph (3) of section 41(b) of such Code is amended by striking subparagraph (C).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 5. IMPROVEMENT TO CREDIT FOR SMALL BUSINESSES.

(a) ASSISTANCE TO SMALL AND START-UP BUSINESSES.—The Secretary of the Treasury or his delegate shall take such actions as are appropriate to—

(1) provide assistance to small and start-up businesses in complying with the requirements of section 41 of the Internal Revenue Code of 1986, and

(2) reduce the costs of such compliance.

(b) REPEAL OF LIMITATION ON CONTRACT RESEARCH EXPENSES PAID OR INCURRED TO SMALL BUSINESSES.—Section 41(b)(3) of the Internal Revenue Code of 1986 (as amended by section 4) is amended by adding at the end the following new subparagraph:

''(C) PAYMENTS TO ELIGIBLE SMALL BUSINESSES.—

''(i) IN GENERAL.—Subparagraph (A) shall be applied by substituting '100 percent' for '65 percent' with respect to amounts paid or incurred by the taxpayer to an eligible small business.

''(ii) ELIGIBLE SMALL BUSINESS.—For purposes of this subparagraph, the term 'eligible small business' means a small business with respect to which the taxpayer does not own (or is not considered as owning within the meaning of section 318) 50 percent or more—

''(I) if the small business is a corporation, of the outstanding stock of the corporation (either by vote or value), and

''(II) if the small business is not a corporation, of the capital or profits interest in the small business.

''(iii) SMALL BUSINESS.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'small business' means, with respect to any calendar year, any person if such person employed an average of 500 or fewer employees on business days during either of the 2 preceding calendar years. For purposes of the preceding sentence, a preceding calendar year may be taken into account only if the person was in existence throughout the year.

''(II) STARTUPS, CONTROLLED GROUPS, AND PREDECESSORS.—Rules similar to the rules of subparagraphs (B) and (D) of section 220(c)(4) shall apply for purposes of this clause.''

(c) CREDIT FOR PATENT FILING FEES.—Section 41(a) of the Internal Revenue Code of 1986 (as amended by section 4) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 20 percent of the patent filing fees paid by a small business (as defined in subsection (b)(3)(C)(iii)) to the United States or to any foreign government.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

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

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

VICTIMS' RIGHTS

Mr. KYL. Madam President, Senator FEINSTEIN and I have been granted time in this period of morning business to discuss a matter that we began working on about 2½ years ago, and we wanted to give a report to you, to the Members of the U.S. Senate, and, frankly, to all Americans who are interested in the subject of victims' rights.

In April of 1996, during National Victims' Rights Week, along with Representative HENRY HYDE, chairman of the House Judiciary Committee, we introduced a Federal constitutional amendment to guarantee certain rights, fundamental constitutional rights, to all victims of violent crime. Since that time, we have worked with victims' rights groups across the country, with law enforcement officials, with our colleagues in the House of Representatives and here in the Senate, of course, with the Department of Justice, the Attorney General, and even the President of the United States, to craft an amendment that could gain acceptance in the two legislative bodies, and then be adopted by the people of the United States as an amendment to the Constitution. We have come a long way since that time.

I want to take this time to join with Senator FEINSTEIN in giving a brief report about our progress, with the conclusion that we are not going to be presenting this amendment at this late date in this session of the Congress, but that we do hope to have a vote on this amendment in the U.S. Senate early next year.

I want to begin by thanking my colleague, Senator FEINSTEIN from California. She has been an extraordinarily important proponent of crime victims' rights around the country; therefore, it was important for her to be one of the prime sponsors of this constitutional amendment. Her experience brought to bear on the subject made it much easier for people to join with us in the effort, and the work she had done with victims' rights groups before we introduced the amendment was important in galvanizing the support of those groups around the country to support this amendment and to work on the versions of it as we had to hone the language to meet the objections and concerns of various people around the country. I want to thank her also for her patience in working with me and her willingness to spend many, many long hours in working out the details of this amendment and meeting with various groups, trying to gather support among both the outside groups and our colleagues that would guarantee passage of the amendment.

In the final version that passed the Senate Judiciary Committee in July of this year by a bipartisan vote of 11–6, we had sponsorship by 30 Republicans and 12 Democrats. You can see by this bipartisan vote of 11–6 it required cooperation of Republicans and Democrats to move this matter forward. So there is nothing partisan about the matter of victims' rights.

I mentioned the fact that we had over 60 drafts of this amendment. What that demonstrates I think is that Senator FEINSTEIN and I have been willing to meet with anyone at any time to hear their concerns, and objections in some cases, about what we are trying to do in specifics. We have been able to mold an amendment which meets their concerns to the extent that we have this strong, strong support.

I note that in a brand new publication from the Department of Justice called ''New Directions From the Field: Victims' Rights and Services for the 21st Century,'' hot off the press, the very first recommendation of this report from the Department of Justice is that victims' rights should be embodied in an amendment to the U.S. Constitution.

I would like to read from this report for a moment, if I might, because this is recommendation from the field No. 1.

The United States Constitution should be amended to guarantee fundamental rights for victims of crime.

What are these rights? They are the same ones that Senator FEINSTEIN and I propose in our amendment.

Constitutionally protected rights should include the right to notice of public court proceedings and to attend them; to make a statement to the court about bail, sentencing, and accepting a plea; to be told about, to attend, and to speak at parole hearings; to notice when the defendant or convict escapes, is released, or dies; to an order of restitution from the convicted offender; to a disposition free from unreasonable delay; to consideration for the safety of the victim in determining any release from custody; to notice of these rights; and to standing to enforce them.

I would like to read on from this report the reasons stated for the conclusion that we need a Federal constitutional amendment, because these reasons summarize a great deal of testimony that we heard in the hearings we held which demonstrated that mere State statutes, or State constitutional provisions, are not adequate to provide a uniform floor of rights for all victims of serious crime in the United States.

Here is what this report goes on to say:

A federal constitutional amendment for victims' rights is needed for many different reasons, including: (1) to establish a consistent ''floor of rights'' for crime victims in every state and at the federal level; (2) to ensure that courts engage in a careful and conscientious balancing of the rights of victims and defendants; (3) to guarantee crime victims the opportunity to participate in proceedings related to crimes against them; and (4) to enhance the participation of victims in the criminal justice process.

The report goes on to say:

A victims' rights constitutional amendment is the only legal measure strong enough to rectify the current inconsistencies in victims' rights laws that vary significantly from jurisdiction to jurisdiction on the state and federal levels. Such an amendment would ensure that rights for victims are on the same level as the fundamental rights of accused and convicted offenders. Most supporters believe that it is the only legal measure strong enough to ensure that the rights of victims are fully enforced across the country. They also believe, however, that the efforts to secure passage of a federal constitutional amendment for crime victims' rights should not supplant legislative initiatives at the state and federal level.

Granting victims of crime the ability to participate in the justice system is exactly the type of participatory right the Constitution is designed to protect and has been amended to permanently ensure. Such rights include the right to vote on an equal basis and the right to be heard when the government deprives one of life, liberty, or property.

Madam President, hot off the press from the Department of Justice, the No. 1 recommendation is a Federal constitutional amendment to do the things that the amendment which Senator FEINSTEIN and I have introduced would do for crime victims around this country.

I know Senator FEINSTEIN is going to talk for a moment about how the scales of justice are imbalanced, and what our amendment is intended to do is right that imbalance between the legitimate rights of the accused on the one hand and the legitimate rights of victims on the other hand.

Let me get to the bottom line for those who have been wondering what the status of this amendment is and where we are going to go from here.

In July, as I said, the Senate Judiciary Committee passed out on a bipartisan basis, 11 to 6, the latest version of the amendment that Senator FEINSTEIN and I have proposed. As noted, it has some 42 cosponsors. Since that time, we have sought to obtain floor time to debate and eventually vote on our constitutional amendment.

Madam President, as you are aware, it has been very difficult, in the waning weeks of this congressional session, to get floor time to take up even the most mundane of bills, because the Senate is very much concentrated on getting the appropriations bills passed so that we can fund the Government for the next year. And, of course, with the campaign coming up, leaders are very definitely committed to an adjournment date of around October 9 or 10.

Senator FEINSTEIN and I conferred with the various leaders of the victims' rights movement and with our colleagues to determine what the best course of action would be. We understood that for something as important as amending the Constitution, we wanted to do it right. The last thing that Senator FEINSTEIN or I would ever do is to try to hurry an amendment to the U.S. Constitution, to try to push this through without an adequate debate, without giving everyone an opportunity to have their say.

As I said, we have made changes to the extent of 62 different drafts, which I think establish our bona fides in wanting to hear from everyone with an interest in this important subject.

We determined, under the circumstances, rather than trying to amend another piece of legislation

with our amendment or to try to rush this through in some way, that we would continue to work at the grassroots level with organizations that support the amendment, continue to work with the administration, whose support for an amendment has been very helpful, and continue to work with our colleagues to gain even more support in terms of cosponsorship, so that when we do bring it to the floor, we will have had the widest possible discussion and opportunity for everyone to participate. We understand that will make it more likely that this important effort will have quick success in the House of Representatives and, importantly, in the State legislatures, which would then have to ratify the amendment.

Madam President, we decided that under the circumstances it was better for us not to try to rush that amendment to the floor here in the waning days, literally, of this Congress, but that we would be willing to defer action until early next year. I know that both Senator FEINSTEIN and I would like to see this matter dealt with perhaps during Crime Victims Week in April of next year.

But whatever the timing that is appropriate, we will be urging our colleagues early in the year to join us in cosponsoring the amendment in its final version and ensuring quick passage out of the Judiciary Committee, again because, of course, we will be in a new Congress and we will need to act anew on the legislation because of that and to secure the support of the leadership to quickly bring the amendment then to the floor of the Senate so that we can have a thorough debate and, hopefully, to pass the amendment out, sending it to the House for its subsequent action.

We hope that with that kind of a timetable, with that kind of an opportunity for everybody to participate, we will in the year 1999 have adopted a constitutional amendment that can then be acted upon by the States once and for all to protect the rights of crime victims around this country.

I want to close these brief remarks by again thanking Senator FEINSTEIN and all of the others who have been so active in this effort. The outside groups I will name at another occasion, because they deserve very special recognition for all of the effort that they have put into this.

But, frankly, the amendment would not have gotten to this point without the strong and active support of one of the strongest supporters of victims' rights that I know in the United States, my friend and colleague from California, Senator FEINSTEIN.

At this point, I would be happy to yield for her to make comments.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair and I thank the Senator from Arizona.

I want Senator KYL to know that it has really been a very great pleasure for me to work with the Senator over these past 2 years. I think it has been for me one of the best experiences I have had in the time I have been in the Senate, and that is two Senators from different political parties sitting down to try to work out something which is enormously difficult to do, and that is the drafting of a new constitutional amendment.

The Senator mentioned that we have done 60-plus drafts, and that we have met with the Attorney General, the White House, met members of victims' groups. The Senator brought in the counsel for victims. Larry Tribe, from Harvard University, worked with us, and we believe, I think, that we have an amendment that will now stand the test of public scrutiny and stand the test of time.

I want to share, Madam President, with the Senate how I first became involved in victims' rights. It was in the mid-1970s in San Francisco when a man broke into a home on Portrero Hill. He tied the man in the home to a chair and murdered him by beating him with a hammer, a chopping block and a ceramic vase. He then repeatedly raped his 24-year-old wife, breaking several of her bones. He slit her wrist and tried to strangle her with a telephone cord before setting their home on fire and leaving them to go up in flames.

Miraculously, this young woman, whose name I purposely left out of this, is still alive. She testified against him. He is still in State prison, to the best of my knowledge. But when I became mayor she used to call me every year and say, ''I'm terrified that he might get out. I don't know if and when he will get out. His parole is coming up. Could you help me?''

I recognized then that there really were no rights that victims had. In 1982, California became the first State in the Union to apply some victims' rights. It was a bill of rights. It passed the electorate overwhelmingly. That is the reason when people saw the family of Nicole Brown Simpson and Ronald Goldman in court it wasn't because they had Federal rights or constitutional rights; it was because the constitution of the State of California provided that right in 1982. Some 28 other States have followed.

So you might say, ''Well, what's the problem?'' The problem is each State is different, and there is no basic floor of rights guaranteed to every victim. Therefore, if rights come in conflict, obviously, the rights provided in the Constitution prevail.

Now, what rights are in the Constitution? These are the constitutional rights today. You will see the rights of the accused, 15 specific rights guaranteed in the Constitution: the right to counsel, the right to due process, to a speedy trial, to a prohibition against double jeopardy, self-incrimination, against unreasonable searches and seizures, to have warrants issued only on probable cause, a jury of your peers, to be informed of accusations, and so on. You will then on the other side see the rights granted to victims are ''none.''

Well, one has to look back and say, how did this happen? I have looked back, and how it happened is very interesting. Our Founding Fathers, when they included the rights of the accused in the Constitution, did not think to include the rights of crime victims. Then again in 1789 there were not 9 million victims of violent crimes every year. As a matter of fact, there were not much more than 4 million people in all of our colonies. In fact, there are more victims of violent crime each year, by far, than there were people in the country when the Constitution was written.

Additionally, the way the criminal justice system worked then, victims did not need a guarantee of these rights. In America, up to the late 18th century and well into the 19th century, the concept of the public prosecutor did not exist. Victims could and did commence criminal cases themselves, by hiring a sheriff to arrest the defendant and then initiating a private prosecution. The core rights in our amendment—to notice, to attend, to be heard—were inherently made available to the victim.

As Juan Cardenas, writing in the Harvard Journal of Law and Public Policy, observed:

> At trial, generally, there were no lawyers for either the prosecution or the defense. Victims of crime simply acted as their own counsel, although wealthier crime victims often hired a prosecutor.

Gradually, public prosecution replaced the system of private prosecution. With the explosive growth of crime in this country in recent years—the rate of violent crime has more than quadrupled in the last 35 years—it became easier and easier for the victim to be left out of the process.

Another scholar noted:

> With the establishment of the prosecutor, the conditions for the general alienation of the victim from the legal process further increase. The victim is deprived of his ability to determine the course of a case and is deprived of the ability to gain restitution from the proceedings. Under such conditions, the incentives to report crime and to cooperate with the prosecution diminish. As the importance of the prosecution increases, the role of the victim is transformed from principal actor to a resource that may be used at the prosecutor's discretion.

So there was no need to guarantee those rights in 1789, and, as we all know, the Constitution protects people from government rather than providing most people with certain basic rights. But the criminal justice system has changed dramatically since then and the prevalence of crime has changed dramatically. So we believe that the need and circumstances both combine to restore balance to the criminal justice system by guaranteeing the rights of violent crime victims in the United States.

I am very proud to have 12 coauthors on the Democratic side for this constitutional amendment, and I am particularly proud to have the support of Senator BIDEN of Delaware. Senator

BIDEN of Delaware was the chairman of the Judiciary Committee, I say to the Senator from Arizona, when I came on that committee back in 1992 and was very helpful to me in learning the ropes of the committee. I have great respect for him. So it was very significant to me when we worked with him, made certain compromises in the amendment, and gained his support.

Mr. KYL. Might I just interrupt the Senator to also note that, as supporters of the amendment, we have the current chairman of the Judiciary Committee, Senator HATCH, and also, as I indicated earlier, the chairman of the House Judiciary Committee, Representative HYDE. So this amendment certainly has the support of the people who have been in the leadership of the committee as well as the current leadership of the committee.

Mrs. FEINSTEIN. That is right. And I am delighted the Senator is in the Chamber, because many people have said about this amendment, ''Well, why isn't Federal law enough?'' And if the Senator will recall, we both voted for the Federal clarification law in the case of Oklahoma City that would give victims the right to be notified, to be present in the courtroom, and to make a statement. And even after we clarified the law, the Federal judge held that if a victim was present, that victim could not make a statement. So this again is, I think, an additional rationale for this constitutional amendment.

I do want to point out the valuable support of Professor Laurence Tribe of the Harvard Law School, and I would like to just briefly quote portions of his testimony last year before the House hearing on the amendment.

The rights in question—rights of crime victims not to be victimized yet again, through the processes by which Government bodies and officials prosecute, punish, and release the accused or convicted offender—are indisputably basic human rights against government, rights that any civilized society of justice would aspire to protect and strive never to violate.

Our Constitution's central concerns involve protecting the rights of individuals to participate in all those governmental processes that directly and immediately involve those individuals and affect their lives in some focused and particular way . . . The parallel rights of victims to participate in these proceedings are no less basic, even though they find no parallel recognition in the explicit text of the Constitution of the United States.

The fact that the States and Congress, within their respective jurisdictions, already have ample affirmative authority to enact rules protecting these rights is . . . not a reason for opposing the amendment altogether . . . The problem, rather, is that such rules are likely, as experience to date sadly shows, to provide too little real protection whenever they come into conflict with bureaucratic habit, traditional indifference, sheer inertia, or any mention of an accused's rights regardless of whether those rights are genuinely threatened.

So, in a sense, this is all the heart of our argument. Today, the accused, the defendant, has 15 specific rights in the Constitution.

The victim of a violent crime, or any other crime, has no rights in the Constitution. Consequently, there is no protected, no basic floor of rights across this Nation. Each State varies. And when one of these rights conflicts with a right guaranteed to a victim by a State constitutional amendment, the Federal Constitution will always prevail. We believe very strongly that 15 rights should be balanced by the 7 rights that we would provide to victims under this constitutional amendment.

''The right to receive notice of the proceedings.'' What could be more basic? Somebody assaults you, somebody has raped you, somebody has robbed you—at least you receive a notice to the hearing.

''The right to attend the trial, and any other public proceeding at which the defendant is present.''

''The right to be heard at certain stages in the proceeding: The release of the offender; acceptance of a plea bargain; and sentencing.

''The right to be notified of the offender's release or escape.''

This is something for me which goes back to the 1974 case of a woman having to call to plead to know when her husband's murderer and her own attacker would be released, and because she does not have that information to this day guaranteed to her, to this day she lives in anonymity. She has changed her name and she has changed her place of residence because she believes one day he will get out and one day he will come after her. No American should have to live that way. That is a basic right we provide in this constitutional amendment.

''The right to an order of restitution, albeit $1, presented by a judge,'' which is significant to every victim. We had interested victims testify to this. Senator KYL, I am sure, will remember how meaningful and important just the simple act of restitution was to them.

''To have the safety of the victim considered in determining a release from custody.'' These are, in essence, the basic rights that we would provide to begin to balance this scale of justice throughout time. The only way it can be done is by adding a constitutional amendment to the U.S. Constitution.

I, once again, thank Senator KYL. It has been a great pleasure for me. I hope we will have the time to debate this fully on the floor and have a vote. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, let me just add some additional thanks to those that Senator FEINSTEIN has indicated here. Before I do, I note the illustrative chart that Senator FEINSTEIN has been referring to refers to the rights of the defendants there. I think it is instructive that for those who say we should not be providing victims' rights by amending the U.S. Constitution, it is very instructive that most of those rights for defendants were added by amendment to the U.S. Constitution. They were not embodied in the original text of the Constitution. So, as times changed and as we determined that rights needed to be added, we did that for the defendants. Now, as Senator FEINSTEIN has pointed out, it is time to add some coequal rights for victims of violent crime.

There are some additional people I think we would be remiss in not thanking at this time. Laurence Tribe certainly was mentioned by Senator FEINSTEIN; Professor Paul Cassell at the University of Utah was equally helpful to us, in drafting language changes.

Mrs. FEINSTEIN. If the Senator will yield for just one moment?

Mr. KYL. Yes, of course.

Mrs. FEINSTEIN. On Paul Cassell, I think the Senator will remember, in the Judiciary Committee he had very compelling testimony and he submitted a brief which he had written particularly on this. I found it very, very compelling. I would like to refer to it in the text of our remarks, so people who might be interested would go back and read that brief.

Mr. KYL. I thank Senator FEINSTEIN. I might add, anyone interested in obtaining more information about what we are doing, and in getting information about the specific provisions, the testimony of the witnesses who answered a lot of the questions that, frankly, our colleagues had, they can contact us. We can provide them transcripts of the hearings, very erudite writings of the people like Laurence Tribe and Paul Cassell who have been working for a long period of time and have so much to contribute, as well as information from people at the Department of Justice and others.

I would also like to thank Steve Twist, an attorney in Arizona, who has spent thousands of hours pro bono, a lawyer who has spent much of his career in advancing the cause of victims' rights and who, frankly, was one of my mentors in learning about this subject and who has also helped us throughout this process.

Also, there are two particular brilliant lawyers on our staff who deserve a lot of credit, Neil Quinter, a member of Senator FEINSTEIN's staff with her today, and Stephen Higgins, a member of my staff; both lawyers who have spent far more than the usual amount of time on a piece of legislation, working this, because not only is it a very interesting legal challenge but also a personal commitment on their parts as much as it is for us.

I indicated we would probably thank a lot of people at another time. Certainly the victims' rights groups and representatives who have been so important in advancing this cause at the grassroots level. But I thought it important, at least at this time as we wind up this session, to note the people who have, professionally, been so helpful to us. We will be working on this over the next 2 or 3 months as we prepare for the next legislative session.

I will allow Senator FEINSTEIN to close. I am pleased to announce that

while we have not been able to get this amendment to the floor for consideration by our colleagues today, or this year, I am quite optimistic we will be able to do that early in the next session of the Senate. I think the additional time we take to allow everyone to have their say, to ask the questions they need to ask, that will allow this to come at a time when we can have a full debate, that that will permit us to adopt this amendment next session and send it to the States for ratification.

Again, I thank Senator FEINSTEIN for her wonderful cooperation and inspiration on this amendment.

Mrs. FEINSTEIN. If the Senator will yield on one point, I would like to add to those thanks, and thank him for being so generous. I would like to add Roberta Roper of the National Victims Constitutional Amendment Network, who worked with Steve Twist so actively; David Beatty of the National Victims Center; and John Stein and Marlene Young of the National Organization for Victim Assistance.

If I might say this: Some people have pooh-poohed—maybe pooh-poohed is not a good senatorial word—let me say denigrated this concept. As one who sat on 5,000 cases, sentencing them, setting sentences and granting paroles for 6 years of my life, I can tell you that I believe this constitutional amendment will make more of a difference in the criminal justice system than virtually anything else that could be done. I think it is extraordinarily important. I know the Senator joins me in this, and I hope we will be able to have that full debate early on in the next Congress.

Mr. KYL. Madam President, it seems like there is always one more thing we want to say on this important subject. Again, we cannot possibly thank everyone here today, but one of the organizations—now that Senator FEINSTEIN mentions a couple of other people—Mothers Against Drunk Driving have been enormously helpful at the grassroots, working with our colleagues gaining cosponsorships. I would be remiss if I did not mention them.

Again, we will have many more opportunities to discuss this. I urge anyone who has questions about it to be in touch with us. But it is certainly an effort that I am going to be pleased to work on in the next session.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. What is the parliamentary situation?

The PRESIDING OFFICER. We are in morning business.

Mr. BUMPERS. Is there any particular order, Madam President?

The PRESIDING OFFICER. The Senator has the right to speak.

TAX CUT AND THE BUDGET

Mr. BUMPERS. Madam President, I want to speak for just a few minutes on what the House did last Saturday in announcing that they had passed an $80 billion tax cut. To tell you the truth, I take a lot of ribbing around here about the length of this cord. And to really say everything I need to say and want to say about what the House did Saturday would take another 10 feet on this cord, because I really think it is one of the most irresponsible acts—knowingly irresponsible acts—I have ever seen since I have been in the Senate. To add insult to injury, I heard a young Congressman Saturday evening on the news saying, ''After all, the Republicans created this surplus. They ought to have some say so about how it is going to be used.''

I have heard hyperbole in my day, but I think that exceeds anything I have ever heard in my life, because it was in 1993, on the floor of the U.S. Senate, where we had to bring the Vice President of the United States over to pass a bill that President Clinton had submitted to us under which he promised would result in balanced budget. When he ran for President in 1992, he didn't promise a balanced budget. What he promised was that he would reduce the annual deficit by 50 percent during his first 4 years in office.

Bear in mind that the 2 years before President Clinton took office, under President Bush—and you can go back as far as 1981—the deficits started running totally out of control, as every economist in the Nation said they would, after we cut taxes and increased spending in 1981 as a part of the Reagan revolution.

By the time George Bush finished his term, if I am not mistaken, the last two deficits for 1991 and 1992 were about $250 billion to $300 billion a year. It was frightening. I am just 1 of 100 Senators here, but I can tell you, I had decided that the place was utterly out of control.

So when the President promised the American people he would cut the annual deficits in half and submitted what was called OBRA 93, the Omnibus Reconciliation Act of 1993, it did, in fact, raise taxes and it cut spending by an equal amount. We were supposed to raise taxes by $250 billion and cut spending by $250 billion for an impact over the ensuing 5 years of a reduction of the deficit by $500 billion.

The people of the country, shortly thereafter, became rather excited about it. The bond daddies in New York City, who pretty much determine economic policy in this country, were excited, too. After all, they said, maybe these clowns really are serious for a change.

I will tell you how serious it was. As I said, when we tallied up the vote, it was 50 ayes and 50 nays. Vice President GORE sat in the Chair of the Presiding Officer, which is his constitutional duty, and untied the vote. So the Clinton bill, OBRA 93, passed 51 to 50 without one single Republican vote. Not one. It had come from the House of Representatives to us where it had passed the House of Representatives without one—without one—single Republican vote. The bill passed the entire Congress, House and Senate, without one Republican vote on either side, and this young House Member stood up on the floor of the House on Saturday and announced to the world, ''After all, the Republicans created this surplus.''

When President Clinton became President and we passed that bill, OBRA 93, in August of 1993, we made it retroactive. Not fair. It really wasn't fair. I didn't like it myself, but I voted for it. A lot of fairly wealthy people—and I have a few wealthy friends, my brother one of them, and he practically threatened to cut me out of his will because we made it retroactive.

What happened as a result of making it retroactive? I will tell you precisely what happened. Instead of the projected $290 billion deficit for 1994, it turned out to be $254 billion, $36 billion less than had been anticipated, $36 billion less than each of the 2 preceding years of the Bush administration. The projections for 1994 had been $290 billion to $300 billion. That year, it turned out to be $207 billion, and people began to get excited about the deficit suddenly going down for a change. People's confidence level rose. The unemployment rate began to go down. When people have confidence, they spend money. The economy began to really soar, and the more it soared, the more taxes people paid.

When 1995 rolled around, it went from—it wasn't $290 billion, as had been predicted the preceding 4 years. It was down to $154 billion in 1995. People were really getting excited. These are sort of round figures. I am not sure of the precise figures, but they are close enough.

In 1996, the deficit went to $107 billion, and in 1997, $22 billion. By this time, the whole country is absolutely incredulous. They cannot believe that a country that had shown every sign of taking leave of its senses had suddenly come to its senses, and the deficit, which was $300 billion a year as far as the eye could see the day Bill Clinton was inaugurated, was suddenly $22 billion last year.

Right now, 3 days from now, on Thursday of this week we feel—OMB and the Congressional Budget Office feel—that the surplus could run between $50 billion and $63 billion. It is the first time in 30 years, and the only reason we did it 30 years ago was because Lyndon Johnson dumped the Social Security trust fund into the budget, and the Social Security trust fund caused us to have a surplus in 1969. We haven't had one since until this year, which hopefully will materialize on Thursday. And this young House Member says the Republicans created this surplus, that they have some rights about what to do with it. They have some rights, of course, but I cannot tell you how offended I am by that when the 1993 bill is the very thing that cost the Democrats control of Congress.

Two of the finest Senators I have ever known in my life, good friends,

lost their seats because they voted for that bill. The House Members were swept out totally because of that bill. I have said on the floor before and I will repeat it, if that is what it took—no matter how traumatic it is to me that the Democrats lost control and still don't have control of Congress—that it was not too big a price to pay to get our fiscal house in order. And here are the Republicans, again, at the same old stand with the same old economic policy saying, ''We've got to cut taxes.''

What is the tax cut? It is the same old tax cut: 53 percent of it goes to the wealthiest 15 percent of the people in America. If I were rich, I would be a Republican, too. No, I wouldn't. My father would be whirling in his grave if I did a thing like that.

Well, let me give you the bad news. The bad news is, the surplus is not real. It is not a certifiable surplus. Do you know why? Because we still use Social Security in the budget. If we had truth in budgeting around here, where all the trust funds—the Social Security trust fund, the highway trust fund, the airport trust fund, the pension funds—if all of those funds were taken out of the budget, not only would we not be looking at a surplus, we would be looking at a very healthy deficit.

And so as rhapsodic and euphoric as most people are about what we call a surplus for the first time in 30 years, it is not a surplus. There is $100 billion in the budget this year that is money right out of the Social Security trust fund. You take the $100 billion Social Security trust fund out, and you have a healthy $40- to—I don't know what the figure is—somewhere $40-plus billion deficit.

This is no time—we know that Social Security under the present system is going to be totally bankrupt in about the year 2029; and by the year 2013, we are going to be paying out more every year than we take in, which is a far cry from a $100 billion surplus we are getting a year now. I think the Social Security trust fund in about the year 2013 will have over $3 trillion in it—$3 trillion. You think about all that money, but by the year 2029 it will be dead broke, it will be on a pay-as-you-go basis. We will be taking in money one day and paying it out the next. There will be no trust fund.

So when the President said, ''Social Security first,'' he meant that.

What does ''Social Security first'' mean? It means that you do not pay for tax cuts with Social Security trust funds. Right now, if we raid the surplus, we are raiding the Social Security trust fund.

As I said in the beginning, I need about 10 more feet of cord on this thing to say everything I want to say. I just do not speak well unless I have an opportunity to walk up and down this aisle. All I want to say to my brethren on the other side —good friends, people whom I like—and I am not in the business of giving Republicans political advice; they have been doing reasonably well without me. But I will say this: They should know—and they do know it, and I think they had a few defectors over in the House the other day who said, ''I'm not about to go home and face people and tell them that I have just voted for a tax cut for the wealthiest people in America and I did it out of the Social Security trust fund.'' I would love to run against somebody who voted that way. I would do my very best to hammer them into the ground, because it is an honest accusation and it is pointing out to the American people what irresponsible conduct this Congress is capable of engaging in.

So I do not think it is any secret to the Speaker of the House or any of the House Republicans who voted for it. And, quite frankly, I do not think it is going anywhere in the U.S. Senate. And in the unlikely chance it should also pass the Senate, I do not think there is a chance in the world that President Clinton—I do not care how weak he is or how weak he is perceived to be, I can almost give you an ironclad promise he will veto that bill. And I promise you, the veto will not be overridden.

While President Clinton has been a friend of mine for 25 years—I guess longer than anybody in the Senate—he is a friend of mine, I do not deny that, has been; we come from the same State; we share the same political friends at home. I do not have any doubt about his absolute commitment on things like this. I am trusting him completely when he says he will veto the bill, and, as I say, I am going to do everything that I can to make sure it never reaches his desk.

Having said that, let me say one final thing. Madam President, in 1981, Ronald Reagan said he would balance the budget by 1984. Ray Thornton—a former Member of the House, told me his 81-year-old father-in-law said one day somebody told him, ''Ronald Reagan is going to balance the budget by spending more money and cutting taxes''—take in less and spend more. He said, ''What a dynamite idea. I wonder why nobody ever thought of that before.''

The day Ronald Reagan held up his hand and was inaugurated, the national debt was $1 trillion; and 8 years later when he left, it was $3.2 trillion. He managed to triple it in 8 years. But you know something? I voted with the President in 1981, not quite the way he suggested, but I voted for the spending cuts that he proposed and against the tax cuts. FRITZ HOLLINGS and Bill Bradley and I were the only three Senators who voted that way, and we would have balanced the budget in 1984 if everybody had voted that way. But, as you know, everybody did not vote that way.

So what happened was, we wound up doubling defense spending within 4 years after Ronald Reagan was elected President—doubled it within 4 years. That was back when we found out, after throwing all that money at the Pentagon, they we were paying $7,000 for toilet seats and $7,000 for coffee makers—the same thing everybody does when you throw that much money at them.

Madam President, I have said about all I want to say except, I will be lying prostrate at the end of this cord in this aisleway the day that tax cut passes here. I plead with my colleagues, let's do something completely apart from politics. Let's not do something that is as irresponsible as that is. Nobody, I guess, ever lost an election by voting for a tax cut.

People here are getting pretty apprehensive about voting against a so-called marriage penalty. The one thing you never hear is that many married people already have a bonus. There is a marriage penalty for some, but many married people are a lot better off filing joint returns than they are filing as single persons.

I would not mind addressing the problem of what the House did the other day which, I think, amounts to an average of $240 a year. That is about $20 a month. Well, that is not beanbag for some people, but it is not enough to rape and pillage the Social Security trust fund for when those very people we are trying to help are also concerned about that Social Security trust fund being viable when they get to 65 years of age. And you ask them, ''Would you rather be assured that the Social Security trust fund will be there for you when you retire or would you rather have a $20-a-month tax cut?'' Talk about no-brainers.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BUMPERS. Madam President, as I understood the parliamentary situation, at the hour of 2 p.m. there will be 1½ hours to debate the motion to proceed to the Internet bill. Is my understanding of that correct?

The PRESIDING OFFICER. We are in morning business until 3:30.

Mr. BUMPERS. Until 3:30.

MAIL-ORDER CATALOG SALES

Mr. BUMPERS. Madam President, I rise today to once again address an issue that I have addressed a number of times here in the U.S. Senate. It deals with mail-order catalog sales. Everybody within earshot of my voice knows what I am talking about because when they come home at night and pick their mail up, they will find mail-order catalogs. At my house, the average is about 6 to 10 mail-order catalogs on a daily basis. You can buy anything under the shining sun. If you save all of those catalogs, sooner or later you will

get one to offer you every product that can be bought in any retail house in America.

Now, I have two reasons for my strong feelings about this. No. 1, I was a small town Main Street merchant, as well as a practicing lawyer. Most people don't know it, but I was the only lawyer in town—you are listening to the whole South Franklin Bar Association right now—in a little town of 1,200 to 1,500 people.

When I got out of law school, I knew I wouldn't be able to make a living practicing law so I bought back a business that my father had owned before he and my mother were tragically killed in an automobile accident. I was in law school in Chicago at the time, and 3 years later when I got out of law school, I had no intention of going back to the small town. I had left Arkansas to go to Chicago law school because I didn't think Arkansas was nearly big enough for me. But because of that and the fact that Mrs. Bumpers' family all lived in this little town, we went home and I bought the hardware, furniture and appliance business that my father had owned, hoping that it would sustain me while I built my law practice.

Believe you me, I needed a lot of sustaining while I was building a law practice. People would walk into my office and say, ''Aren't you sort of a lawyer?'' And I would have to grudgingly admit yes, that is exactly what I was—''sort of a lawyer.''

So I speak today as a former retail merchant in a little country town in Arkansas called Charleston. But I also speak as the former Governor of Arkansas where in 1971 I had to raise the income tax because we felt that the sales tax, which is a regressive tax, was already about as high as we could make it.

That was quite an undertaking because some of the wealthy people in my State, many years before, had seen to it that the constitution of Arkansas provided that any tax other than a sales tax would require a 75-percent vote of both houses of the legislature. You think about that. If you wanted to raise the sales tax, which affects working people and poor people more than anybody else, it would only require a 51-percent majority; but if you wanted to raise the income tax, which hit the wealthy people, it required a 75-percent vote. I remember it took nine votes in the Arkansas State Senate before we passed an income tax bill. That bill, which raised the marginal rate from 4 to 7 percent, is the thing that made my State—I don't say this to boast, but every economist and every political scientist will tell you that it is the one thing that made Arkansas fairly stable economically thereafter.

Do you know something? While it is a very volatile thing, I got a lot of hate mail when I was championing it, but I got about 65 percent of the vote next time I ran, which shows that people are not dumb, if you go to them and explain your actions. You can always trust the American people to do the right thing. Winston Churchill once said, ''You can always depend on the American people to do the right thing once they have explored all the other possibilities.''

The truth of the matter is, when you talk sense to the American people, they respond sensibly. So this problem of mail-order catalog houses is simply this: If you wanted to come into my store and buy a $500 refrigerator, the tax on that was 5 percent, or $25. If you want to order that refrigerator from a mail-order catalog house in another State, there is no $25 tax, no tax of any kind. If you want to buy almost anything under the shining sun, from a toboggan to hunting boots, you can find a mail-order catalog that sells those items. A lot of these companies will tell you in their advertising that there is no sales tax. They tell you ''no sales tax,'' even though, actually, 45 of the 50 States in this country have what is called a ''use tax,'' and that applies to out-of-State purchases.

Do you know what the problem with that is? You might say, well, what are you up there shouting and shooting your mouth off about if there is already a use tax in 45 out of 50 States. I will tell you why. It is very simple. The tax is on the purchaser, not the seller. So if I buy that refrigerator and they said ''no sales tax,'' that is a deception.

Arkansas has a use tax, which is a tax on anything brought into the State. But the only problem is, it is on me and I don't even know the tax exists. I promise you—I don't know how many people are within earshot of what I am saying, but I guarantee you that precious few of them know there is a use tax on anything they buy from a mail-order catalog house. They don't know it, so they don't pay it.

Maine has become so frustrated that they have a provision in their income tax return requiring them to multiply .004 or .0004, by your adjusted gross income and send it in. That is to make up for anything you bought out of a mail-order catalog, whether you bought anything or not. I said, in 1995—the last time I offered this amendment—that I think it is very suspect, from a constitutional standpoint, to tax people on mail-order sales when you didn't buy anything. Yet, Maine has been doing that.

A lot of people—for example, Indiana—do a little auditing from time to time. Ten thousand people in Indiana—and 1994 is the latest figures we have—paid some kind of a use tax for buying stuff from mail-order houses in another State. But what they collect is just nothing. In 1994—again, the last year we have figures for—if mail-order catalog houses in this country had collected sales taxes on all the merchandise they sold into these States, they would have paid the States, counties and the cities in the neighborhood of $3 billion. My guess would be that 4 years later, that is in the vicinity of $4 billion-plus, because retail sales have skyrocketed since 1994.

But, look, in 1994—as I say, the last time I debated this subject was in 1995—in 1994, my State lost $19.6 million, California lost $482 million, Illinois lost $233 million. That is the reason the National Governors' Conference, National Conference of Mayors, and the National Association of Municipalities favor my amendment. I have a list of the various organizations that support my amendment.

I ask unanimous consent that I be permitted to have printed in the RECORD a list of organizations that favor my amendment.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS SUPPORTING THE BUMPER'S AMENDMENT

The International Council of Shopping Centers.
Marine Retailers Association of America.
National Home Furnishing Association.
North American Retail Dealers Association.
World Floor Covering Association.
National Conference of State Legislatures.
National Governors' Association.
National League of Cities.
National Association of Counties.
United States Conference of Mayors.
International City/County Management Association.
Council of State Governments.

Mr. BUMPERS. Senator GRAHAM and I are going to offer this amendment, if we get a chance, on this bill.

What brought all of this about? Well, first of all, it was about 1967, the Supreme Court, in a decision commonly referred to as the National Bellas Hess case, a big mail-order house. I forget where they are located. The Supreme Court said: You States, you cities, and you counties may not charge a use tax on mail-order sales coming into your State from another State unless that mail-order house has a physical presence in your State. Eddie Bauer used to be just a mail-order house. Now Eddie Bauer has outlets in just about every State in the Nation.

For example, if you order something out of the Eddie Bauer catalog and you are a Maryland resident, they will charge you sales tax. You can't buy it without paying the sales tax because they have a physical presence in Maryland. But most of these people like Lands' End and L.L. Bean don't have a physical presence in your State and they don't collect sales taxes. But the Supreme Court said in the National Bellas Hess case, you can't charge sales tax or use tax on mail-order sales because it violates the due process clause, and it is a violation of the interstate commerce clause. That sounds like the end of the story.

However, in 1992, the State of North Dakota challenged the Bellas Hess decision. They went to the Supreme Court and said we think the case was wrongly decided, and lo and behold, the Supreme Court agreed with them on 50

percent of it. They said it was no longer a violation of the due process clause for a State to require a mail-order house in another State to collect sales taxes for them. But the Court found that there was still a violation of the interstate commerce clause. The Supreme Court throughout its history has been very, very zealous in making sure that we didn't pass any laws, or that no State passed a law, that interfered with interstate commerce.

In that decision 25 years later, Quill versus North Dakota, the Supreme Court said requiring companies to collect use taxes was still a violation of the interstate commerce clause unless Congress gives the states permission to collect these taxes. So that is what I am attempting to do.

Senator WYDEN is a dear friend, and one of the finest men to ever serve in the U.S. Senate, in my humble opinion. However, his bill prevents the states from passing any taxes on the Internet for a two year period. My amendment would not exempt the Internet. My amendment would make it possible for the states to require out-of-state companies to collect use taxes whether the products were sold over the Internet or via mail order catalog.

I chaired the Small Business Committee for a long time. I made speeches about being a small businessman a lot of times on the floor of the Senate. But you tell me, is it fair for a Main Street merchant to collect sales taxes on every single thing he sells, from a loaf of bread on up, to support the fire department, to support the police, to support the local schools, to support everything under the shining sun in that community, that county, that State—is it fair for a Main Street merchant who is there with the people, contributing to everything that comes down the pike—is it fair to make him collect the sales tax, but his competitors, who are selling $300-plus billion worth of things over the Internet by the year 2002 and over $100 billion a year on mail-order sales, not collect a dime?

I stand corrected. There are a very, very few who do charge sales taxes, just because they are good citizens.

Let me digress a moment to tell you who one of those good citizens is—none other than our distinguished Senator from Utah, Senator BENNETT.

Senator BENNETT and some of his colleagues a few years ago started an office supply business. He told me that as they sat around discussing various aspects of that business and how they were going to form it, and so on, the question came up: What are we going to do about sales taxes? He said they talked about it and they concluded that they would be a lot better citizens and would feel a lot better about it if they just voluntarily collected taxes on all of the office equipment that they sold.

Incidentally, this business has some retail outlets here in Washington and in Maryland. They would now be required to collect the sales tax because they simply have a physical presence. But they did it long before they were a physical presence; at one time they were a pure mail-order house.

Senator BENNETT joined the Small Business Committee when I was chairman of that committee. In a hearing one day, he said, ''Don't let them tell you how complex this is and how difficult it would be for them to collect taxes in every State for every State municipality and every county in the country.'' Senator BENNETT says it is the easiest thing in the world. At the end of the month, they push a button on their computer and the checks go out.

One thing Senator GRAHAM and I would do would be to give companies the option of collecting a blended rate which covers all state and local taxes. By giving the companies this option, we can reduce the burden on remote sellers when local sales taxes vary within a state.

But the point I am trying to make is, Senator BENNETT told me it is not complicated to collect use taxes. When the debate begins on this amendment, if and when it ever does, I hope my colleagues will take stock of the fact that one of their own colleagues says that is a bogus, specious argument.

Madam President, sometimes these mail-order houses say, ''Well, we don't ask for any services. We don't need police protection. We don't need fire protection. Our kids don't go to school in your State. So why should we be penalized and be required to pay taxes when we are not a burden in your community and in your State?''

With these mail-order catalogs, one of the biggest problems States and municipalities particularly have is disposing of the waste in their landfills. You ask them: What is one of the biggest problems you have in your landfills and operating your landfills? They will tell you it is the unbelievable, staggering tonnage of mail-order catalogs. If I throw 10 of them a day away, multiply that by the people of this country who get those things every day, then call your mayors back home and ask them why they are for the Bumpers-Graham proposal. I will tell you exactly why they are for it. They are for it because they have to dispose of that stuff. They are for it because they don't believe it is right to penalize Main Street merchants by making them collect all the taxes and these people mailing things through the mail every day are getting a free ride.

Back to Senator WYDEN. As I said a moment ago, I don't know of any Senator—certainly not many Senators in the Senate—for whom I have as much respect as I have for Senator WYDEN. But I don't agree with his bill either. When you consider the fact that I have been fighting the battle for years—this losing battle, I might add—for years I have been fighting that losing battle with mail-order houses, which have increased their sales to well over $100 billion a year, and the States are getting whacked, because they are not collecting the taxes on it. But I say that is just a pittance compared to Internet sales and what they are going to be 3 years from now.

According to an article in Time magazine—the most comprehensive article I have read was in Time magazine dealing with this very subject of Internet sales. You can buy an automobile on the Internet. You can buy tapes. You can buy movies. You can buy anything on the Internet.

Amazon Books I don't think has ever made a dime, and their stock is just shooting through the roof. What do you think about Main Street bookstores in the country that are paying taxes for the books they sell in Washington, DC, Maryland, and Virginia, but not Amazon? And Amazon sales are soaring.

But the final point I want to make is that sales of merchandise over the Internet, that you would otherwise buy from a Main Street merchant, are calculated by the year 2002, no later than 2003, to be $300 billion. Now, 5 percent of that in sales taxes, which is about the average, is $15 billion a year that the States are not collecting—$15 billion in taxes that the Main Street merchant is not getting, and it is a travesty.

You should never say on the Senate floor, ''I don't think my amendment is going to pass.'' Considering the fact that in 1995 I did not get one single Republican vote, I think it is fair to say I probably ''ain't'' going to pick up a bunch of them next time. But you know something. Somebody asked me one time, ''Why are you quitting? Why are you not running again?'' And I said, ''Because I have tackled too many losing causes. I don't enjoy it. I don't enjoy losing anymore than Notre Dame enjoys losing a football game, and the few victories I get and I have had in the Senate are simply not enough to offset the trauma of the many losses I have sustained.''

And that is not to denigrate anybody. We are all independent here. We think freely. We are supposed to be representing our constituents back home. And I guess most people just look at this differently.

So I may not win this one either, in fact I probably won't. And that does not dampen my enthusiasm for what I am talking about, nor does it dampen the meritorious nature of what I consider a meritorious cause. I am going back to the beginning because I used to be a small town merchant. I had to compete with big companies. I had to compete with mail-order houses even back then, in the 1950s and 1960s. And I did not enjoy a minute of it. I was on the school board. I was president of the chamber of commerce. I was chairman of the annual banquet of the chamber. I was chairman of the Christmas parade. I did all of those things. And yet I had to compete with people who did not have any of those responsibilities and did not contribute one red cent to my hometown or my home State. And

yet for some reason or other, as meritorious as it seems to sound right now, I don't know how other people justify their vote against this when, as I say, the mayors, the Governors, the city councilmen, municipalities, everybody under the shining Sun charged with the responsibility of making their hometown and their home State function, favors mine and Senator GRAHAM's amendment.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

THE HOUSE-PASSED TAX CUT

Mrs. HUTCHISON. Madam President, I want to speak for a few moments about the action that was taken by the House of Representatives last week in passing a tax cut for the middle-income, hard-working Americans. I commend the House for doing that and hope that the Senate will follow suit. I think it is very important that every year we give the taxpayers back something of what they have worked so hard to earn when we are looking at a surplus. That is, in fact, what we are looking at.

You know, if I had said to my constituents 5 years ago, ''I'm running for the U.S. Senate, and I'm going to balance the Federal budget,'' most of them would have probably smiled benignly and thought, ''Oh, at least she is naive enough to think that she can make a difference.''

Well, in fact, that is exactly what has happened. I did run saying that I wanted to work to balance the budget. I did not promise that I would come to Washington and do it alone, but I did say that this is something I thought our Congress should do. In fact, in the Congress that came in in 1994, we did make the promise and keep the promise that we would balance the Federal budget. In fact, this year, we will see that balanced budget.

So then, of course, the question comes, What are we going to do with the new surplus? Of course, there are lots of ideas. Of what we think is going to be a $1.5 trillion surplus over the next few years, the lion's share should go toward making sure that Social Security is secure—no question about it. But an $80 billion tax cut every year, I think, will stimulate the economy, will do what is right by America, and will correct some inequities that we have found in the Tax Code—the major portion of what the House passed is the bill that I introduced with Senator FAIRCLOTH last year and the year before; and that is to reduce the marriage tax penalty.

In fact, if a policeman who makes about $33,000 a year in Houston, TX, marries a schoolteacher in Pasadena, TX, they have a penalty of $1,000, or a little more; and every person in those income categories in our country has the same. In fact, the average is about $1,400. Now, this is a young couple who gets married that wants to start saving to buy a new house or buy another car, have their nest egg, get started in life. And they get hit with a $1,000 penalty.

That is not what was ever intended. But the Tax Code, because there are more two-income-earner couples now than when the last revision of the Tax Code was passed, in fact, has penalized those two-income-earning couples, many of whom have two incomes because they are trying to make ends meet. So we are taking away a part of their quality of life. So I commend the House for saying it is time to correct that inequity and it is our highest priority. I am pleased that they passed the bill that Senator FAIRCLOTH and I introduced. It is our highest priority.

It will also help ease the burden for small business owners and farmers and ranchers and others who have been able to accumulate something to realize the American dream; and that is, that they would give their children a better start than they had by increasing the inheritance tax—the death tax—exemption to $1 million starting January 1 of next year. I think that is the right thing to do. It will begin to ease the tax on the elderly. I think we should do that.

We have already eased the capital gains tax. I hope we can eliminate that. But, Madam President, I think it is important that we, every year, make a little bit more progress in giving the hard-working Americans more of the money they earn back to them so they can decide how to spend the money for their families rather than having Government decide for them.

I hope the Senate will pass tax cuts. It is a high priority. I think we can have two goals that are very clear: We are going to save Social Security; and we are going to give a little bit of the money people work so hard to earn back to them to get our Government in perspective.

I think it is time that we lowered the opportunities for spending at the Federal level, let the States and local governments have more leeway, have families have better opportunities to spend the money they earn, and to make sure that Social Security is secure. I think those are the right priorities for spending that surplus. I hope the Senate will follow suit.

Thank you, Madam President.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

TAX CUTS AND SOCIAL SECURITY

Mr. DORGAN. Madam President, the subject about which my colleague from Texas just spoke and the subject addressed by a couple of my colleagues earlier today, the question of a proposed tax cut, is one that I think will engender a great deal of debate in the coming weeks, not with respect to the question of whether the American people could use a tax cut or deserve a tax cut, not about whose money it is. The issue, instead, is going to be, that there is an election 5 weeks from tomorrow.

On Saturday of this past weekend, the House of Representatives passed an $80 billion tax cut. And the discussion by many, including those on the other side of the aisle, and by those on the other side of the Capitol, is about what to do with the so-called ''surplus.''

I want to make the point again, as I have made before, that there is not at this point a budget surplus, evidenced by the fact that even though there are those who say there is a budget surplus, the Federal debt will increase this year to next year, and next year to the year after.

Now, why would the Federal debt be increasing if there is a surplus? The answer is, the Federal debt is increasing because there is not a surplus. What is called a surplus, in fact, is the Social Security dedicated funds that are to go into a ''trust'' fund to be used on behalf of future generations.

This chart shows that what is called a surplus can only be called a surplus if you take these Social Security funds and put them over here. Take the Social Security moneys away, and you don't have a surplus in the 5-year budget window. Instead, you are short $130 billion. The point is that, without using the Social Security revenues in the trust fund, there is no surplus.

Now, there have been two arguments made in the last days about this subject. One is we are not using Social Security trust funds; the second is that we are only using 10 percent of the surplus. Those arguments don't mean very much to me. These numbers do not lie.

The Federal debt will increase. To those who argue for this tax cut by saying that there is a surplus, I would simply point to the following fact: the Federal debt will continue to increase because there is no surplus.

We have made enormous progress in tackling this Federal budget deficit. Most people would not have predicted we would have been this successful. And we have very nearly balanced the Federal budget, but not quite. We will have truly and honestly balanced the Federal budget when you can call it ''in balance'' without using the Social Security trust funds, and that is not now the case.

If we here in the Senate debate using Social Security trust funds for this tax cut, we should be honest and call it theft. It will be a theft; yes, theft. It will be a theft to use the trust funds to give a tax cut. If that debate exists, I will offer an amendment to take the word ''trust'' out of the trust fund. Why call it a trust fund if people reach in and grab the money and use it for something else?

I happen to believe that most of the recommendations on tax changes are recommendations that I support: Eliminating or substantially reducing the marriage tax penalty makes good sense; full deductibility for health insurance for sole proprietorship, and I've supported that for years. I can go down the list. All of them, or almost all of them, make good sense.

But none of them make good sense if they are paid for with Social Security trust funds, the funds that were taken from American workers' paychecks and pledged to go into a trust fund to be used for only one dedicated purpose.

What the supporters of this tax cut are saying is, let us use those funds now, 5 weeks from election day, so we can tell the American people we gave them an $80 billion tax cut in the coming 5 years. I believe that those who support it should have to say, we took $80 billion out of the Social Security trust funds. We took that money despite the fact we told you we were going to save it for your future. We took it and we used it for something else.

That is not honest budgeting. Try to do that in a business, try to claim in a business that you have now reached a break-even stage, or you are even seeing profits in your business because you have been able to take your employees' retirement funds and show them as part of your business profit, you would get sent off to 5 years of hard tennis at some minimum security prison someplace. That is against the law. You can't do that. That is stealing from the funds. You can't do that. And you ought not be able to do it in Congress.

One thing the American people ought to be able to rely on is that when taxpayers put money into trust funds that comes straight from their paychecks, and which we promise is going to stay in this trust fund to be used for their future, we ought not allow this money to be used, 5 weeks from an election day, so that the majority party can brag to the American people that they handed out a tax cut.

If they do that, and if they brag about it, I want them to brag with full disclosure. Let's see if they will brag about taking money out of the Social Security trust funds. That would be theft in any other avenue of public or private life, and it ought to be theft here as we describe it.

This will consume a fair amount of debate in the coming couple weeks of the closing days of this Congress. I would like to see a tax cut. I support most of the provisions of the tax cut that was debated this weekend, but I will not ever support a proposition that says take the trust funds from the Social Security accounts and use those to give a tax cut 5 weeks before the election.

That is not good government, not good politics, not good for this country's future. I hope in the next 10 or so days of legislative activity those of us who feel that way will band together and say to this majority that appears determined to want to do this that we will not let them. When this country has truly balanced its budget, when we have finished the job—and we have come a long way and made a great deal of progress on fiscal policy—then, and only then, is it time to talk about the kind of tax cuts that are being discussed.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

PROGRESS IN THE MIDDLE EAST PEACE PROCESS

Mrs. FEINSTEIN. Madam President, I rise today to take note of the first signs of progess in the Middle East peace process in many months. This morning, Prime Minister Benyamin Netanyahu of Israel, and Chairman Yasser Arafat of the Palestinian Authority met with President Clinton at the White House to try to move the implementation of the stalled Oslo peace ageeements forward.

While no agreement was reached, these talks produced enough progress for the President to decide to send Secretary of State Albright and Special Middle East Coordinator Dennis Ross to the Middle East next week to try to bring the parties to an agreement. Prime Minister Netanyahu and Chairman Arafat are expecting to return to Washington in mid-October, with the hope that they will be able put the finishing touches on a deal at that time.

The progress representated by today's meeting is significant, I believe, for several reasons. First, it reminds us of the essential need for there to be strong American leadership if there is to be progress on the Middle East. No Middle East peace agreement has ever been concluded without high-level U.S. involvement, and this time is no differnt. The personal attention of the President of the United States and the Secretary of State are crucial to advancing this process, especially at a time when the parties have reached an impasse.

Among supporters of Israel, who long for it to live at peace with its neighbors, there is broad recognition of the centrality of the American role in Middle East peacemaking. That certainly is the view expressed by a group of over 100 senior Jewish community leaders from California, in a letter they sent to Presdient Clinton last week.

This letter is signed by 105 prominent Jewish leaders (rabbis, community activists, academics, and philanthropists). It expresses what I believe to be the widespread feeling of the American Jewish community. In clear language, they appeal to the President not to lose sight of the essential American role in helping Israel reach the peace it is longing for. They write:

We have been strongly supportive of your Administration's efforts to narrow the gaps between the two parties and help them to reach an agreement. As in past Arab-Israeli negotiations, the American role in getting both sides to say yes is indispensable. Although mediating this complex dispute can be a thankless task, and some naysayers may urge you to put the peace process on the back burner, now is not the time to stop searching for ways to help both peoples resolve their differences.

Today's meeting shows that the President shares their sense of urgency and is taking it to heart.

I ask unanimous consent that this letter and the 105 signatories be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mrs. FEINSTEIN. Today's meeting is also important, not just because of what it says about the process and the U.S. role, but also for what the prospect is that it can yield an agreement in just a few more days or a few weeks. Far too much time has been lost.

Israel and the Palestinians have been stuck for months on how to complete the interim agreements launched by the Oslo process, so that they can move on to the critical final status talks. These interim talks deal with hard and important questions: How much of the West Bank Israel will redeploy from, what steps the Palestinian Authority will take to ensure a sustained crackdown on terrorist groups, how the security services of the two sides will work together to prevent acts of terrorism, and the understanding that both sides must refrain from unilateral actions that undermine the other side's confidence in the peace process.

Nothing about these talks is easy, but the time has long since come for both sides to take politically difficult, but fundamentally necessary, decisions that will allow this process to move forward. Israel's security and Palestinian dreams of self-determination can only be realized through a mutually agreed permanent peace agreement.

To the extent that today's meeting and the talks set for upcoming days represent a chance to complete the interim agreements and begin final status talks, there is reason for hope. The final status talks—which are supposed to be completed by May 4, 1999, but will probably take much longer—are going to be difficult enough. They will deal with the hardest questions of all: sovereignty, settlements, refugees, water, and Jerusalem.

Every day these final status talks are delayed, they only become more difficult. Every day they are delayed, the temptation on each side to take unilateral measures only increases. Every day they are delayed is another opportunity for extremists on each side to use violence to try to destroy the chances for peace altogether.

If the Israeli government and the Palestinian Authority are truly committed to peace, as I believe they are, they cannot let that happen. They must work hard in the next several days to complete the interim agreement, and then move quickly to make progress in the final status talks.

At this season of renewal in the Jewish calendar, when a new year and new beginnings are at hand, it is my hope and prayer that a new day may at last be dawning in the lives of Israelis and Palestinians. For that to happen, their leaders, with the strong support of the United States, must act to now to seize the opportunities that are before them.

I thank the Chair and yield the floor.

EXHIBIT 1

September 24, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As American Jews dedicated to Israel's security and to a strong U.S.-Israel relationship, we want to express our appreciation for your steadfast commitment to the Jewish state and its quest for a secure peace.

As you face the many formidable challenges confronting your Administration and our country, we urge you to reestablish the Middle East peace process as an urgent American priority. We believe it is important for the U.S. to encourage Israel and the Palestinian Authority to redouble their efforts to achieve an agreement on further Israeli redeployment and enhanced security measures as soon as possible. The longer this process drags on inconclusively, the greater the danger of a total collapse of the entire peace process, which inevitably will lead to more violence and bloodshed.

We have been strongly supportive of your Administration's efforts to narrow the gaps between the two parties and help them to reach an agreement. As in past Arab-Israeli negotiations, the American role in getting both sides to say yes is indispensable. Although mediating this complex dispute can be a thankless task, and some naysayers may urge you to put the peace process on the back burner, now is not the time to stop searching for ways to help both peoples resolve their differences.

The success of the peace process is, in our view, crucial to Israel's long-term security and the strategic interests of the United States. Polls consistently show that this position reflects the widespread feeling in the American Jewish community. We hope that, buoyed by this support, you will keep striving to remove obstacles from the road to a secure Arab-Israeli peace.

Sincerely,

SIGNATORIES TO LETTER TO PRESIDENT BILL CLINTON FROM CALIFORNIA JEWISH LEADERS

Rabbi Mona Alfi, Sacramento; Eric Alon, Palos Verdes Estes; Rabbi Melanie Aron, Los Gatos; Arnold J. Band, UCLA; Rabbi Lewis M. Barth, Los Angeles; Rabbi Haim Dov Beliak, Los Angeles; Michael Berenbaum, Los Angeles; Rabbi Brad L. Bloom, Sacramento; Martin Block, San Diego State University; Donna Bojarsky, West Hollywood; Harry R. Brickman, UCLA.

Eli Broad, Los Angeles; Rabbi Samuel G. Broude, Oakland; Rabbi Steven A. Chester, Oakland; Rabbi Helen Cohn, San Francisco; Bruce C. Corwin, Beverly Hills; Rabbi Mark Diamond, Oakland; Rabbi Shelton J. Donnell, Santa Ana; Richard Dreyfuss, West Hollywood; Rabbi Steven J. Einstein, Fountain Valley; Irwin S. Field, Beverly Hills; Rabbi Harvey J. Fields, Beverly Hills; Sybil Fields, Beverly Hills; Rabbi Allen I. Freehling, Los Angeles.

Elaine Galinson, La Jolla; Murray Galinson, La Jolla; Rabbi Robert T. Gan, Los Angeles; Rabbi Laura Geller, Beverly Hills; Don L. Gevirtz, Santa Barbara; Guilford Glazer, Beverly Hills; Stanley P. Gold, Beverly Hills; Carole Goldberg, UCLA; Danny Goldberg, Malibu; John Goldman, Atherton; Lucy Goldman, La Jolla; Jona Goldrich, Culver City.

Bram Goldsmith, Beverly Hills; Osias Goren, Pacific Palisades; Rabbi Roberto D. Graetz, Lafayette; Danny Grossman, San Francisco; Lois Gunther, Los Angeles; Richard Gunther, Los Angeles; Rabbi Jason Gwasdoff, Stockton; Rabbi Johanna Hershenson, Aliso Viejo; Stanley Hirsh, Los Angeles; Rabbi Steven B. Jacobs, Woodland Hills; Carol Katzman, Los Angeles; Rabbi Bernie King, Irvine.

Rabbi Allen Krause, Aliso Viejo; Luis Lainer, Los Angeles; Mark Lanier, Los Angeles; Susan B. Landau, Los Angeles; Gary Lauder, San Francisco; Laura Lauder, San Francisco; Rabbi Martin Lawson, San Diego; Irwin Levin, Los Angeles; Carol Levy, Los Angeles; Mark C. Levy, Santa Monica; Peachy Levy, Santa Monica; Rabbi Richard N. Levy, Los Angeles.

Rabbi Alan Lew, San Francisco; Rabbi David Lieb, San Pedro; Peter Loewenberg, UCLA; Rabbi Brian Lurie, Ross; Rabbi Janet Marder, Los Angeles; Michael Medavoy, Culver City; Arnold Messer, Beverly Hills; Rabbi Herbert Morris, San Francisco; David Myers, UCLA; Raquel H. Newman, San Francisco; Joan Patsy Ostroy, Los Angeles; Norman J. Pattiz, Culver City.

Debra Pell, San Francisco; Joseph Pell, San Francisco; Sol Price, San Diego; Jon Pritzker, San Francisco; Lisa Pritzker, San Francisco; Arnold Rachlis, Irvine; David Rapoport, UCLA; Rob Reiner, Beverly Hills; Kenneth Reinhard, UCLA; Rabbi Steven Carr Reuben, Pacific Palisades; Rabbi Moshe Rothblum, North Hollywood.

Edward Sanders, Los Angeles; Rabbi Harold Schulweis, Encino; Paul Siegel, La Jolla; Rabbi Robert A. Siegel, Fresno; Alan Sieroty, Los Angeles; Rabbi Steven L. Silver, Redondo Beach; Richard Sklar, UCLA; Terri Smooke, Beverly Hills; Marcia Smolens, San Francisco; Fredelle Z. Spiegel, UCLA; Steven L. Spiegel, UCLA; Rabbi Jonathan Stein, San Diego.

Arthur Stern, Beverly Hills; Faye Straus, Lafayette; Sandor Straus, Lafayette; Rabbi Reuven Taff, Sacramento; Allan Tobin, UCLA' Rabbi Martin Weiner, San Francisco; Sanford Weiner, Los Angeles; Howard Welinsky, Culver City; Steven J. Zipperstein, Stanford University.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

JUVENILE DIABETES FOUNDATION ''WALK TO CURE DIABETES''

Mr. DOMENICI. Madam President, on September 26, people all across America joined in the Juvenile Diabetes Foundation's ''Walk to Cure Diabetes.''

Today, approximately 16 million Americans suffer from diabetes. Heart and kidney disease, strokes, blindness, loss of limbs, and nerve damage are just some of the complications associated with this dread disease. An estimated 179,000 people die from this deadly disease and its complications every year. Unfortunately, diabetes rates are growing worldwide.

I rise today to commend the ''Walk to Cure Diabetes,'' which is an effort to increase public awareness about this disease and to raise private sector funding for the search for a cure.

In Albuquerque, my hometown, hundreds of New Mexicans participated in the ''Walk to Cure Diabetes.'' They joined thousands of Americans who walked and ran to raise more than $40 million to support research for better diagnosis, treatment and, ultimately, a cure to diabetes.

I am heartened by the fact that participation in this grassroots effort is growing in New Mexico, where diabetes hits especially hard among our American Indian and Hispanic people. Among these populations, this disease is exacting a devastating toll.

I would like to thank the ''Team Domenici'' runners, most of whom are associated with Albuquerque's Mountainside YMCA, who will represent my support for this endeavor. These ''Walk to Cure Diabetes'' team members included: Mary Howell, Chris Howell, Loretta Koski, Rosanna Thomas, Kim Babb, Loren Schneider, Mike Green, Chrissy Dukeminier, Becky Voccio, Stephanie Browne, Carole Smith, Jim Hughes, Debby Baness, and Lisa Breeden.

Where the Juvenile Diabetes Foundation and other organizations work to shore up private sector support, I am pleased that Congress and the administration have strengthened the federal government's investment in diabetes treatments and the search for a cure.

When we negotiated the five-year Balanced Budget Agreement in 1997, I was pleased to have initiated $30 million annually for a five-year Indian Health Service (IHS) diabetes treatment effort aimed at American Indian populations where diabetes rates are almost three times the rate in the general population. We also provided another $150 million over five years for the Centers for Disease Control (CDC) for a similar effort aimed specifically at juvenile diabetes.

As part of these national efforts, new resources will be put toward understanding Type 1 diabetes, which adversely afflicts thousands of young Americans. This form of diabetes occurs when the insulin-producing cells in the pancreas are inexplicably destroyed.

This infusion of federal resources will also allow the IHS and CDC to establish a Diabetes Prevention Research Center in Gallup, N.M., to develop coordinated preventative efforts to help control the growing number of diabetes cases among American Indians.

Dr. Gerald Bernstein of the American Diabetes Association has reported that the gene that predisposes a person to diabetes is five times more prevalent in American Indians than in whites, and twice as prevalent in blacks, Hispanics and Asians than in non-Hispanic whites. In the 1950's, the IHS officially reported negligible rates of diabetes among Navajo Indians. In less than 50 years, diabetes has gone from negligible to rampant and epidemic.

In part, the diabetes problem in the United States can be helped by lifestyle changes among those people predisposed to the disease. A concerted effort is needed to teach people how proper nutrition, early detection and treatment can help save lives. This will not be easy. In the case of Navajo and Zuni Indians, for example, prevention can be difficult to incorporate into

daily reservation life. Exercise programs may not be readily available, dietary changes may be contrary to local custom for preparing foods, or soft drinks may be routinely substituted for drinking water that is not plentiful or potable.

These kinds of factors in Indian life will be studied carefully at the Gallup Diabetes Prevention Research Center. Recommendations and CDC assistance will be provided to IHS service providers throughout the Navajo Nation, the Zuni Pueblo, and other Apache and Pueblo Indians in New Mexico and Arizona. The improved diagnostic and prevention programs will flow from this Gallup center to all IHS facilities around the country.

Through these efforts we hope diabetes rates will drop, and not continually increase as they have for the past four decades. The number of U.S. diabetes cases reported annually between 1980 and 1994 has risen steadily, from 5.5 million cases to 7.7 million cases. The number of diagnosed cases is up from 1.6 million Americans in 1958.

The human toll is devastating and the medical costs of treating diabetes will continue to escalate unless our medical and prevention research efforts are more successful. While we still have not found a cure for diabetes, enough is known today to significantly control the negative end results of diabetes like blindness, amputation, and kidney failure.

The '''Walk to Cure Diabetes'' has been helpful in raising public awareness of the growing diabetes problem. I am pleased that we in the Senate join this effort through federal funding, policy initiatives and moral support.

Madam President, I would encourage my colleagues to note the 1998 ''Walk to Cure Diabetes.'' It is one step in the American quest to attack this awful disease and improve the situation for all the people who are susceptible to the ravages of diabetes.

URGENT SUPPLEMENTAL FUNDING

Mr. DOMENICI. Madam President, I come to the floor not to discuss the pros and cons of an urgent supplemental, or any of the ingredients contemplated to be within it, but to render an accounting to the Senate, as best I can, of the request that the President has made for urgent supplemental funding that would come as an emergency funding, which means we would be spending the surplus that we have worked so hard to protect to pay for these items.

The calculations that the Budget Committee staff has worked up for me would indicate that, as of now, the President's requests amount to $14.148 billion. That means that the President asks us to spend $14.148 billion for such things as agriculture emergencies, Y2K emergencies—the computer situation that may result in a disaster if we don't try to use some new system and the purchase of new computers to alleviate the problem that may occur in the year 2000—there is some Bosnia money; embassy security money; interior security, or terrorism money; state embassies money; treasury security; and an economic support fund. They are listed in detail in this statement.

I ask unanimous consent that this part of the budget bulletin, issued by the Budget Committee staff on September 28, which encapsulates these and then goes through a narrative as to how each one has occurred, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMERGENCY, EMERGENCY: WHO'S GOT THE REQUEST?

President's pending request fiscal year 1998 emergency funding

[In millions of dollars]

Request	*Amount*
Y2K, contingency	3,250
Agriculture:	
President	1,800
Daschle/Harkin (net impact)	5,200
Defense:	
Bosnia[1]	1,859
Embassy Security	200
Disaster Recovery	224
Disaster Recovery, contingency	30
Interior—Security: Terrorism	6
State—Embassies	1,398
Justice	22
Treasury—Security	90
Funds to President:	
Economic Support Fund	50
Security Assistance	20
Total	14,148

[1] FY 1999 Emergency Funding.

In terms of how much emergency spending has come out of the surplus, the Bulletin notes that $5.7 billion in FY 1998 supplemental emergency appropriations has already been enacted since the beginning of the year. The continuing issue for this week is how much additional emergency spending does the President thus far want to take from the surplus: $14.1 billion for a 1998 total of $19.8 billion.

Last week's Bulletin, expected that the President's requests for emergency appropriations for both Fiscal Year 1998 and 1999—but not yet acted upon by Congress—total $8.0 billion.

Following last week's Bulletin, on Tuesday, September 22, President Clinton made official the Administration's request for emergency funding in a number of areas, that had been assumed would be requested but had not been official transmitted to Congress.

The Bulletin now believes it can accurately quantify the President's emergency requests pending before Congress. The table above allocates the pending $14.148 billion of Presidential emergency request to each affected agency, except for Y2K contingency appropriations. The Y2K emergency appropriation request transmitted on September 2 would be made available to the Office of the President for unanticipated needs to be transferred as necessary to affected agencies.

Officially, the September 22 emergency request for agricultural programs was for $1.8 billion. However, President Clinton states: ''The proposals I am transmitting today do not include income assistance to farmers for low commodity prices. On September 10, Secretary Glickman communicated the Administration's support for such assistance through Senators Daschle and Harkin's proposal to remove the cap on marketing loan rates for 1998 crops.'' CBO estimates the 1999 cost of such a proposal would reach $6.2 billion, with repayments in 2000 of nearly $1.0 billion. Hence, the table below includes a net cost for this Clinton supported emergency proposal of $5.2 billion.

On September 22 the President requested $1.8 billion for emergency expenses arising from the ''consequences of recent bombings of our embassy facilities.''

The President has still not requested amounts anticipated for defense readiness. The President did send a letter to Chairman of the Armed Services Committee, Strom Thurmond, on September 22 stating that: ''I have asked key officials of my Administration to work together over the coming days to develop a fully offset $1 billion funding package for these [defense] readiness programs.'' But this does not constitute an official request for emergency defense funding from the Administration.

Mr. DOMENICI. Madam President, I do not pass judgment on whether each and every one of these is something we should fund, nor whether each and every one of them is something we should not fund. I merely want to state to the Senate, and to those who are interested, that there seems to be a big argument going on now as to what is happening to the surplus and whether or not the Republicans in the U.S. House who want a tax bill are spending the surplus.

Actually, I will tell everybody that in the first year, the 1999 year, that bill spends $7 billion of the surplus—if anybody is interested. The President's request for supplemental funding, emergency funding, not included in the budget—therefore, using the same fund—in the first year already amounts to $14.148 billion, and I believe I can say it is growing, because there is nothing in this number for special moneys that the Defense Department might need. There is some indication of a billion dollars for readiness. But the President's people are quick to say that won't be new money, it will be offset. Well, we will see what they are offsetting it with.

The chiefs of staff are meeting here in the Congress to tell us what they think they need for readiness, and I understand their message is not a good one. It is one that says we are really getting behind with reference to the kinds of things needed to keep a strong military which is totally built around voluntarism—such things as getting behind in the amount of pay we are giving them, the kind of pensions we are giving them, and the readiness equipment. So we don't have anything in this accumulation that equals $14.148 billion. There is nothing for that part of anything that would be an emergency.

I want to make one observation. Again, on this occasion, in speaking to the Senate and to anybody interested, I am not passing judgment on the use of the surplus for any of these things, I am merely saying that there is one surplus and there are two ways to use it. One is to spend it; one is to cut taxes.

They both, in a sense, spend it, or some small portion of it. I just want everybody to know that the President of the United States, who seems to be saying, ''Don't cut any taxes,'' is at the same time saying, however, ''Give me $14.148 billion in new money,'' out of that same surplus for things that the country needs that he calls emergencies. They are all listed and they are all detailed in this statement that has been printed in the RECORD.

I repeat, I don't believe, from the surplus standpoint, that there is any difference between the two. In other words, if you want to spend a huge amount of the surplus and you want to spend it for $100 billion worth of American programs, needed or otherwise, you have diminished it by $100 billion. If you choose to cut taxes by $100 billion, you have diminished this surplus by $100 billion. It is the same diminution. It is the same reduction, the exact same effect. We estimate the surplus to be $1.6 trillion over the next decade. And now we will engage here and elsewhere in a debate with reference to these emergency supplementals, which will be year long, which will spend some of that. We will engage in a discussion of whether there should be some for tax cuts.

I repeat. The tax cut bill that the House proposed in the first year is $7 billion. The new expenditures requested by the President is $14.1 billion. It seems to me that deserves consideration when we start saying we shouldn't have tax cuts, but we should spend the money.

I yield the floor.

FEDERAL VACANCIES REFORM ACT OF 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of debate of Senate bill 2176, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2176) to amend sections 3345 through 3349 of title V, United States Code (commonly referred to as the ''Vacancies Act'') to clarify statutory requirements relating to vacancies in and appointments to certain Federal offices, and for other purposes.

The Senate resumed consideration of the bill.

Mr. THOMPSON. Madam President, the Senate today will vote on whether to invoke cloture on the Federal Vacancies Reform Act. This legislation, which enjoys bipartisan cosponsorship, is necessary to restore the Senate's authority as an institution in the process of appointing important Federal officials.

Madam President, I request that I be allotted 20 minutes of our time.

The PRESIDING OFFICER. The Senator has that right.

Mr. THOMPSON. Madam President, I want to make sure that we reserve plenty of time for the distinguished Senator from West Virginia, Senator BYRD, who is really in many ways the author of this legislation and has been such a guiding light and firm supporter for so long a period of time.

Article II, section 2 of the Constitution provides that

The President shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public ministers and consuls, judges of the Supreme Court and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law, but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or the heads of departments.

This is an important provision of the Constitution's system of checks and balances.

The Supreme Court, in 1997, said that the appointments clause ''is more than just a matter of etiquette or protocol; it is among the significant structural safeguards of the constitutional scheme.'' By requiring the participation of the Senate with the President and selecting officers, the framers believed that persons of higher quality would be appointed than if one person alone made those appointments.

One of the ways in which those persons would be better would be in respecting individual liberties.

So the appointments clause serves to protect better government administration and the rights of the American people.

The appointments clause was also adopted because manipulation of official appointments was one of the revolutionary generation's greatest grievances against executive power.

As participants in the appointments process, we Senators have an obligation, I believe, to ensure that the appointments clause functions as it was designed, and that manipulation of executive appointments not be permitted. Nonetheless, we also need to recognize that despite the appointments clause, there will be times when officers die or resign in office. Their duties should continue to be performed by someone else on a temporary basis. It may not be possible as a matter of logistics that each temporary official serving as an acting officer in a position subject to the appointments clause will himself or herself receive Senate confirmation. Early Congresses recognized the need for persons to serve temporarily in advice and consent positions when vacancies arose, even when the person had not received Senate confirmation.

The Vacancies Act has existed one way or another since then, with length of temporary service increasing to 120 days in legislation that was passed in 1988. The 1886 Vacancies Act was intended to provide the exclusive means for filling temporary appointments. And it has operated that way for several years.

However, in 1973, the Justice Department, in seeking to appoint a temporary FBI Director in the midst of the Watergate scandal, appointed L. Patrick Gray without complying with the terms of the Vacancies Act. The Department for the first time made a public declaration that its organic statute created an alternative method for designating temporary appointments at the Department of Justice not subject to any time limit was there position. Since 1973 the Department has continued to make acting appointments outside the strictures of the Vacancies Act.

The Justice Department relies on its organic statute's ''vesting and delegation'' provision, which states that the Attorney General can designate certain other powers to whomever she chooses in the Department, since specific statutory functions were not given to the subordinate officials. The Department makes this claim although current law states that a

. . . temporary appointment . . . to perform the duties of another under the Vacancies Act . . . may not be made otherwise than as provided by the Vacancies Act.

But the Justice Department's organic statute was designed simply to coordinate all Federal Government litigation, and did not change the Vacancies Act.

The legislative history of the Department's organic statute confirmed this. In 1988, Congress, recognizing that the Justice Department was not applying the Vacancies Act as Congress clearly intended, sought to amend the act to make it more clear. They changed the law to eliminate this unsupported position of the Justice Department largely through the efforts of Senator JOHN GLENN of Ohio. The Department of Justice, however, refused to read the language as Congress intended, relying on its same old arguments.

As a result, the Department of Justice believes that the Attorney General can designate acting officers for 2 or even 3 years. The head of the Criminal Division—an important position with respect to guidance in Federal prosecutions, including independent counsel—was vacant for 2½ years without a nomination.

An acting Solicitor General served an entire term at the Supreme Court, and no nomination for the position was ever sent to the Senate. Even the administration claims that an acting person can serve for only 120 days. But after an acting person served for 181 days, the administration designated another person to serve as the Acting Assistant Attorney General for Civil Rights.

Today all 14 Departments have similar language in their organic statutes. Now many Departments, at DOJ's urging, are claiming similarly that the Vacancies Act doesn't apply to them either as an exclusive means for filling vacancies.

There is no time limit on temporary services. That has been adhered to under the organic statutes, making both the Vacancies Act and the appointments clause effective nullities,

according to the Comptroller General. The Comptroller General disagrees with the Justice Department's reading of current law, and all of the other Departments who have tagged along after the Justice Department.

Each Department has at least one temporary officer now who has served longer than 120 days, allowed by the Vacancies Act. The nomination should be able to be sent to the Senate within 4 months. Since the President lacks any inherent authority to make appointments for offices that require Senate confirmation, the President's noncompliance with the Vacancies Act means noncompliance with the Constitution.

As of earlier this year, when the Governmental Affairs Committee held its hearing on oversight of the Vacancies Act, of the 320 executive Department's advice and consent positions, 64 were held by temporary officials. Of the 64, 43 served longer than 120 days before a nomination was even submitted to the Senate. Other Departments are following Justice's lead.

The acting head of the Census Bureau is neither the first assistant, nor a person who has been confirmed by the Senate, which is what the Vacancies Act currently requires.

Of the nine vacant advice and consent positions at Commerce, seven have been filled by acting officers for more than 120 days. And one had been acting temporarily for 3 years.

It is true that the Senate has not always acted on nominees as soon as it should. But that issue should be addressed separately.

Many of the criticisms of the Senate's handling of the nominations is unwarranted since vacancies often remain open for lengthy periods before nominations are submitted.

The Senate is now being publicly criticized for holding up the confirmation of Richard Holbrooke to be the U.N. Ambassador, for example, when in fact the administration has not even submitted his nomination to the Senate. The fact is that the administration is under a current statutory duty to have acting officers serve for 120 days, which can be extended simply by the administration sending the Senate a nominee.

That means that if the Senate does not act it has to bear the responsibility for an acting person's service at that point. Responsibility is clearly placed where it belongs if an acting person continues to serve. But since the administration does not follow existing law, the Senate in many instances never gets a chance to even consider a permanent nominee.

Under the administration's view, the entire set of confirmed officials in our Government could resign the day after they were confirmed, and acting officials who have not received the advice and consent of the Senate can run the Government indefinitely.

That situation is completely at odds with what constitutional scheme and the framers created to protect individual liberties.

There is another reason this bill should be enacted—the Court ruling recently that undermines the Vacancies Act further. Under the current law, if a vacancy in a covered position occurs, the first assistant to that officer becomes the acting officer for up to 120 days. In the alternative, the President can designate another Senate confirmed officer to act as the acting officer for 120 days. The 120 days can be extended if the President submits a permanent nominee for the position to the Senate. That creates an incentive for the President to submit nominations to the Senate. Recent court interpretations have greatly confined the operation of the Vacancies Act.

In March, the United States Court of Appeals for the District of Columbia circuit approved the legality of actions taken by an acting director of the Office of Thrift Supervision who had served for 4 years without a nomination for the position ever having been submitted to this body. The Senate-confirmed director resigned in 1992 and purported to delegate all of his authority to OTS' deputy director for Washington operations. This person, who was neither the first assistant nor the Senate-confirmed individual, served as the acting director until October 1996.

The President then invoked the Vacancies Act to designate a confirmed HUD official to serve as the acting director and submitted the nomination to the Senate for the position within 120 days. The bank challenging the legality of the acting officer's appointment argued that the 120 days had expired 120 days after the Senate-confirmed director's resignation created a vacancy, long before the Senate-confirmed person was named the acting officer. But the Court held that the 120 days is a limitation only on how long an acting officer can serve, not a limitation on how soon after the vacancy arises that the President must submit a nomination.

It allowed the later Senate-confirmed director to ratify the actions of the prior acting director. Thus, if there is no first assistant, the President can wait for 4 years to send a nomination to the Senate while an acting official, in this case selected by the head of the agency, not the President, runs an important agency. This is not what the framers thought that they had established. It runs contrary to the Vacancies Act itself and corrective action therefore is necessary.

In any case, this administration, as stated above, has allowed many acting officers to serve for more than 120 days as permitted by the Vacancies Act without submitting a nomination to the Senate. The Vacancies Act presently has no enforcement mechanism, so once again the Senate's constitutional advice and consent prerogative is undermined. In Federalist Paper 76 Hamilton cautioned that:

> A man, who had himself the sole disposition of offices, would be governed much more by his private inclinations and interests than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body; and that body, an entire branch of the legislature. The possibility of rejection would be a strong motive to care in proposing.

So by disregard of the Vacancies Act and installing at its sole disposition numerous officials to important positions in the Government who escape the independent body's review is contrary to the original intent of the framers. Without a possibility of rejection, there is much less care taken in the proposing. S. 2176 will restore the constitutional balance and cloture should be invoked on the bill.

Madam President, let me briefly discuss the provisions of S. 2176. Upon the death, resignation or inability to serve of an officer of an executive Agency, the first assistant to the officer becomes the acting officer subject to the bill's time limits. Because of additional background processing that is now required of nominees, the bill proposes lengthening the time of acting service from the current 120 days to 150 days.

If the President so directs, a person who has already received Senate confirmation to another position can be made the acting officer in lieu of the first assistant. This is basically the framework, Madam President, that is currently the law except we are extending the time period that the President has within which to make his decision. The first assistant has to have served 180 days in the year preceding the vacancy in order to be the acting officer, in order for someone to be put in in a very short period of time to be the first assistant so that they may then be appointed the acting officer.

The acting officer may serve 150 days beginning on the date the vacancy occurs. The acting officer may continue to serve beyond 150 days if the President submits a nomination for the position even if that occurs after the 150th day. So at the 150-day expiration, the President still has it within his sole discretion to make the nomination; just simply send the nomination up and the acting officer can come back once again and assume his duties. If a first or second nomination is withdrawn, rejected, or returned, the person can serve as the acting officer until 150 days after the withdrawal, rejection, or return.

Recognizing the large number of positions that are to be filled in a new administration, the bill extends the 150-day period by 90 days for any vacancies that exist when a new President is inaugurated or that arise in the 60 days following a new Presidential inauguration.

The bill will extend the provisions of the Vacancies Act to cover all advice and consent positions in executive Agencies except those that are covered by express specific statute that provide for acting officers to carry out the functions and duties of the office. Forty-one current statutes now allow

the President or the head of an executive Department to designate or provide automatically for a particular officer to become an acting officer. The bill also exempts multimember commissions, and it retains holdover provisions of current law.

The bill expressly states that vesting and delegation statutes do not constitute statutes that govern the appointment of acting officers to specific positions. The bill will thus end the specious argument of the Justice Department that it and other Departments' organic statutes provide an additional means, and really a superseding means of appointing acting officials apart from the Vacancies Act.

The bill also creates an enforcement mechanism for the Vacancies Act, something that is also sorely needed. Today, acting officers regularly exceed the 120-day limitation without consequence. Under 2176, an office becomes vacant if 150 days after the vacancy arises no Presidential nomination for the position has been submitted to the Senate. For offices other than the heads of Agencies, the functions and duties that are specifically to be performed only by the vacant officer can be performed by the head of that particular agency. That means that all functions and duties of every position can be performed at all times. But if a nomination is not submitted within the Vacancies Act period, only the head of the Agency can perform the specific duties of the vacant offices. Hopefully, that will create an incentive for the President to go ahead and submit a nomination. As soon as the nomination is submitted, the acting officer can then resume performing the duties and functions of the vacant office. No one may ratify any actions taken in violation of the bill's vacant office provisions.

Madam President, this approach will not penalize the acting person in any way, but it will encourage the submission of nominees within 150 days without jeopardizing the performance of any Government function if that deadline is missed.

The Vacancies Reform Act also establishes a reporting procedure. Each Agency head will report to the General Accounting Office on the existence of vacancies, the person serving in an acting capacity, the names of any nominees, and the date of disposition of such nominee. The Comptroller General will then report to the Congress, the President, and the Office of Personnel Management on the existence of any violations of the Vacancies Act. This will provide useful information to the President so he will know the progress of the 150-day clock and will benefit the Senate as well.

This bill has been modified to take into account objections raised by members of the committee and elsewhere as well as the administration. In committee, we lengthened the Presidential transition period. We permitted the President to name an acting officer by submitting a nomination even after the 150-day period has expired. We agreed to consider shortening the length of service prior to the vacancy a first assistant must satisfy to become an acting officer. This bill is institutional and not partisan. Members should vote for cloture in recognition of the fact that the Senate and the Presidency will not always be controlled by the parties that control these institutions today, and in recognition of the duty that we all share to uphold the Constitution and protect the legitimate prerogatives of this institution.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Madam President, I ask unanimous consent that a legislative fellow on my Governmental Affairs subcommittee staff, Antigone Potamianos, be granted floor privileges during consideration of S. 2176.

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

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THOMPSON. Madam President, I yield such time to the Senator from West Virginia as he may consume.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I thank the distinguished Senator from Tennessee, Mr. THOMPSON, who is chairman of the Governmental Affairs Committee in the Senate. Let me commend him and his committee for reporting this bill. That committee has worked long and hard and very industriously in an effort to craft legislation that, in its final analysis, goes a long way toward protecting the prerogatives of the Senate under the Constitution, in particular with reference to the appointments clause, which appears in article II, section 2, of the Constitution.

Madam President, nearly two weeks ago, on September 15th, I had the high privilege of addressing my colleagues in the Old Senate Chamber as part of the Leadership Lecture Series sponsored by the distinguished Majority Leader. In my remarks, I emphasized two points which I thought were important for all Senators to consider. First, I maintained that, if the legislative branch were to remain a coequal branch of our government, then it must be eternally vigilant in protecting the powers and responsibilities vested in it by the Constitution. Secondly, I noted that, throughout its history, the Senate has been blessed with individuals who were willing to rise above party politics, and instead act in the best interest of this nation and this institution.

The legislation before us today goes to precisely the type of concern I raised in my remarks. S. 2176, the Federal Vacancies Reform Act, would strengthen existing law, thus protecting the Senate's constitutional ''Advice and Consent'' role in the process of nominating and appointing the principal officers of our government. And, because this bill speaks to the very integrity of the separation of powers and the system of checks and balances embedded in our Constitution, it is a measure which I believe all Senators can support, regardless of party affiliation.

To give my colleagues some idea of the dimensions of this problem, earlier this year, I asked my staff to survey the various cabinet-level departments to ascertain how many of these so-called ''advice and consent'' positions were being filled in violation of the Vacancies Act. I can report that the trend is disturbing: Of the 320 departmental positions subject to Senate confirmation, 59, or fully 18 percent, were being filled in violation of the Vacancies Act. At the Department of Labor, for example, one-third of all advice and consent positions were being filled in violation of the Vacancies Act. At the Department of Commerce, 9 of 29, or 31 percent, of those positions were being filled in violation of the Act. And, at the Department of Justice, 14 percent of the advice and consent positions were being filled by individuals in contradiction of the Vacancies Act. Clearly a problem exists.

As my colleagues know, the process used by the President to staff the executive branch is laid out in the Appointments Clause of the Constitution. That clause, found in Article II, section 2, states, in part, that the President

> . . . shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

Because vacancies in these advice and consent positions may arise from time to time when the Senate is not in session, the Constitution also provides that

> The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Madam President, in an effort to secure the Senate's constitutional authority under the Appointments Clause, Congress established a statutory scheme that lays out not only the order of succession to be followed should one of these senior positions become vacant, but which also sets a strict limit on the length of time an individual may temporarily fill such a position. That legislation, which has been in place since July of 1868, is known as the Vacancies Act, and is codified in sections 3345 through 3349 of Title 5 of the U.S. Code.

For those who may not be familiar with the Vacancies Act, this is the essence of what it says. First, section 3345 provides that if the head of an executive department—a member of the President's Cabinet, for example—dies, resigns, or is otherwise sick or absent, his or her first assistant shall perform the duties of that office until a successor is appointed. Second, section 3346 states that when a subordinate officer—generally those positions at the deputy and assistant secretary levels—dies, resigns, or is otherwise sick or absent, that officer's first assistant also moves up to take over the duties of the office until a successor is appointed. And third, despite either of those self-executing methods for temporarily filling a vacant position, section 3347 authorizes the President to direct any other officer, whose appointment is subject to Senate confirmation, to exercise the duties of the vacant office. In any event, absent a recess appointment, those three sections of the Vacancies Act provide the exclusive statutory means of temporarily filling a vacant advice and consent position.

But whichever method is used—either automatic succession, as contained in sections 3345 and 3346, or presidential selection, as contained in section 3347, Madam President, the key to protecting the Senate's constitutional role in the appointments process lies in section 3348 of the Vacancies Act. That section plainly states that, should one of these positions become vacant due to death or resignation, it shall not be filled on a temporary basis for more than 120 days, unless a nomination is pending before the Senate. Originally, Madam President, when the legislation was enacted in 1868, the period of time was only 10 days. And then in 1891 that period was extended to 30 days. And in 1988 that period was extended to 120 days.

It is precisely that time restriction on the filling of these vacant positions that is, I believe, the linchpin of this issue. Without that barrier, without the 120-day limitation on the length of time a vacancy may be temporarily filled, no President need ever forward a nomination to the U.S. Senate. Instead, the President—any President, Democrat or Republican—can staff the executive branch with ''acting'' officials, who may occupy the vacant position for months, or even years at a time, as the distinguished manager of the bill, Mr. THOMPSON, has already alluded to.

In short, to eliminate the time constraint in the Vacancies Act, or to effectively eliminate it by tolerating noncompliance, is to wholly undermine the integrity of the U.S. Senate's constitutional advice and consent authority. So this is a serious matter.

Yet, despite the seemingly plain language of this 130-year-old Act, the Department of Justice has challenged the force of the Act on the grounds that those provisions are not the only statutory means of filling a vacancy. In fact, for more than a quarter of a century, through Democratic administrations and Republican administrations, the Justice Department has simply refused to comply with the requirements of the Vacancies Act. Instead, the Department claims that the Act is somehow superceded by other statutes which give the Attorney General overall authority to run the Department of Justice.

On December 17, 1997, I wrote to the Attorney General requesting clarification of the Department's position with respect to the Vacancies Act. Specifically, I wanted to know whether or not the Attorney General believed that this 130-year-old statute had any application to the Justice Department. On January 14 of this year I received a response to my letter in which the Department reiterated its position that the Attorney General's authority under sections 509 and 510 of Title 28 ''. . . is independent of, and not subject to, the limits of the Vacancies Act.''

For the benefit of those who have never read those two sections of Title 28, let me refer to the relevant language so that everyone will understand the fallacy of the Justice Department's argument. Section 509 states that, with certain exceptions that are not at issue here today, ''all functions of other officers of the Department of Justice and all functions of agencies and employees of the Department of Justice are vested in the Attorney General. . . .'' Section 510, meanwhile, states that ''the Attorney General may from time to time make such provisions as he considers appropriate authorizing the performance by any other officer, employee, or agency of the Department of Justice of any function of the Attorney General.''

Those two very broad, very general provisions—the first placing all functions of the Department under the control of the Attorney General, and the second allowing the Attorney General to delegate those functions—are being used to justify what amounts to an end run around the Vacancies Act, which is protective of the Senate's rights under the Appointments Clause of the Constitution.

As I have noted, defiance of the plain language of the Vacancies Act is not an isolated case. In 1973, for example, the Department of Justice refused to admit that L. Patrick Gray, who had been appointed acting Director of the Federal Bureau of Investigation following the death of J. Edgar Hoover in May of 1972, was serving in that capacity in violation of the time limitation contained in the Vacancies Act. In 1982, the Department's Office of Legal Counsel dismissed out of hand—dismissed out of hand the restrictions of the Vacancies Act as simply ''inapplicable'' to the Department—meaning the Justice Department. In 1984, the Department again asserted that ''. . . the specific provisions of 28 U.S.C. §510 override the more general provisions of the Vacancies Act.'' And, in 1989, the Justice Department determined that the Vacancies Act ''. . . does not extinguish other statutory authority for filling vacancies and that the Act's limitations do not apply to designations made pursuant to those authorities.''

Madam President, I submit that that position is untenable, and is untenable for two simple reasons: First, there is no historical basis—absolutely none—for the suggestion that Congress ever meant sections 509 and 510 of Title 28 to exempt the Department of Justice from the requirements of the Vacancies Act. And, secondly, the logical extension of the Department's argument—now get this, the logical extension of the Department of Justice's argument would render meaningless—meaningless the entire advice and consent prerogative contained in the Appointments Clause, article II section 2, of the U.S. Constitution.

Turning first to the Department's claim that sections 509 and 510 of Title 28 somehow preempt the Vacancies Act, I note that those provisions trace their origin to, and are a codification of, a 1950 congressional action known as Reorganization Plan No. 2. As my colleagues may know, throughout the 1950's, Congress passed a series of plans designed to reorganize the various executive branch departments. The purpose of Plan No. 2 was to establish direct lines of authority and responsibility within the Department of Justice, and to give the Attorney General overall responsibility for the effective and economic administration of the Department.

However, there is nothing—I repeat, absolutely nothing—in the language of Plan No. 2 that would indicate that it was ever meant to supersede the Vacancies Act. On the contrary, as the Senate's report which accompanied the measure made clear at that time, and I quote from that committee report, ''Plan No. 2 does not give to the Department of Justice any more powers, authority, functions or responsibilities than it now has.'' What could be more clear?

Finally, it is worth noting that the general language contained in Plan No. 2 is virtually identical to language found in the reorganization plans for the Departments of the Interior, Labor, Commerce, and Health and Human Services. In fact, every one of the 14 cabinet-level departments has these general provisions in its basic charter. Every one! Every one of the 14 cabinet-level departments. And it is precisely that common linguistic thread that leads to the second fatal flaw of the Justice Department's analysis.

If we accept this fallacious argument—that these broad, housekeeping provisions somehow override, or are, in the Department's words, ''independent of, and not subject to'' the more specific provisions of the Vacancies Act—then any executive branch department—any executive branch department whose functions are vested in the department's head, who, in turn, can

delegate those functions to subordinate officers, would be exempt from the provisions of the Vacancies Act. Of course, exemption from the Vacancies Act would then mean that an individual could be appointed to an advice and consent position for an indefinite period of time. Who thinks that the Founding Fathers meant for that to be?

Consequently, to accept the position of the Department of Justice is to accept the position that the United States Senate—that is this body—with the concurrence of the House of Representatives, has systematically divested itself of its constitutional responsibility to advise and consent to Presidential nominations.

Madam President, I wonder how many Senators believe that. I wonder how many of my colleagues are prepared to accept such a specious argument. How many of my colleagues truly believe that the Senate has simply handed over one of the most effective checks against the abuse of executive power? How many will agree that we have given away what the Supreme Court has rightly characterized as ''. . . among the significant structural safeguards of the constitutional scheme''? It was referring to the Appointments Clause in the Edmund v. United States case of 1997.

I, for one, do not subscribe to that specious argument, nor do I believe that any other Senator would support such a contention.

After all, don't we swear an oath, ''so help me God,'' to support and defend the Constitution of the United States, before we enter into office?

At the same time, it is not fair to say the fault for this situation lies entirely in the executive branch; a part of it lies with us. An honest assessment of this matter will show that Congress must bear a good deal of the responsibility for its failure to aggressively demand strict compliance with the provisions of the Vacancies Act.

For 46 years I have been in the Congress, and I have noticed a steady decline in the desire, the willpower, and the determination of Members of Congress to speak out in protection of the powers of the legislative branch.

When I came here it wasn't like that, but more and more and more, it seems that there is an inability, or at least an unwillingness, on the part of Congress to stand up in support of its constitutional powers against the executive branch and those in the executive branch who would make incursions into and upon the constitutional powers of the Congress.

Each of us, individually and collectively, must concede that this institution, this Senate, and the other body, have been less than strenuous in protecting the constitutional rights and powers of the legislative branch.

Congress did, of course, make an attempt to assert the supremacy of the Vacancies Act when it last amended the statute some 10 years ago. That was the second year of the 100th Congress. I was majority leader in the Senate at that time, and on April 20, 1988, the Senate's Committee on Governmental Affairs, in a report accompanying a broader bill of which the Vacancies Act amendments were a part, stated thusly:

> . . . the present language, however old, makes clear that the Vacancies Act is the exclusive authority for the temporary appointment, designation, or assignment of one officer to perform the duties of another whose appointment requires Senate confirmation. The exclusive authority of the Vacancies Act would only be overcome by specific statutory language providing some other means for filling vacancies. As such, the Committee expressly rejects the rationale and conclusions of other interpretations of the meaning and history of the Vacancies Act. . . .

That was the language that was contained in the 1988 committee report.

And yet, despite that language, it remains a fact that the Vacancies Act has not been complied with. As a result, the time has come, and the time is now, for Congress to take the matter into its own hands and address the situation foursquare, right head on. That is what we are attempting to do here. I believe that S. 2176, the Federal Vacancies Reform Act, is the vehicle that will accomplish that goal.

This bill was introduced on June 16 by Senators THOMPSON, THURMOND, LOTT, ROTH, and myself. Three months before, on March 16, I had introduced S. 1761, the Federal Vacancies Compliance Act. Although my bill took a slightly different approach, I believe it is fair to say that it served as a basis for the bill before us today. I was privileged, through the courtesy of the distinguished chairman of the committee, Mr. THOMPSON, to be the lead witness at the March 18 hearing held by the Governmental Affairs Committee. Senator LEVIN was there; Senator GLENN was there; Senator DURBIN was there; and other Senators, I believe.

This legislation here today is the result of months of study, months of discussion, and months of difficult negotiation. By extending the time limitation on how long an acting official may serve, it is a bill that clearly recognizes the realities inherent in today's nominating process. It is a bill that goes out of its way to accommodate the inauguration of a new President by giving the new administration up to 8 months to forward nominations, something not currently contained in the Vacancies Act. So we are going the extra mile in an effort to accommodate the problems of the executive branch. And it is a bill that works to encourage the timely forwarding of nominations. Most importantly, though, it is a bill which will, once and for all, put an end to these ridiculous, specious, fallacious arguments that the Vacancies Act is nothing more than an annoyance to be brushed aside.

Madam President, it is time for this institution to state, in no uncertain terms, that no agency—no agency—will be permitted to circumvent the Vacancies Act, or any other Act for that matter, designed to safeguard our constitutional duties. We cannot, as James Madison warned in Federalist 48, simply rely upon the ''parchment barriers'' of the Constitution if we are to remain a coequal branch of this government.

I urge my colleagues to reflect upon this issue, and, in so doing, to hopefully conclude, as I have, that what is at stake here is something much greater than the Vacancies Act. I hope all Senators will understand that, each time a vacancy is filled by an individual in violation of the Vacancies Act, yet another pebble is washed off the riverbank of the Senate's constitutional role, and that, as more and more of these pebbles tumble downstream, the bank weakens, until, finally, it collapses. But above all, I hope my colleagues will agree that we have a responsibility to the American people and to this institution, the Senate of the United States, to shore up that riverbank, to stop the erosion that has taken place, and to reverse the wretched trend of acquiescing on our constitutional duties that seems to have so ominously infected this Senate.

Let us wait not a day longer in defending the Senate's rights of the Constitution. We are told by the great historian Edward Gibbon that the Seven Sleepers of Ephesus were seven youths in an old legend who were said to have fled to the mountains near Ephesus in Asia Minor to escape the prosecution of the emperor Decius, who reigned in the years 249–251 A.D. Pursuers discovered their hiding place and blocked the entrance. The seven youths fell into a deep slumber, which was miraculously prolonged, without injury in the powers of life. After a period of 187 years, the slaves of Adolius removed the stones to supply materials for some rustic edifice. The light of the sun darted into the cavern and awakened the sleepers, who believed that only a night had passed. Pressed by the calls of hunger, they resolved that Jamblichus, one of their number, should secretly return to the city to purchase bread. The youth, Jamblichus, could no longer recognize the once familiar aspect of his native country. His singular dress and obsolete language confounded the baker, and when Jamblichus offered to pay for the food with coins 200 years old and bearing the stamp of the tyrant Decius, he was arrested as a thief of hidden treasure and dragged before a judge. Then followed the amazing discovery, said Gibbon, that two centuries had almost elapsed since Jamblichus and his companions had escaped from the rage of a pagan tyrant. The emperor Theodosius II believed a miracle had taken place, and he hastened to the cavern of the Seven Sleepers, who related their story, following which they all died at the same moment and were buried where they had once slept.

Madam President, the moral of the story, as far as I am concerned, is this:

The Senate has slept on its rights for all too many years.

Let us awaken to the threat posed by circumventions by the executive branch of the appointments clause and act to preserve the people's rights and the people's liberties, assured to them by the checks and balances established by our forefathers.

In the proverbs of the Bible, we read: ''Remove not the ancient landmark, which thy fathers have set.'' The landmark of the appointments clause was established by our forefathers. We can suffer its removal only at our peril, at the Senate's peril, and at the people's peril. Let us, as Senators, not be found wanting at this hour.

It would require more than ''a mere demarkation on parchment'' to protect the constitutional barriers between the executive and legislative departments. It will require nothing less than an ambition that counteracts ambition. Senators, vote for this legislation. Vote for cloture today so that we can move on with the legislation. In the words of Hamilton, in the Federalist No. 76, ''It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to preventing the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. And, in addition to this, it would be an efficacious source of stability in the administration.''

Madam President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I, too, think we need to amend the Federal Vacancies Act, because the current act has too many loopholes and insufficiently protects the constitutional prerogative of the Senate to have Senate-confirmed officials serving in top positions in the executive branch. It is because I believe we should amend the Federal Vacancies Act that I voted to report the bill out of committee and, along with, I think, all or most of our colleagues, voted to proceed to Senate consideration of the bill.

But I will oppose cloture on the bill at this time, because if we adopt cloture now, it would mean that relevant amendments could not be considered. After cloture, only what are called germane amendments, as we all know, can be considered. That is a very narrow and a very strict rule. And for us to preclude the possibility of relevant amendments, relevant to this subject, being offered, without the opportunity even to offer those amendments, it seems to me, does not do justice to this subject.

I commend Senator BYRD and Senator THOMPSON for bringing this issue to our attention. Senator BYRD was the witness who appeared before our committee—and the Chair is also a distinguished member of this committee—and brought to our attention, very forcefully, the current loopholes that exist, at least the alleged loopholes that exist, in the Federal Vacancies Act.

These loopholes have been used by Presidents—I think inappropriately used. And surely Senator BYRD has laid out a very powerful case in this bill. And Senator THOMPSON and others laid out a very powerful case that we should close those loopholes. But we should close those loopholes considering relevant amendments in the process. And obtaining cloture immediately upon proceeding to the consideration of the bill will preclude the consideration of relevant amendments.

The bill before the Senate would make several important changes to the current Vacancies Act to close a number of those loopholes. First, it would make clear that the act is the sole legal statutory authority for the temporary filling of positions pending confirmation. Both Senator BYRD and Senator THOMPSON have stated forcefully why it is so important for us to close that loophole. In our judgment, that loophole does not exist. I think in the opinion of probably most Senators that loophole does not exist. But, nonetheless, whether it is a real one or an imaginary one, it has been used by administrations in order to have people temporarily fill positions pending confirmation for just simply too long a period of time, which undermines the Senate's advice and consent authority.

So the first thing this bill would do would be to make clear that the act, the Federal Vacancies Act, is the sole legal statutory authority for temporarily filling positions pending confirmation. Agencies would no longer be able to claim that their organic statutes trump the act and empower them to have acting officials indefinitely.

Second, the act's time period authorizing an individual to be acting in the vacant position would be increased to 150 days from the date of the vacancy. The current act provides for 120 days, and it is unclear on whether the period runs from the date of the vacancy or the date a person assumes the acting position.

Finally, the bill would provide for an enforcement mechanism for violations of the time period. And that is really an important point, because without some kind of an enforcement mechanism, these violations can take place without being corrected.

So the enforcement mechanism provides that if no nomination is submitted within the 150-day period, the position would have to remain vacant and any duties assigned just to that position by statute could be performed only by the agency head. As soon as a nomination is submitted, the bill provides that an acting official could then assume the job temporarily until the Senate acts on the nomination.

While the staff was making efforts to try to negotiate a unanimous consent agreement and perhaps a managers' amendment for Senate consideration of this bill, a cloture motion was filed. In my judgment, it was filed prematurely. And now if, indeed, this cloture motion passes, amendments which are relevant to this subject, important amendments, relevant to this subject, would not be subject to consideration and debate by the U.S. Senate.

Again, I am one who would like very much to see a reform of the Vacancies Act and to see that reform enacted in this Congress. Senator BYRD and Senator THOMPSON and others deserve the thanks of all of us for bringing the Senate's attention to this issue. Senator BYRD, again, took the lead in prompting the Governmental Affairs Committee to hold a hearing on this topic last March and pointed out the Justice Department's regrettable practice of having persons serve as acting officials in top-level positions for significant periods of time without Senate confirmation.

By having acted, officials serve in this way; and ignoring the purpose of the existing Vacancies Act, the Department delays or avoids Senate confirmation.

The Vacancies Act was originally enacted in 1868. Its whole purpose is to encourage the President to submit nominations in a timely fashion. In 1988, the Governmental Affairs Committee amended the act to preclude an agency—in particular, the Justice Department—from avoiding Senate confirmation and the requirements of the Vacancies Act by arguing that the act did not apply to their Departments. Unfortunately, the technical language that the committee used back then to accomplish this didn't do the job, at least in the eyes of the Department of Justice, and some agencies—and the Department of Justice, for one—have continued to operate outside of the intent of that law.

The bill before the Senate, then, attempts to rein in agencies like the Justice Department. It also attempts to set clearer guidelines on what agencies can and can't do with respect to vacancies, and it creates an action-enforcing mechanism that will encourage Presidents to act promptly on submitting nominations.

Now, in the eyes of many Members of this body, the Senate also has an important responsibility to act promptly on the nominations once they are received. That is why it would be relevant to debate the question as to whether or not a bill which amends the Vacancies Act to force the President to make timely nominations—in order to evade the clear constitutional role of the Senate in advising and consenting to such nominations—that such a bill could also appropriately address the Senate's duty to act on such nominations once they are submitted. That doesn't mean approve the nominations, that simply means to act on those nominations.

When we take up this subject of nominations, we need a bill which will

ensure that nominations are made in a timely way, but we also have to avoid crafting an unrealistic bill that could leave many key positions vacant. I don't think any of us want to do that. That is why this bill extends the time that a new administration would have in order to fill these positions without triggering the action-enforcing mechanism.

We need to recognize, however, that this vetting process for nominees—the exploratory process, the FBI checks—has become much more complicated and complex than it was even a decade ago when the act was last amended. Increasingly adversarial confirmation proceedings have required that background investigations and other steps in the vetting process are more thorough and lengthy.

We asked the Congressional Research Service to look at the length of time it took for the first Clinton administration to make nominations and the time for Senate confirmation of those nominations, and to compare those numbers to the time it took the first Reagan administration in 1981 to make those nominations and for the Senate to act on those nominations. The results reflect that both the nomination and the Senate confirmation process are simply taking longer. In 1981, President Reagan took an average of 112 days to submit a nomination; President Clinton, in 1993, took an average of 133 days to make a nomination.

In addition to Presidents taking longer because the process simply takes longer, the Senate is also taking much longer to confirm nominees. In 1981, the Senate took an average of 30 days to confirm nominees; in 1993, the Senate took an average of 41 days to confirm Clinton administration nominees. So the reality that it takes a greater period of time for these nominations to be made should be reflected in the bill. It is reflected by a 30-day extension for the time period, which we have all referred to. Whether or not that is enough is subject to debate, and there will be amendments on that subject as well.

As I have indicated, in addition to crafting a bill that reflects today's more adversarial nominations climate, there are many who feel strongly that we in the Senate should acknowledge our own responsibility to act on nominations that we receive from the administration. We, in the Senate, rightfully want to protect our constitutional prerogative to advise and consent on nominations and not to have positions filled by people whose nominations have not been confirmed by the Senate. By the same token, we should discharge our duties in a prompt matter once those nominations are submitted to us.

Currently, there are many, many examples of the Senate failing, both in committee and on the floor, to act on nominations. We are appropriately critical of the administration for not sending up nominations in a timely way, but it is also appropriate for us as an institution to act one way or the other on those nominations once they are received. It is the desire of some of our colleagues to offer amendments that would require the Senate to act in a timely fashion on nominations, both by considering them in committee and by requiring a vote on them on the Senate floor. Again, not a positive vote guaranteed, just a vote.

Madam President, I think this bill moves us in the right direction. It is a bill that would close loopholes which many of us did not think even existed but which are being utilized by administrations to make appointments of these temporary people for long periods of time without submitting the nominee's name to the Senate for advice and consent. There are many provisions about which concerns have been raised, and it is perfectly appropriate, I believe, for those issues to be debated and to be resolved here on the Senate floor.

I also would plan on offering an amendment to provide for a cure of a violation; that is, to allow an official to temporarily act in a vacant position once a nomination has been submitted, even if that nomination is submitted during a long recess. The bill is not clear, in my judgment, as to what happens when the 150-day period runs prior to, for instance, a sine die recess but when the intention to nominate a particular person is submitted to the Senate to the extent that is permitted during a sine die recess.

It would seem to me that, just as the bill appropriately holds the 150-day period when a nomination is submitted and permits somebody to serve in that capacity where there is an intent to nominate, so if the 150-day period happens to run out before a recess but the intention to nominate a particular person is submitted to the Senate during that recess, then also a temporary appointment ought to be permitted.

Madam President, I will offer an amendment at an appropriate time to have a person as an acting official permitted after the 150-day period has expired, when a recess occurs and the nominee or a nominee's name is submitted to the Senate during that recess.

There are a number of concerns which a number of our colleagues have raised with the bill as drafted, and some of these concerns, again, would be reflected in relevant amendments but which are not technically germane and would be precluded and foreclosed if cloture were invoked.

For example, the bill restricts who can be an acting official, in case of a vacancy, to a first assistant or another advice and consent nominee. That is too restrictive a pool of acting officials and does not give this administration, or any administration, the ability to make, for instance, a long-time senior civil servant within the agency an acting official. Such senior civil servants may be the best qualified to serve as acting officials. First assistants may not exist for all vacant positions. Further, designating another advice and consent nominee to serve as an acting official takes that person away from the duties of their regular job. The category of persons who can act needs to be made larger, in my judgment, and in the judgment of others who will be offering amendments along this line—who, at least, want to offer amendments along this line, assuming that they are afforded the opportunity to do so.

This provision that I have referred to, the restriction that I have referred to, may be operating particularly harshly at the start of a new administration when many vacancies exist. At such times, not many first assistants may be holding over from previous administrations. Therefore, the first assistant slots may be empty, also. Similarly, few other Senate-confirmed officers will exist that the President could choose from to serve in a vacant position. One of our colleagues intends to offer an amendment to allow qualified civil servants to be acting officials, also. And again, this amendment, like some of the other amendments that are sought to be offered here, may not be technically germane and can be foreclosed after cloture.

I don't think it is appropriate that relevant amendments should be foreclosed. That is why I am somebody who believes we need to amend the Federal Vacancies Act in order to close the existing loophole, and in order to protect the constitutional prerogative of the President, and I also want to protect the prerogative of Senators to offer relevant amendments. That is the issue we are going to be voting on—whether or not Senators ought to have an opportunity to offer relevant amendments, or whether they should be precluded from doing that by cloture being invoked so prematurely, when a bill has just been brought to the floor, and then being denied the opportunity to offer amendments on issues that are clearly relevant to this issue.

So the bill is an important one. The issue is an important one. I think we are all in the debt of the sponsors for bringing this bill to the floor. It is appropriate that the Senate debate this bill and that Senators who have relevant amendments, although not technically germane, be offered the opportunity to offer those amendments, have them voted on, and to have these issues, some of which I have discussed, resolved.

I hope we will vote against cloture and that we will proceed to continue on the bill and have people offer amendments—hopefully relevant amendments—and to try to work out a unanimous consent agreement to see if we can't come up with a list of relevant amendments that people could offer on this subject so that they would not be foreclosed, being in a postcloture situation, from offering amendments that are relevant to this important issue, but not technically germane.

I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Madam President, I yield the Senator from South Carolina 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. THURMOND. Madam President, I rise today in support of cloture on S. 2176, the Federal Vacancies Reform Act. This legislation should be entirely nonpartisan because it is essential to the advice and consent role of the Senate.

Recent Administrations, both Republican and Democrat, have failed to send nominations to the Senate in a timely manner. Instead, they have appointed people to serve in an acting capacity for long periods of time without seeking confirmation.

This is a matter of great significance. One of the primary fears of the Founders was the accumulation of too much power in one source, and the separation of powers among the three branches of government is one of the keys to the success of our great democratic government. An excellent example of the separation of powers is the requirement in Article 2, Section 2 of the Constitution that the President receive the advice and consent of the Senate for the appointment of officers of the United States. As Chief Justice Rehnquist wrote for the Supreme Court a few years ago, ''The Clause is a bulwark against one branch aggrandizing its power at the expense of another branch.''

The Vacancies Act is central to the Appointments Clause because it places limits on the amount of time that the President can appoint someone to an advice and consent position in an acting capacity without sending a nomination to the Senate. For too many years, the Executive Branch has failed to comply with the letter or the spirit of the law.

I raised this issue for the first time this Congress in April of last year at a Justice Department oversight hearing. At the time, almost all of the top positions at the Justice Department were being filled in an acting capacity. They included the Associate Attorney General, Solicitor General, Assistant Attorney General for Civil Rights, Assistant Attorney General for the Criminal Division, and Assistant Attorney General for the Office of Legal Counsel.

President Clinton allowed the Criminal Division of the Justice Department to languish for over two and one half years before submitting a nomination. The government had an Acting Solicitor General for an entire term of the Supreme Court. Most recently, the President installed Bill Lann Lee as Acting Chief of the Civil Rights Division in blatant disregard of the Judiciary Committee's decision not to support his controversial choice. Mr. Lee has been serving as Acting Chief for ten months, and the President apparently has no intentions of nominating someone the Judiciary Committee can support.

Let me be clear. The issue is not about any one President or any one nominee. It is about preserving the institutional role of the Senate. A Republican President has no more right to ignore the appointments process than a Democrat President.

I responded to this problem by introducing a resolution about one year ago. However, I soon realized that a total rewrite of the Vacancies Act with an enforcement mechanism would be required to force the Executive Branch to follow the law in this area. Thus, earlier this year, I sponsored a bill on behalf of myself and the Majority Leader to rewrite the law regarding vacancies.

Today, I am pleased today to be an original cosponsor of S. 2176, the bill that we are debating today. It contains the two primary objectives that I outlined when I testified before the Governmental Affairs Committee earlier this year: the need to totally redraft the Vacancies Act and to provide a mechanism for enforcement. Senator THOMPSON has done a fine job in drafting S. 2176 and in shepherding it through the Governmental Affairs Committee. He has worked hard to create a bipartisan consensus for this legislation. In that regard, I am pleased that my distinguished colleague who is an expert on the institution of the Senate, Senator BYRD, is an original cosponsor of this legislation.

S. 2176 would correct the Attorney General's misguided interpretation of the current Vacancies Act. In fact, she practically interprets the Act out of existence. Based on various letters to me, it is clear that if her interpretation were correct, no department of the Federal government would be bound by the Vacancies Act. There would be no limitation on the amount of time someone could serve in an acting capacity. There would be no limitation on how long the advice and consent role of the Senate could be ignored.

Additionally, the bill has an enforcement mechanism, while the current law has none. Because there is no consequence if the Vacancies Act is violated today, the Executive Branch simply ignores it. This change is essential for the Act to be followed in the future. The bill provides that the actions of any person serving in violation of the Vacancies Act are null and void, until a nominee is forwarded. There can be no argument that this will paralyze an office because the President can make the office active by simply forwarding a nomination.

It is also important to note that the bill gives the President an extra 30 days to submit a nomination. It extends the time from 120 days to 150 days, with even more time at the start of the administration. These were concessions to the Executive Branch. Indeed, the bill overall makes no more change than necessary in the Vacancies Act to make sure it will be followed in the future.

The question before us is cloture on S. 2176. We should invoke cloture now and move to any amendments that members wish to propose. Cloture on the motion to proceed was easily invoked last week in a completely bipartisan vote, and I hope we can get a similar consensus today.

Madam President, we must act in a bipartisan fashion to preserve the advice and consent role of the Senate. We must require any administration in power, whether Democrat or Republican, to respect this Constitutional role of the Senate. As the Supreme Court has stated, ''The structural interests protected by the Appointments Clause are not those of any one branch of Government but of the entire Republic.'' By passing the Vacancies Reform Act, we can reaffirm the separation of powers for the sake of the Senate and the entire Republic.

Madam President, I yield the floor.

Mr. LEVIN. Madam President, I yield 15 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 15 minutes.

Mr. DURBIN. Thank you, Madam President.

I thank the Senator from Michigan for yielding.

Madam President, I rise today to oppose this effort to bring to a close debate on the Vacancies Act reform legislation, S.2176. I urge my colleagues to join me in voting against cloture.

Without so much as a blink, a breath, or a blush, a cloture motion on the bill itself was immediately filed last Thursday morning on the heels of the Senate's agreement to proceed to this bill. This quick flinch maneuver is an attempt to deny Members the opportunity to offer meaningful relevant amendments to improve this legislation, such as those I intend to pursue to address the Senate's responsibility to act expeditiously on pending nominations.

Before I outline the importance of assessing both sides of the process and outline my specific reservations about the bill as presently drafted, I wish to emphasize that I share the convictions and concerns of the sponsors, notably Senators BYRD, THURMOND, and THOMPSON, about the critical need to preserve and protect the constitutional prerogative of the Senate to advise and consent to Presidential nominations to executive branch positions. I am sure that I am not alone in this view.

I appreciate the sponsors' zeal to remedy what has grown to be, numerous instances and examples throughout the government, of outright challenges to Senate authority by ignoring the Vacancies Act. There has been flagrant and contagious disregard for the application of the existing law as the sole mechanism for temporarily filling advise and consent positions while awaiting the nomination and confirmation of the official candidate.

I wholeheartedly concur that this law needs clarification so that moves to end-run its application are halted. The bill as advanced by the Governmental Affairs Committee laudably addresses this exclusivity question.

Thus, I do not oppose efforts to bolster the Vacancies Act as the exclusive mechanism (with limited and explicit exceptions) for the president to designate officials to temporarily fill vacancies in positions requiring Senate confirmation.

Unfortunately, in its current form this bill goes well beyond that justifiable but limited goal in several respects. Moreover, it fails to go far enough to address the Senate's duty to timely act on nominations.

While the Administration may well bear some responsibility for the slow pace of nominations, I am dismayed that the Senate would want to so severely restrict the ability to fill vacant positions temporarily and to conduct the people's business while at the same time impeding the nominations process and confirming nominees at a snail's pace.

The Senate bears partial responsibility for the time it takes to nominate officials for Senate confirmed positions. This Congress has subjected the Administration's nominees to unprecedented scrutiny, using almost any prior alleged indiscretion—no matter how trivial—by a nominee as an excuse to delay or prevent a vote.

Senators have also interjected themselves into the President's nominations process to an unparalleled degree. As a result, that front-end process—the selection, recruitment, and vetting of candidates—takes longer than ever before.

The nomination and confirmation process, it has been observed, is one of ''the President proposing, the Senate disposing.'' If the Senate expects adherence to the rigid parameters this bill would impose on advancing candidates, we as its Members need to be ready and willing to diligently consider these candidates for public office and take prompt and deliberate action to confirm or reject them.

The Senate has frequently declined to exercise its advice and consent responsibility in a timely and appropriate manner. Too often, nominations die in Committee, languish interminably on the Executive Calendar, or simply take months or years to move through this Chamber.

Just as the President has a responsibility to forward nominees to the Senate in a timely fashion, we in the Senate have a concomitant obligation to discharge our constitutional prerogative of advice and consent on those candidates in an efficient and expeditious fashion.

We cannot simply confront practical deficiencies in the front-end phase of the process for recruiting and evaluating qualified candidates and ignore our own responsibilities.

We owe it not only to the Executive, but to the American public, to offer—not withhold—our advice and where appropriate, our consent.

I have filed and certainly hope to have an opportunity to offer some relevant amendments designed to address those instances of dilatory Senate Committee processing and floor inaction once a nominee is advanced to the calendar.

One amendment would provide that any nomination submitted to the Senate that is pending before a Senate committee for 150 calendar days shall on the day following such 150th day, be discharged and placed on the Senate executive calendar and be considered as favorably reported.

Another amendment would require the Senate to take up for a vote any nomination which has been pending on the Executive Calendar in excess of 150 days. Such Senate consideration must occur within 5 calendar days of the 150th day. In effect, it creates an end point after which we can no longer hold up a nominee.

I am not suggesting that we would give our consent to all of these nominees. I am basically saying that this process should come to a close. The Senate should vote. It should make its decision.

If we want to reasonably time-limit the front end of the process—with which I do not disagree—and promptly fill vacancies, we need to be equally willing to build some finality into the back-end of the process and impose some time limits on our own consideration of these candidates.

The first problem I find with this bill is that filling positions in the Government requires time far longer than that specified in this bill.

I have an amendment which suggests increasing the 150-day period to 210 days. I am sure people are wondering, if they are following this debate, why it would take so long for any kind of process to review a nominee. Well, as it turns out, the average number of days that a vacancy exists prior to a Senate nomination for the White House is 313 days. What could possibly take 313 days in investigating the qualifications of an individual to fill the job?

Consider all of the things that are going to be investigated. Not only the lengthy forms the individual must fill out, ethics disclosures, financial statements, fingerprints and the like, but also an FBI investigation, a Federal Bureau of Investigation report on that person, the opportunity for groups to contact the White House and say that they either oppose or support the individual, the opportunity for Members of Congress to come forward and suggest to the administration that they either support that nominee or they oppose it. And as it turns out, some of these things such as an FBI report may not happen as quickly as some people imagine. We have heaped on that agency additional responsibilities every year. We entrust them with very important jobs. We tell them that we want them to fingerprint and make certain that those who want to be citizens of the United States, in fact, have no criminal record in any foreign country. That is a valid question, but it is an additional administrative responsibility.

The list goes on and on and on. As a consequence, when the administration comes to this agency, and it is only one example, and asks for a timely review of an individual nominated for a position, they sometimes have to wait in line. And while they wait the clock is ticking.

And consider this as well. As a result of this legislation, saying the administration shall only have 150 days, what if in the midst of this process—say, for example, 4 or 5 months into the process—the administration reaches a conclusion that the individual should not go forward and the nomination should not be sent to the Senate. Does the clock start to run again? No. The clock continues to run 150 days, so the new nominee, starting over going through all these processes, trying to clear all these hurdles, is still burdened by the original clock ticking at 150 days. I don't think it is realistic. I don't think it is fair. Merely adding 30 additional days to the current 120-day timeframe within which an acting official may temporarily perform the duties and functions of the vacant office unless the Senate has forwarded a nominee to the Senate within that span is impractical. It is unrealistic, and I do not believe it is adequate.

Mr. BYRD. Madam President, will the Senator yield?

Mr. DURBIN. I will be happy to yield.

Mr. BYRD. The Senator from Illinois has suggested an amendment, Madam President, as far as I am concerned, I could accept. Why not let us invoke cloture; that amendment is certainly a germane amendment, and have the Senator put it up for action by the Senate? I am one who would vote for it.

Mr. DURBIN. I thank the Senator from West Virginia, and I certainly appreciate those comments. But we are told by the Senate Parliamentarian that the amendment would be relevant but not germane, and therefore any action for cloture which would put a burden on the Senate to act within a certain period of time on nominees that are sent would be wiped away, or could be wiped away by this cloture motion.

Mr. BYRD. Madam President, will the Senator yield further?

Mr. DURBIN. I will be happy to yield.

Mr. BYRD. I may have misunderstood the Senator. I thought the Senator was suggesting that the 150 days is not enough and that he would like to see 30 additional days. That would certainly seem to be germane as far as I am concerned.

Mr. DURBIN. If the Senator will allow me to respond, that amendment is germane. The only other amendments which would impose a responsibility on the Senate to move a nominee out of committee within 150 days after it is sent from the White House or

to move it off the Executive Calendar for a vote within 150 days, I am told by the Senate Parliamentarian, may not be allowed if cloture is invoked.

Mr. BYRD. Yes. I expect the Parliamentarian is right on that. I would not argue with that, nor would I probably support it.

If the Senator will allow me, the Constitution doesn't say that the Senate has to confirm the nominees. It simply says the President cannot have the full responsibility and power himself to name people to important positions. This is a matter that has to be shared under the Constitution between the President and the Senate. This constitutional provision—the appointments clause—I am trying to protect today is being given the runaround by the Justice Department and several other Departments, and I want to protect that constitutional power that is given to the Senate. As to whether or not the Senate acts on nominations, the Constitution doesn't require the Senate to act, but I think that the Senate does act, and would continue to act, on nominations within a reasonable period of time.

Having been the majority leader of the Senate during three different Congresses, I can say to the distinguished Senator that when I was majority leader we had nominations left on the calendar at the end of a Congress, in all three of the Congresses in which I served as majority leader. When we adjourned sine die that Executive Calendar was not wiped clean. We all did the best we could, but we did leave some nominations on the calendar. And I certainly share the Senator's feeling that the Senate ought to act expeditiously, in a reasonable fashion, but when it comes to requiring the Senate to act on all nominations, I don't think the Constitution requires that. And I might have to part company with the Senator at that point. But some of his other suggestions, I think, are very well made.

Mr. DURBIN. I thank the Senator from West Virginia. It pains me to believe we would have a difference of opinion, but those things do occur. I am certain the Senator as majority leader did his constitutional responsibility—there has never been a doubt about that—and also acted with dispatch in a timely manner.

I think the Senator makes a good point. We not only want to protect the clear constitutional responsibility and right of the Senate in this process, we want to bring the best men and women forward to continue serving our Government, and we want it all done in a timely fashion. My concern with this bill is it addresses one side of the equation. It says to the executive branch, you have to move in a more timely fashion to bring these men and women to the Senate for consideration. If we are clearly looking for filling vacancies in a timely fashion, that is only half the process. Once the nomination is brought to the Senate, we should move in a timely fashion, too. Otherwise, using the old reference to equity, we don't come to this argument with clean hands, and that is why I think there should be some symmetry here in the requirement of the executive as well as the legislative branch.

Mr. BYRD. Madam President, will the Senator yield?

Mr. DURBIN. I will be happy to yield.

Mr. BYRD. And I thank him for yielding. The Senator, as I think I understand, suggested that if we are going to deal with one part of the equation, namely, the nominating process by the executive, and protect ourselves in that regard, we ought to be equally interested in dealing with the other half of the equation by requiring action by the Senate to confirm or reject nominees.

May I with great respect suggest—and I am doing this for the record. I am sure I am not ahead of the Senator in thinking this—I am trying to address the constitutional side of the equation and stop the administration, not only this administration but also previous administrations, from conducting a runaround of the constitutional advice and consent powers of the Senate. I am suggesting we deal with that constitutional side of the equation.

Now, the other side, which the distinguished Senator mentions, if he will pardon my saying so, I think what he is talking about is the political side of the equation. That part is not included in the Constitution. The Constitution doesn't require the Senate to act on any nomination. But that is the political side. I would like to deal with the constitutional side, and that is the purpose of this legislation. And then we can do the best we can on dealing with the political side. The Senator is quite right; neither side comes into this matter with perfectly clean hands. That is an old equity maxim.

It reminds me of Themistocles who happened to say, one day, ''that he looked upon it as the principal excellence of a general to know and foresee the designs of the enemy;'' Aristides answered, ''that is indeed a necessary qualification; but there is another very excellent one, and highly becoming a general, and that is to have clean hands.'' The same thing would apply here. Neither party has clean hands when it comes to moving all nominations sent by a President to an up or down vote. As majority leader during the Presidential years of Mr. Carter and again during the 100th Congress, I can remember that the calendars were not always cleared of items that had been reported by committees when adjournments sine die occurred. I hope that we will not get bogged down in this way about a purely political matter when a far more important constitutional matter, important to the prerogatives of the Senate in the matter of appointments is at hand.

And let me state to the Senator the number of nominees that were left on the executive calendar when I was majority leader, at the time of sine die adjournment.

When I was majority leader—I will just take one Congress, for example, the 100th Congress.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. BYRD. Mr. President, I ask unanimous consent the Senator have an additional 5 minutes.

Mr. LEVIN. Reserving the right to object, and I surely hope I will not, I wonder how much time remains.

Mr. BYRD. And that that time not be charged against either side.

The PRESIDING OFFICER. The Senator from Michigan has 21 minutes; the Senator from Tennessee has 9 minutes. Is there objection to the request?

Mr. LEVIN. The modified request, we have no objection to.

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

Mr. BYRD. I will just say this. To show that we all sometimes fail to have clean hands, when I was majority leader in the second session of the 100th Congress—I don't mind saying this—the civilian nominations totaled 516, including 112 nominations carried over from the first session; 335 of these were confirmed, 170 were unconfirmed, and 11 were withdrawn. So, this is a failing that can be ascribed to both Democrats and Republicans when they are in control of the Congress.

But, yet, I come back to my original premise; namely, that the Constitution did not require me to call up all those nominations off the calendar. It didn't say I had to do that. But it did say, with respect to nominations, that appointments to vacancies were to be shared by the President and the Senate, and that is what this bill is contemplating to enforce and what I am fighting for today.

I thank the distinguished Senator.

Mr. DURBIN. I thank the Senator from West Virginia.

I would just say that I can't believe that I hurried back from Chicago this morning to come to the floor of the U.S. Senate to actually engage my friend and fellow Senator from West Virginia in any debate about the Constitution. I plead nolo contendere. I am not able to join you in that. And I can't even reach back in Greek or Roman history for any kind of solace or defense.

I am not sure who the author was, it could have been a Greek or Roman, maybe a West Virginian, or even an Illinoisan, who once said the profound statement, ''What is sauce for the goose is sauce for the gander,'' and that is what I am attempting to argue here. That is, if we are going to impose on the executive branch a requirement to produce the nominee in 150 days, or if the time goes beyond that to suffer the possibility of not having an acting person in that slot, then we should accept the responsibility on the Senate side as well, to act in a timely manner on these nominees.

Mr. BYRD. Mr. President, will the Senator yield? I hope he will forgive me.

Mr. DURBIN. I will be happy to yield.

Mr. BYRD. I am not here to engage in challenging his statements. He is one of the fine Members of this Senate; one of the newer Members, in a way. He served a long time in the House of Representatives. He comes to the Senate well prepared to be a good Senator, and he is a good Senator.

But, again, I am concerned about that part of the responsibility which the Constitution places on both the executive and the legislative. I think the legislative is being given the runaround by the Judiciary Department. It has not just been during this administration. It has been, as I say, going on for over 25 years, and this is an opportunity for us to correct that, I hope we would vote for cloture and perhaps some of the Senators' amendments—which are certainly worthy of consideration and probably of adoption, some of them—could be given a chance to be offered and debated. I hope we would invoke cloture, indeed, to have an opportunity to do that.

Mr. DURBIN. I thank the Senator from West Virginia.

I think what we have found is that rarely do we visit this rather obscure area of the law, the Vacancies Act. I am hoping in this visitation on one side, that we have some balance and impose requirements on the Senate to act in a timely fashion, as we impose a requirement on the executive branch to report a nominee in a timely fashion. But I also hope the time periods that we choose are realistic. I think anyone involved in this process at any level understands that when a person's name comes up in nomination, they are subjected to far greater scrutiny than ever before. It discourages many good people from even trying public service, and I am sure that many have been disappointed.

But let us, I hope, during the process of this debate, be sensitive to this reality. And it is a reality that, under the bill, the meter keeps on ticking even when this scrutiny is underway, even if it is interrupted and a new nominee is proposed for a post. And if, in fact, at 150 days the nomination is not forthcoming, then, as I understand this bill, we would preclude the President from filling the spot with an acting person. That, to me, is a sort of decision which on its face makes sense but may have some practical ramifications. It may affect the ability of the administration to choose the person most able to handle a matter that involves public health, public safety, or the national defense. I also think that this bill too narrowly restricts who can function in an acting capacity.

The PRESIDING OFFICER. The additional 5 minutes of the Senator has expired.

Mr. LEVIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Michigan has 21 minutes remaining.

Mr. LEVIN. I will be happy to yield an additional 5 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I am concerned this bill too narrowly restricts those who can function in an acting capacity. I am worried that, in fact, the administration will not be able to pick that person best able to fill the spot, to conduct the duties, and to perform the functions of the office in the best way. I don't think that serves our country well. This bill could preclude the President from naming the most qualified person to serve as an acting officer. I do not think that will help us in any way.

Third, while it would not affect this President, experience has shown that at the beginning of a new administration filling positions in the Government requires far longer than specified in this bill. At the outset of any new administration, the President must nominate individuals to at least 320 positions in 14 different executive departments. The new President cannot possibly make all the required nominations within the 240 days allowed by this bill.

In 1993, when the nominations process was, if anything, simpler than today, the new administration was able to forward only 68 percent of the nominees within the first 240 days. Unless this time period is changed, the next administration could face departmental shutdowns because of this bill.

The enforcement mechanism of this bill, which establishes that no one can perform the functions and the duties of the vacant office, is a sanction which would lead to administrative immobilization.

I would like to also note it is ironic that we are here today debating whether to close off consideration of a measure designed to limit how long an acting official may temporarily fill an executive branch vacancy and legally perform the duties while awaiting an advancement of a nominee. The impetus is on the President to send nominees more expeditiously; yet with acting officials in many of these agencies, the work can continue. Such is not the case with the sister branch of Government which has eluded our debate here today, the Judiciary. In fact, a more serious crisis sits on the doorstep of the U.S. Senate, one that has been sorely neglected this year by many of the same people on the other side of the aisle who are proposing this change in the Vacancies Act.

We must recognize there is no similar vehicle or parallel authority like the Vacancies Act for filling vacancies on the Federal bench. There are presently 22 candidates to fill judicial vacancies on the Executive Calendar of the U.S. Senate, and 24 pending before the Senate Judiciary Committee—3 of those from my State. Unlike the executive branch where qualified acting officials may step in, in the judicial branch we don't have ''acting'' or ''interim'' judges.

I think, frankly, if we are going to assume some responsibility here, as we should, and impose responsibility on the executive branch, we should meet our responsibility. I think that responsibility requires us to act in a timely fashion on nominees sent before us. The reason I oppose cloture is I would like to see that the Senate shall also be held to the responsibility of acting in a timely fashion. If, after 150 days languishing in a committee there is no report on an individual, the name should come to the floor. If, after 150 days languishing on the Executive Calendar that name has not been called for a vote, it should be. Vote the person up or down. They are qualified or they are not. But to impose all of the burden on the executive branch and to step away from our responsibility I don't think is fair. It doesn't engage the symmetry, which I think is important.

I will concede, as Senator BYRD has said, the constitutional question is directly addressed by this bill, but I think there is a larger question about the process and whether or not we meet our twin goals: timely consideration and ultimately the very best and most able people who are selected to serve us in Government.

Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. Who yields time?

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THOMPSON. Mr. President, I have a couple of points. With regard to the desire for symmetry, I point out that the symmetry and the balance are provided for in the Constitution itself. It is not symmetrical to take a constitutional provision and our constitutional duties, on the one hand, and equate it with legislation that people might be for or against, on the other. The Constitution provides that the President has the power to make the appointment, but only with the advice and consent of the Senate. It is part of our separation of powers, part of our checks and balances. Therein is the balance.

What we have today is a situation where the President, the current President, as Presidents in the past, has made nominations and figured out ways around the prerogatives of the Senate. We are in a situation today where we are not doing our duty. The U.S. Senate is not doing its duty in upholding its right and protecting and preserving its right.

We can bring this matter back. We cannot have cloture and bring this matter back time and time again. But we must recognize, with the provision, of course, of being able to offer germane amendments, we must recognize

that this situation is ongoing. We can debate legislation at any time. If it is deemed desirable to put a time limit on the U.S. Senate to consider appointments, we can debate that.

I think it is very bad legislation. As most Senators, I think, know, there is more than one reason why nominations languish up here sometimes. Sometimes they languish for very good reasons. Sometimes it is an attempt to work with the White House with regard to someone who has problems. Instead of just saying no and sending it back or telling them to take it back, we find ways to work around the problems we have. There are many reasons why that would be bad legislation, but it is something that can be considered at any time.

We have had this vacancies situation with us about 130 years now in terms of this legislation, and there are all kinds of things that can be added to it at this date, that it would probably be better if it were considered separately and invoke cloture today so we can address a problem that is really important in terms of the constitutional responsibilities of this body.

With regard to the other objections of the bill and talking about that this is too confining on the front end, actually we either are continuing practices that have been with us for 130 years or we are making them more liberal. We are giving the President greater leeway. We are giving him 150 days instead of 120 under current law. If we do not pass this legislation, he will keep 120 days instead of the 150 we are trying to give him. People are concerned about a new President coming in. We have added an additional 90 days to the 150 days in which a new President will have to make his nominations. We also added another liberalizing provision that, if he lets the 150 days expire and then there is a period of time and then he makes the nomination, the acting person can go back and resume his duties. These are all liberalizing provisions.

I understand the need to consider amendments. I was hoping that the possibility of germane amendments would get us through this, in light of the fact that we have spent a lot of time working on a bipartisan basis and making several changes.

We have made changes since this legislation was introduced to allow the President to cure a vacancy by sending up a nomination even after 150 days; by modifying the exclusion provision to exclude chief financial officers, for example; to allow a 150-day period when it expires during a recess to be extended to the second day after the Senate reconvenes; to reduce from 180 days to 90 days the length of time a first assistant held that position and can be eligible to be a nominee; extended the transitional period following a new President's inauguration, as I said, from 180 days to 240 days. In most of these cases, we have worked out on a bipartisan basis extensions and liberalizations from what is the current law.

While there would not be an opportunity to offer relevant amendments that are not germane, I suggest that this is something whose time has come and that we would be doing a disservice if we did not go ahead and move this legislation—something that, as I say, has to do—it is not just a normal piece of legislation, it has to do with the carrying out of our constitutional duties.

I yield the floor.

Mr. GLENN. Mr. President, I rise today to discuss S. 2176, the ''Federal Vacancies Reform Act of 1998'' introduced this summer by Senator THOMPSON, Chairman of the Governmental Affairs Committee with jurisdiction over the Act. I want to thank Senator LEVIN for managing the bill today. I also want to thank Chairman THOMPSON for the accommodations his staff has afforded Democratic staff in the negotiations leading up to this brief debate. We, on our side of the aisle, were blindsided, to say the least, by the filing of the cloture petitions last week as staff were negotiating the terms of a unanimous consent agreement on, and the substance of a managers' amendment to this very bill.

As we know, the Vacancies Act governs the temporary filling of what we call ''advise and consent'' or PAS positions (Presidentially-appointed, Senate-confirmed) in the Executive Branch. As I have said many times before, I remain concerned about two important goals of any new law we pass: (1) As Senator BYRD—the best expert this body has on Senate procedure and constitutional law—has repeatedly noted, this is one of the Senate's most important and serious constitutional prerogatives in that we are expected—required, in fact, under the Constitution—to provide our advise and consent on the nominees the President submits to us for our consideration; and (2) maintaining the smooth functioning of government with the large number of vacancies we seem to have to deal with. On one hand, we have more slots in government than ever before which means more vacancies. On the other hand, our confirmation process is long and tedious keeping acting officials (many of whom are very qualified to fill their slots) in their positions for longer than we intend.

Combined, these concepts make the continuity of the functioning of government a challenge to achieve, but certainly not impossible. We should be creating a process that reflects reality and provides the proper safeguards and enforcement mechanisms.

I believe the bill as it stands now improves on current law, but I think there is still work to be done. The White House has issued a veto letter on this bill. While I consider this important legislation, I remain concerned about many of the issues raised by the Administration, and I have filed amendments to address many of these concerns.

For instance, are we being too limiting in who can become an acting official? Current law mandates that an acting official can be the first assistant or anyone the President designates. We will be narrowing current law to include the first assistant or any PAS official the President designates. The importance of this change is that in the absence of a first assistant or at the President's discretion, we will be requiring someone whom the Senate has already approved to fill a slot for which the Congress has required the Senate's advise and consent. But do we really want a President to designate a PAS from HUD to assume the additional responsibilities of a PAS position at Department of Education? Or vice versa? Do we want these folks who already have plenty of responsibility as it is to assume the added responsibility of a second position? With the vetting process taking longer and the noteworthy downsizing in government that has occurred over the last 6 years, perhaps it's time to consider a hybrid category of who can be a temporary acting official.

I intend to offer an amendment to add a third category which would include qualified individuals of a certain level or higher who are already within an agency in which a vacancy occurs. Such individuals—who could include high-level members of the civil service—would be familiar with the agency, its processes and culture; possess some institutional memory; and be fully capable of the task. This gives the President a larger pool from which to choose an acting official, particularly in a case where there is no first assistant, and the President must turn to another PAS official to temporarily fill the slot. In addition, it allows a larger category of who can act at the beginning of an administration to keep government functioning at a time when there are not many PAS officials. I think this amendment is critical to the success of the legislation, and I hope Senators on both sides will give it serious consideration. I will not be able to support the bill if this issue is not addressed in it.

In addition, I hope to offer amendments which would give the President the authority to extend the period for a temporary official if a case of national interest arose and a nomination for the position had not yet been sent up. In such cases, under the amendment the President upon certification to Congress of the particular national interest—be it national security, natural disaster, economic instability or public health and safety—would be able to extend the temporary appointment one time for 90 days.

Finally, I hope to offer an amendment which would further decrease the requirement for a first assistant who will be an acting officer and the nominee to 45 days. At the beginning of a new administration, there may not be enough PAS officials to perform their own duties let alone those of another position. This will be the case particularly where there is a change in party

in the White House. In addition, because of the restriction in the bill on first assistants who serve in acting capacities who will also be the nominees, the administration will be required to fill the first assistant slot as well as the vacant PAS slot. My amendment would allow first assistants to be appointed, act in the vacant slot for 45 days and then be nominated to fill the slot on a permanent basis before the end of the 60-day period for which extensions are granted at the beginning of a new administration.

I hope that other amendments that may be offered which would impose the same constraints on the Senate as this legislation would impose on an administration will also have a fair opportunity to be considered. While some see no connection between the Vacancies Act and the responsibilities of the Senate to act on nominations, I believe the two are inextricably linked. I do not believe we can go forward in reforming one process until we commit to reforming our own.

I want to note that as the negotiations on this bill proceeded, we were not only looking to see how this law would operate in this second-term Democratic administration. Indeed, some day this law will be utilized by a Republican administration. With this in mind, we attempted to help craft a fair piece of legislation.

In that vein, I want to emphasize again that the process by which this bill has come to the floor for such limited debate with no opportunity for action prior to the cloture vote, is discouraging both for our faith in a fair process and for the fate of this legislation.

NOMINATION OF BILL LANN LEE

Mr. LEAHY. Mr. President, as the Senate considers possible amendments to the Vacancies Act, we have occasion to focus on the Senate's advice and consent role for all presidential nominations and the American people have an opportunity to review how well, or how badly, this Senate has fulfilled that constitutionally-mandated role.

It is important to explore ways to help the Executive Branch improve the process by which the President nominates, the Senate confirms and then the President appoints people to serve in important positions within the executive and judicial branches of our federal government. Indeed, I have often joined with Senator BYRD to defend the authority of the Senate on this issue and to protect the Senate's role against the executive encroachments by way of excessive use of the recess appointment power.

I recall when the Reagan and Bush administrations were abusing the power of recess appointment and note, by contrast, how sparingly President Clinton has used that constitutional authority. I am advised that while President Reagan made 239 recess appointments in 8 years and President Bush made 78 recess appointments in 4 years, President Clinton has used his recess appointment power only 45 times over the last 5 years.

I also recall how President Clinton acted with great restraint last year when he and the Attorney General joined to appoint Bill Lann Lee the Acting Assistant Attorney General for Civil Rights rather than using his power to make that a recess appointment.

Let us focus on the nomination of Bill Lann Lee. He was initially nominated to head the Civil Rights Division in July 1997. At the end of 1997, that nomination got caught up in one of the narrow, partisan-driven whirlwinds that hit Washington every now and then. The result was that the nomination became a victim of the anti-affirmative action lobby and was denied a vote by the full Senate. Bill Lee was mischaracterized last fall as a wild-eyed radical and as someone ready to impose an extreme agenda on the United States. He was misportrayed as a supporter of quotas. The Republican majority demonized this fine man and killed his nomination by denying him a Senate vote.

After looking at Bill Lee's record, I knew he was a man who could effectively lead the Civil Rights Division, enforce the law and resolve disputes. I reviewed his record of achievement and saw a practical, problem solver and noted last year that no one who has taken the time to review his record could call him an idealogue. I recognized that Bill Lee would be reasonable and practical in his approach to the job, and that he would be a top-notch enforcer of the Nation's civil rights laws.

Bill Lann Lee has been serving for almost 10 months now as the Acting Assistant Attorney General for Civil Rights, and he has established a solid track record. He is doing an outstanding job for all Americans. I have had a chance to take a close look at what he has been doing while serving as the acting head of the Civil Rights Division. What I find is a record of strong accomplishments. I see professionalism and effective problem solving. I find him enforcing the law in a sensible and fair manner.

Accordingly, I urge the Senate finally to consider the nomination of Bill Lann Lee and to confirm him to this important post. The President renominated Bill Lann Lee to be Assistant Attorney General in charge of the Civil Rights Division on January 29 of this year. Given his outstanding performance over the past 10 months, I urge the Senate to show him the fairness of a vote on his nomination. I am confident that when Senators consider his nomination and review his record, a majority of the United States Senate will vote to confirm this outstanding nominee.

It is to raise this matter to the attention of the American people and for action by the Senate, that I have filed an amendment to the Vacancies Reform Act bill to provide for a vote on the longstanding nomination of Bill Lann Lee before the Senate ends this year's session.

As we consider how to improve the Vacancies Act, the Senate would do well to consider its lack of action on the many outstanding nominations that the President has sent to us over the past several years on which the Senate has taken no vote. In addition to unprecedented delays in the consideration of judicial nominations—46 judicial nominations are pending and 22 are on the Senate calendar—there have been a number of executive branch nominations who have been denied consideration and a vote for many, many months.

Bill Lann Lee is an example. He was first nominated for the important position of Assistant Attorney General for Civil Rights on July 21, 1997, over 14 months ago. When no Senate vote was taken on his nomination last year, he was renominated on January 29, 1998. For the past 8 months his nomination has, again, been bottled up in committee.

This is an historic nomination. Bill Lann Lee is the first Asian-American to head the Civil Rights Division. He deserves to be confirmed by the Senate and to be accorded the full measure of recognition for all that he has achieved and all that he is doing on behalf of all Americans.

The Senate was denied the opportunity to vote on that nomination before adjournment in 1997. With one notable and courageous exception, the Republican majority of the Judiciary Committee would not report the nomination to the Senate so that the Senate could vote whether to confirm this outstanding nominee. Although the Republicans have a majority in the Senate, they have been unable to pass legislative proposals to undermine the nation's commitment to equal opportunity and civil rights. As a result, the Republican majority decided to stall the Lee nomination without a vote as a trophy to its extremist factions. This nomination could not be defeated in a fair up or down vote, so they determined to avoid that Senate vote altogether and at all costs.

I understand that Senator DURBIN, a thoughtful member of both the Senate Government Affairs Committee, from which this bill emerged, and the Senate Judiciary Committee, which refused to report the Lee nomination to the Senate for action, has filed a series of amendments to the Vacancies Reform Act to begin to deal with this aspect of the problem—Senate inaction on nominations. I will study those proposals with great interest.

I was disappointed this year that the Senate Judiciary Committee repeatedly postponed and eventually canceled hearings regarding the performance of the Civil Rights Division of the Justice Department under the leadership of Bill Lann Lee. I was disappointed because such a hearing would have offered us a chance to look at the outstanding on-the-job performance of our

Acting Assistant Attorney General for Civil Rights.

Over the past 10 months, the Division has focused most intensely on three areas of the law: violations of our Nation's fair housing laws, enforcement of the Americans with Disabilities Act (''ADA''), and cases involving hate crimes. Bill Lee and his team of civil rights attorneys have made advances in each of these areas of the law.

The Division has resolved a number of housing discrimination cases over the past few months, including the following: An agreement was reached with two large New Jersey apartment complexes resolving allegations that the defendants had discriminated against potential renters based on family status and race.

A housing discrimination case in Michigan was settled involving an apartment manager who told black applicants that no apartments were available at the same time that he was showing vacant apartments to white applicants. An agreement was also reached with the second largest real estate company in Alabama, which had been steering applicants to agents and residential areas based on race.

The Civil Rights Division has also focused on educating the public about the ADA and enforcing it where necessary. These cases have included: resolution of a case in Hawaii to allow those who are vision impaired to travel to the State without having to quarantine their guide dogs for four months in advance of arrival;

a consent decree with the National Collegiate Athletic Association so that high school athletes with learning disabilities have the opportunity to compete for scholarships and participate in college athletics; an agreement with private hospitals in Connecticut to ensure patients who are deaf have access to sign-language interpreters; and assistance to the State of Florida to update their building code to bring it into compliance with the ADA. Florida joins Maine, Texas and Washington State in having a certified building code thereby ensuring better compliance with the ADA by architects, builders and contractors within the State.

The Civil Rights Division has also resolved several hate crimes cases over the past 7 months, including:

In Idaho, six men pleaded guilty to engaging in a series of racially motivated attacks on Mexican American men, women and children, some as young as 9; in Arizona, three members of a skinhead group pleaded guilty to burning a cross in the front yard of an African American woman; and in Texas, a man pleaded guilty to entering a Jewish temple and firing several gun shots while shouting anti-Semitic slurs.

The Division has also been vigorously enforcing its criminal statutes, including: indictments against three people in Arkansas charged with church burning; guilty pleas by 16 Puerto Rico correctional officers who beat 22 inmates and then tried to cover it up; cases arising from Mexican women and girls, some as young as 14, being lured to the U.S. and then being forced into prostitution; and guilty pleas from 18 defendants who forced 60 deaf Mexican nationals to sell trinkets on the streets of New York. Out of concerns about slavery continuing in the U.S., Bill Lann Lee has created a Worker Exploitation Task Force to coordinate enforcement efforts with the Department of Labor. I commend the Acting Assistant Attorney General for putting the spotlight on these shameful crimes.

Other significant cases which the Civil Rights Division has handled in the past few months include the following: several long-standing school desegregation cases were settled or their consent decrees were terminated, including cases in Kansas City, Kansas; San Juan County, Utah; and Indianapolis, Indiana. Japanese-Latin Americans who were deported and interned in the United States during World War II finally received compensation this year. Lawsuits in Ohio and Washington, D.C. were settled to allow women access to women's health clinics.

The record establishes that Bill Lann Lee has been running the Division the way it should be run. Here in Washington, where we have lots of show horses, Bill Lee is a work horse—a dedicated public official who is working hard to help solve our Nation's problems. I commend him and the many hard-working professionals at the Civil Rights Division.

Bill Lee has served as acting head of the Civil Rights Division for 10 months now. Given the claims made by many in the Senate last fall that Mr. Lee would lead the Division astray, you might expect that he would be in the headlines every day associated with some extreme decision. Instead, we have seen the strong and steady work of the Division—solid achievements and effective law enforcement.

A few weeks ago, I received a letter from Governor Zell Miller of Georgia that is emblematic of the record that Bill Lee has established. Governor Miller discusses Bill Lee's efficient and effective ability to settle an action which involved Georgia's juvenile detention facilities. He notes that he was not exactly a fan of the Civil Rights Division before Bill Lee came along and writes that he ''was fearful that Georgia would be unable to get a fair forum in which to present our position, and that we would once again be compelled to engage in protracted and expensive litigation.'' Governor Miller writes that his fears were unfounded, that the parties engaged in ''intensive and expeditious negotiations'' and reached a fair agreement. Governor Miller also notes:

I have indicated to Mr. Lee both personally and publicly that he and his staff treated Georgia with professionalism, fairness, and respect during our negotiations. Under the direction of Bill Lann Lee, what began as a potentially divisive and litigious process was transformed into an atmosphere where the State was able to have its case heard fairly, resulting in a reasonable agreement benefiting all parties. This is the way in which the Civil Rights Division should operate in its dealings with the states, and I am pleased to commend Mr. Lee and his staff for their efforts in this matter.

The Acting Assistant Attorney General continues to build on his reputation as a professional and effective negotiator, who routinely earns praise from opposing parties. I had high expectations for Bill Lann Lee when he was nominated and I have not been disappointed. He is doing a terrific job. It is time for the Senate to end his second-class status and confirm him.

We need Bill Lee's proven problem-solving abilities in these difficult times. It is wrong for the Senate to ignore his nomination any longer and a shameful slight to him, to his family and to all who care about fairness and equal rights.

I remember vividly when Mr. Lee appeared at his confirmation hearing almost one year ago. He testified candidly about his views, his work and his values. He understood that as the Assistant Attorney General for the Civil Rights Division his client is the United States and all of its people. He told us poignantly about why he became a person who has dedicated his life to equal justice for all when he spoke of the treatment that his parents received as immigrants.

Mr. Lee told us how in spite of his father's personal treatment and experiences, William Lee remained a fierce American patriot, volunteered to serve in the United States Army Air Corps in World War II and never lost his belief in America. He inspired his son and Bill now inspires his own children and countless others across the land. Mr. Lee noted:

My father is my hero, but I confess that I found it difficult for many years to appreciate his unflinching patriotism in the face of daily indignities. In my youth, I did not understand how he could remain so deeply grateful to a country where he and my mother faced so much intolerance. But I began to appreciate that the vision he had of being an American was a vision so compelling that he could set aside the momentary ugliness. He knew that the basic American tenet of equality of opportunity is the bedrock of our society.

Bill Lann Lee has remained true to all that his father and mother taught him. I continue to work to end the ugliness of Senate inaction on his nomination. If opponents want to distort his achievements and mischaracterize his beliefs, let them at least have the decency to engage in that debate on the floor of the Senate so that this long-standing nomination can be acted upon—either vote it up or vote it down, but vote on it. His career of good works and current efforts should not be rewarded with continued ugliness. Such treatment drives good people from public service and distorts the role of the Senate. I have often referred to the Senate as acting at its best when it serves as the conscience of the nation. In this case, I am afraid that the Senate has shown no conscience.

Bill Lann Lee is a man of integrity, of honesty and of fairness. Born in Harlem, to Chinese immigrant parents, he has lived the American dream and stayed faithful to American values. He has done nothing to justify the unfair treatment by the Senate.

As a child he worked in his parents' laundry after school. He went on to graduate magna cum laude from Yale College and to obtain a law degree from Columbia University. Bill Lann Lee has spent his life helping others—helping them to keep their jobs, to keep their homes, to have a chance at a well-earned promotion and to raise healthy children.

As western regional counsel for the NAACP Legal Defense Fund, a public interest law firm founded by Thurgood Marshall in 1939, Mr. Lee litigated hundreds of cases ranging from employment discrimination claims to efforts to ensure probation offices are widely dispersed throughout Los Angeles to ensuring that poor children are tested for lead poisoning. His extensive experience and renowned skill at settling cases has served him well as Acting Assistant Attorney General for the Civil Rights Division.

Most impressive is the array of former opposing counsels and parties who support Mr. Lee's nomination. In addition to Governor Miller, consider the words of Los Angeles Mayor Richard Riordan: Our ''negotiations could not have concluded successfully without Mr. Lee's practical leadership and expertise.'' I believe Mayor Riordan's enthusiastic support and assurance that Mr. Lee has ''practiced mainstream civil rights law'' should carry some weight.

Mr. Lee is a top quality candidate. He has all the essential qualities for this job—a legal career devoted to top-notch civil rights work, an outstanding degree of integrity and a commitment to practical solutions. This year he also has a proven track record as the Acting Assistant Attorney General.

No one can argue that the President has sent to us a person not qualified by experience to lead the Civil Rights Division. Bill Lee's record of achievement is exemplary. He is a man of integrity and honor and when he said to this Committee that quotas are illegal and wrong and that he would enforce the law, no one should have any doubt about his resolve to do what is right. The Senate should vote on this outstanding nominee. He is the right person to lead the Civil Rights Division into the next century. We need his proven problem-solving abilities in these difficult times.

Unfortunately, last year's consideration of this outstanding nominee took a decidedly partisan turn when the Speaker of the House chose to intervene in this matter and urge the Senate Republican Leader to kill this nomination. In his unfortunate letter, Speaker GINGRICH unfairly criticized Mr. Lee and accused him of unethical conduct. The allegations of wrongdoing carelessly lodged against Mr. Lee are contradicted by the Republican Mayor of Los Angeles, Richard Riordan, as well as the Vice-President of the Los Angeles Police Commission, T. Warren Jackson, the Assistant City Attorney, Robert Cramer, and the City Attorney, James K. Hahn, but the damage had been done.

I recall when times were different. I recall when charges were raised against Clarence Thomas and the Judiciary Committee held several days of additional hearings after that nomination had already been reported by the Judiciary Committee to the full Senate. There was a tie vote in Committee on the Thomas nomination, which would not have even been reported to the Senate had we not also voted virtually unanimously, with six Democrats joining seven Republicans, to report the Thomas nomination to the floor without recommendation. Of course, ultimately the nomination of Judge Thomas to become Justice Thomas was confirmed by the Senate.

It remains my hope that the Senate will now give Bill Lann Lee the same fairness that we showed Clarence Thomas and allow his nomination to be voted upon by the United States Senate. It would be ironic if, after the Senate proceeded to debate and vote on the Thomas nomination—one that included charges that he engaged in sexual harassment—the Republican leadership prevented the Senate from considering a nominee because he has worked to remedy sexual harassment and gender discrimination.

After consultation with Senators, the President acted after Congress's adjournment last fall to name Bill Lann Lee the Acting Assistant Attorney General for Civil Rights. The President then followed through on his commitments and renominated this distinguished civil rights attorney and public servant on January 29, 1998. This Senate is now approaching adjournment, again, and, again, the Senate is not voting whether to confirm or reject this nomination. The President has fulfilled his end of the bargain and acted with restraint and respect in this regard. The Senate has done nothing with respect to this nomination but ignore it. So, when we criticize this President for not sending up nominees fast enough, let us not forget that the Senate has now had ample opportunity for over two years to act on the nomination of Bill Lann Lee and the Senate has not.

Last year, I was honored to stand on the steps to the Lincoln Memorial, where the Rev. Martin Luther King Jr. spoke 35 years ago and inspired the nation toward the promise of equality. I heard our colleagues Senator KENNEDY and Senator FEINSTEIN speak about the continuing struggle to provide equal opportunity to all Americans. I took inspiration from the wisdom of Rep. JOHN LEWIS whose compass is ever true on these matters. We heard Rep. MAXINE WATERS declare in no uncertain terms the support of the Congressional Black Caucus for Bill Lann Lee, Representative PATSY MINK take pride in reiterating the support of the Congressional Asian Pacific Caucus and Representative XAVIER BECERRA add the support of the Congressional Hispanic Caucus.

I heard Justin Dart, a dedicated public servant who worked with President's Reagan and Bush, declare that people with disabilities support Bill Lann Lee and Representative BOB MATSUI recount the dark days before the civil rights laws when his family had to suffer the indignity of internment because of the Japanese ancestry.

Just last week when Congress presented Nelson Mandela with the Congressional Gold Medal, we drew upon the American tradition of Lincoln, King and so many who labored long and sacrificed much in the struggle toward equality for all Americans. We honored that past last week. We could extend it today by taking up and voting upon the nomination of Bill Lann Lee to be Assistant Attorney General for the Civil Rights Division. I call upon the party of Lincoln to be fair to Lee and vote on this nomination.

Let the Senate debate and vote on the nomination of Bill Lann Lee. If the Senate is allowed to decide, I believe he will be confirmed and will move this country forward to a time when discrimination will subside and affirmative action is no longer needed; a time when each child—girl or boy, black or white, rich or poor, urban or rural, regardless of national or ethnic origin and regardless of sexual orientation or disability—shall have a fair and equal opportunity to live the American dream.

JUDICIAL NOMINATIONS

Mr. President, as we debate how to change federal law to require executive nominations within certain time frames and to preclude responsibilities from been fulfilled when a confirmed nominee is not present, we also need to consider how the Senate fulfills its duties with regard to nominees who have been before us for many months without Senate action. Since July I have been comparing the Senate's pace in confirming much-needed federal judges to Mark McGwire's home run pace. As the regular season ended over the weekend, Mark McGwire's home run total reached 70. Unfortunately, the Senate's judicial confirmation total remains stalled at 39.

As recently as 1994, the last year in which the Senate majority was Democratic, the Senate confirmed 101 judges. It has taken the Republican Senate 3 years to reach the century mark for judicial confirmations—to accomplish what we did in one session.

The Senate went ''0 for August,'' risks going ''0 for September'' and is threatening to go ''0 for the rest of the year.'' Indeed, I have heard some say that the Republican Senate will refuse to confirm any more nominations all year. That would be wrong and would

certainly harm the administration of justice and perpetuate the judicial vacancies crisis. Senate action has not even kept up with normal attrition over the past 2 years, let alone made a real difference in filling longstanding judicial vacancies. Both the Second Circuit and the Ninth Circuit have had to cancel hearings due to judicial vacancies. Chief Judge Winter of the Second Circuit has had to declare a circuit emergency and to proceed with only one circuit judge on their 3-judge panels. Recently, he has had to extend that certification of emergency.

Yet in spite of that emergency, the Senate continues to stall the nomination of Judge Sonia Sotomayor to the Second Circuit. Her nomination has been stalled on the Senate calendar for over six months. Chief Judge Winter's most recent annual report noted that the Circuit now has the greatest backlog it has ever had, due to the multiple vacancies that have plagued that court.

For a time Judge Sotomayor's nomination was being delayed because some feared that she might be considered as a possible replacement for Justice Stevens, should he choose to resign from the Supreme Court. After the Supreme Court term had ended and Justice Stevens had not resigned, the Senate might have been expected to proceed to consider her nomination to the Second Circuit on its merits and confirm her without additional, unnecessary delay. Unfortunately, that has not been the case.

When confirmed she will be only the second woman and second judge of Puerto Rican descent to serve on the Second Circuit. Just as Sammy Sosa is a source of great pride to the Dominican Republic and to Latin players and fans everywhere, Judge Sotomayor is a source of pride to Puerto Rican and other Hispanic supporters and to women everywhere.

Judge Sonia Sotomayor is a qualified nominee who was confirmed to the United States District Court for the Southern District of New York in 1992 after being nominated by President Bush. She attended Princeton University and Yale Law School. She worked for over 4 years in the New York District Attorney's Office as an Assistant District Attorney and was in private practice with Pavia & Harcourt in New York. She is strongly support by Senators MOYNIHAN and D'AMATO.

I note that one of her recent decisions, Bartlett v. New York State Board of Law Examiners, that had been criticized by her opponents, was affirmed in principal part on September 14 by a unanimous panel of the Second Circuit. In an opinion written by Judge Meskill, the Court agreed ''with the district court's ultimate conclusion that Dr. Bartlett, who has fought an uphill battle with a reading disorder throughout her education, is among those for whom Congress provided protection under the ADA and the Rehabilitation Act.'' In this, as in her other decisions that opponents seek to criticize, Judge Sotomayor applies the law. That is what judges are supposed to do. This affirmance belies the charge that she is or will be a judicial activist.

Ironically, it was Judge Sotomayor who issued a key decision in 1995 that brought an end to the work stoppage in major league baseball. If only the breaking of the single season home run record could signal the end of the work stoppage in the Senate with respect to her nomination.

Instead of sustained effort by the Senate to close the judicial vacancies gap, we have seen extensive delays continued and unexplained and anonymous ''holds'' become regular order.

I began this year challenging the Senate to maintain the pace it achieved at the end of last year when 27 judges were confirmed in the last nine weeks. Instead, the Senate has confirmed only 39 judicial nominees in 25 weeks in session. Had the Senate merely maintained the pace that it set at the end of last year, the Senate would have confirmed 75 judges—not 39 judges—by now.

We have 22 qualified nominees on the Senate calendar awaiting action. Including those still pending before the Committee, we have a total of 46 judicial nominations awaiting action, some of whom were first received over three years ago.

The Senate continues to tolerate upwards of 75 vacancies in the federal courts with more on the horizon—almost one in 10 judgeships remains unfilled and, from the looks of things, will remain unfilled into the future. The Senate needs to proceed more promptly to consider nominees reported to it and to do a better job fulfilling its constitutional responsibility of advice and consent.

Unfortunately, the record that the Senate is on pace to set this year with respect to judicial nominations is the record for the amount of time it takes to be confirmed once the nomination is received by the Senate. For those few nominees lucky enough to be confirmed as federal judges, the average number of days for the Senate confirmation process has continued to escalate. In 1996, that number rose to a record 183 days on average. Last year, the average number of days from nomination to confirmation rose dramatically yet again. From initial nomination to confirmation, the average time it took for Senate action on the 36 judges confirmed in 1997 broke the 200-day barrier for the first time in our history. It was 212 days.

The time is still growing and the average is still rising, to the detriment of the administration of justice. The average time from nomination to confirmation for judges confirmed this year is 259 days. That is three times as long as it was taking before this partisan slowdown.

I have urged those who have been stalling the consideration of the President's judicial nominations to reconsider and work to fulfil this constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.

The federal judiciary's workload was at least 60 percent lower than it is today when the Reagan-Bush administrations took office. The federal court's criminal docket alone is up from 28,921 cases in 1980 to 50,363 last year. That is an increase of over 70 percent in the criminal case filings in the federal courts.

During the Reagan and Bush administrations, whether it had a Democratic or Republican majority, the Senate promptly considered and confirmed judges and authorized 167 new judgeships in response to the increasing workload of the federal judiciary. While authorized judgeships have increased in number by 25 percent since 1980, the workload of the federal courts has grown by over 60 percent during the same period. That is why the prolonged vacancies being perpetuated by delays in the confirmation process are creating such strains within the federal courts.

Unlike other periods in which judicial vacancies could be attributed to newly-created judgeships, during the past four years the vacancies crisis has been created by the Senate's failure to move quickly to consider nominees to longstanding vacancies.

In the early and mid-1980's, vacancies were between 25 and 34 at the beginning of each session of Congress. By the fall of 1983, the vacancies for the entire federal judiciary had been reduced to only 16.

With attrition and the 85 new judgeships created in 1984, vacancies reached 123 at the beginning of President Reagan's second term, but those vacancies were reduced to only 33 within two years, by the fall of 1986. A Democratic Senate in 1987 and 1988 reduced the vacancies still further to only 23 at the end of the 100th Congress.

It was not until additional judgeships were created in 1990 that the next significant increase in vacancies occurred and then, again, a Democratic Senate responsibly set about the task of helping fill those vacancies with qualified nominees. Although President Bush was notoriously slow to nominate, the Democratic Senate confirmed 124 nominees in President Bush's last two years in office and cut the vacancies in half.

With respect to the question of vacancies, it is also important to note that in 1997 the Judiciary Conference of the United States requested an additional 53 judgeships be created. The Republican Congress has refused to consider that workload justified request. My bill to meet that request, S. 678, the Federal Judgeship Act of 1997, has received no attention since I introduced it over a year ago. Had those additional judgeships been created, as

they were in 1984 and 1990 under Republican Presidents, current judicial vacancies would number 128 and total almost 14 percent of the federal judiciary.

Last week Senator GRAHAM spoke about authorizing the additional District Court judges recommended by the Judicial Conference and needed around the country. These are the judges who try federal criminal cases and hear complex federal civil litigation. Given the Republican Senate's tenacious refusal to consider and confirm judges for the vacancies that currently exist, it seems unlikely that the Republican majority would be willing to authorize the additional federal judicial resources that are needed around the country. That is a shame. The Senator from Florida is right to try and I join him in his efforts.

No one should take comfort from the number of confirmations achieved so far this year. It is only in comparison to the dismal achievements of the last two years that 39 confirmations could be seen as an improvement. The President has been doing a better job of sending the Senate scores of nominees more promptly. Unfortunately, qualified and capable nominees are still being delayed too long and stalled.

I have pledged to continue to work to end the judicial vacancies crisis and to support efforts to provide the federal judiciary with the resources it needs to handle its growing caseload and serve the American people.

When the Senate is asked to consider amendments to the Vacancies Act, it should also reconsider its own inaction on the many outstanding nominees that the President has sent the Senate and that the Senate is refusing to consider.

Indeed, earlier this year I proposed a bill that requires the Senate to vote on nominations for Court of Appeals vacancies that created an emergency under federal law. The week after Chief Judge Winter of the Second Circuit certified such an emergency last spring, I introduced the Judicial Emergency Responsibility Act, S. 1906. The purpose of this bill is to supplement the law by which Chief Justice Winter certified the judicial emergency, a judicial emergency that still persists in the Second Circuit, and to require the Senate to do its duty and to act on judicial nominations before it recesses for significant stretches of time. The Senate should not be taking vacations when a Circuit Court is suffering from a vacancy emergency.

I introduced the bill just before the Senate adjourned for a 2-week recess and I urged prompt action on the nominations then pending to fill those Second Circuit vacancies. At that time, the nomination of Judge Sonia Sotomayor was among those favorably reported and had been on the Senate Calendar awaiting action for a month. That was five months ago. Still, there has not been any action.

I did not believe that the Senate should be leaving for a two-week recess in April or a four-week recess in August and leaving the Second Circuit with vacancies for which it had qualified nominations pending. I do not believe that the Senate should adjourn this year without voting on the many qualified judicial nominees that have been pending before the Senate for so long without action. I have been urging action on the nominees to the Second Circuit for more than a year. The Senate is failing in its obligations to the people of the Second Circuit, to the people of New York, Connecticut and Vermont. We should call an end to this stall and take action.

I intend to consult with the managers of the bill, but believe that I should offer S. 1906 as an amendment to the pending measure.

What the Senate is proceeding to do to the judicial branch in refusing to vote on nominees and perpetuating judicial vacancies is too reminiscent of the government shutdown only a couple of years ago and the numerous times of late when the Republican congressional leadership has recessed without completing work on emergency supplemental and disaster relief legislation. As we approach the end of the session, the Republican Congress has yet to pass a budget or enact the 13 annual appropriations bills that are our responsibility. Must we wait for the administration of justice to disintegrate further before the Senate will take this crisis seriously and act on the nominees pending before it? I hope not.

I look forward to Senate debate on suggestions to impose responsibility upon itself in its treatment of judicial nominations.

The PRESIDING OFFICER. Who yields time?

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I yield myself up to 10 minutes from the time allocated to Senator LEVIN.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, let me say at the outset that the bill before us addresses a very important problem, which is to say the need to protect the Senate's constitutional role in the appointment of Federal officers. The Constitution, as my colleagues have indicated, provides that the President's power to appoint officers of the United States is to be exercised ''by and with the Advice and Consent of the Senate. . . .''

Unfortunately, in too many cases over the course of the past several administrations, the Senate's constitutional prerogatives have too often been ignored through the executive's far-too-common practice of appointing acting officials to serve lengthy periods in positions that are supposed to be filled with individuals confirmed by the Senate. I think it is, therefore, entirely appropriate—indeed necessary—for Congress to act to remedy this situation.

I appreciate very much the leadership given by the Senator from West Virginia, the Senator from South Carolina, and the chairman of our committee, the Senator from Tennessee. I also appreciate those Senators' willingness to work with the members of the Governmental Affairs Committee, including this Senator, to accommodate some of the concerns we have had as the bill moved through committee.

The fact is, throughout that whole period of time, the effort to reform the Vacancies Act has been a truly bipartisan one, as it should be. Even though I believe there are some problems remaining with the bill, I also am confident that the process of resolving those problems has been conducted in good faith and with fairness on all sides.

I therefore regret that, along with many of my colleagues, I find myself in the situation I am today, which is to say, prepared to vote against cloture on this bill, because I believe there remain serious substantive problems with the bill, and the procedural situation we are in now with a cloture motion having been filed in an attempt to limit debate will frustrate our ability to work together to solve some of those remaining problems.

I think it is particularly unfortunate that we find ourselves in this position on this bill because I am confident that, were we not forced immediately into a cloture vote, we likely could work out the problems that remain with the bill. It remains my hope, if cloture is not obtained on the vote that will occur in a little more than 10 minutes, that we can continue to work together to achieve a unanimous consent agreement that will allow perhaps for amendments that are relevant, if not germane, according to the procedures of the Senate.

Let me briefly give an example of one of the problems that I think remains with the bill which is of concern to some. As the bill is currently drafted, only one of two individuals can serve as acting officials in the case of a vacancy: Either the first assistant to the vacant position, a term of art that generally refers to the top deputy; or someone already confirmed by the Senate for another position. Because individuals holding Senate-confirmed positions already have a lot to do, it almost always will be the first assistant who takes over as the acting.

But, by the terms of the bill, a first assistant apparently can take over only if he or she was the first assistant at the time of the vacancy. This severe limitation on the universe of individuals who may serve as acting is, in my view, a mistake that could be harmful to the functioning of the executive branch because it will have the effect of forcing many important positions to remain vacant, potentially for several months at a time. That is because

there are many times when a vacancy occurs at a time that the first assistant position is also vacant.

There may be other times when a first assistant, who was there when the vacancy occurred, may want to leave his or her job during the pendency of that vacancy. In both situations, as I read the literal terms of the bill as it is before us, it would require that during the duration of the vacancy, which could be many months long, we would be requiring that no one other than people who had already been confirmed for other positions would be eligible to serve as the acting in the vacant position. We would be effectively denying the executive branch the ability to put someone else in that position on an acting basis.

Also troubling is what can happen when a new President comes into office. If individuals in Senate-confirmed positions leave before the new President takes office, as often happens, then the only people who would be qualified to serve as acting officials as the new administration gets off the ground, because they were the first assistants at the time of the vacancy, are holdovers, often political appointees from the previous administration. That could create an awkward situation that would require a new administration to staff itself with a previous administration's political appointees.

I am confident that we could work this problem out were the bill to come to the floor under the normal processes. But, unfortunately, in the posture that it is now in, it is not so.

So I must say I again will vote against cloture, but I do remain hopeful that if cloture is not granted on this next vote, we will be able to find a way together to continue the bipartisan path that this bill has taken, until this moment when it has reached the Senate floor, and find a way to find a common ground to move forward with this bill on which a lot of work has been done, and, though it is detailed and intricate, in which the public interest finds a great expression.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THOMPSON. May I inquire how much time remains?

The PRESIDING OFFICER. The Senator from Tennessee controls 4 minutes. The Senator from Michigan controls 8 minutes 23 seconds.

Mr. THOMPSON. I ask the Senator from West Virginia if he has additional comments.

I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. A couple quick points.

My friend from Connecticut makes good points, as usual. I point out, though, that the concern about, someone could not be a first assistant if they had not been there for so many days, that would not keep them from being the acting officer. If they were appointed to the permanent position, they would have needed to have been there for 90 days. But just to be the acting officer, anyone who serves in that position would become the acting officer without having been there any length of time.

With regard to the second concern with regard to a new administration, my understanding is there is always a holdover person who is a Senate-confirmed person who traditionally takes care of those problems—essentially the same situation we have had for the last 130 years with regard to those concerns, I believe.

I yield the Senator from West Virginia the remainder of my time, which I think is probably 2, 3 minutes.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I again thank the distinguished chairman for his outstanding service that he has performed in the interest of the Constitution, the interest of this institution, and the interest of the liberties of the people which we are all trying to protect in this measure.

Mr. President, I believe there—we only have less than 2 minutes; is that right?

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mr. BYRD. How much time does the distinguished Senator from Connecticut wish to——

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. BYRD. If the distinguished Senator from Connecticut will yield me a little of his time.

Mr. LIEBERMAN. I yield the Senator as much time as he wants.

Mr. BYRD. Mr. President, I am reminded of that situation which occurred in 63 B.C. Sallustius writes about. And it is referred to as the conspiracy of Catiline. After Caesar had spoken in the Roman senate, protesting against the death penalty for the conspirators, for the accomplices of Catiline, Cato the Younger was called upon by Cicero, the consul, to speak. Cato demanded that the accomplices of Catiline be put to death under the ancient laws of the republic.

From Cato's speech I quote only the following strain: ''Do not think that it was by arms that our ancestors raised the state from so small beginnings to such grandeur, but there were other things from which they derived their greatness. They were industrious at home, just rulers abroad, and into the Senate Chamber they brought untrammeled minds, not enslaved by passion.''

Now, Mr. President, I urge my colleagues in the Senate not to let their minds be trammeled with passion. Keep them untrammeled and focused on the injury that is being done to the Senate by the executive department in the flaunting and circumventing of the appointments clause, which this legislation addresses and is intended to secure for the Senate its rights and prerogatives under the Constitution.

Democrats and Republicans who reverence the Constitution and who pride themselves in having been given the honor to serve in this institution—the legislative branch—I hope will stand up for the institution and bind ourselves to the mast of the Constitution, as did Odysseus when the divine Circe bade him to stay away from the Sirens' isle.

I hope that we will keep in mind that we are making several improvements in this bill as it is written. And as the distinguished chairman of the Governmental Affairs Committee has so eloquently pointed out within the last few minutes, even without amendments this bill is a liberal advancement—liberal from the standpoint of the administration, whatever administration it might be, Democratic or Republican. It gives more time to the administration.

So if we turn down this opportunity, I hope the opportunity will come again. But if it does not, then the administration is the loser, as well as the Senate—but the Senate is the greater loser because of the constitutional requirements under the appointments clause which give the Senate a share in the appointments of individuals to important positions in the executive branch and the judicial branch.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut has 6 minutes remaining.

Mr. LIEBERMAN. I thank the Chair.

PRIVILEGE OF THE FLOOR

Mr. LIEBERMAN. I rise simply to make an unrelated motion. I ask unanimous consent that privileges of the floor be granted to Laureen Daly of my staff during the pendency of S. 442 and H.R. 3529.

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

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I think on this side we have spoken our piece. For the reasons indicated, we hope that our colleagues will vote against cloture and then that both sides can come together to achieve common ground and pass this important piece of legislation.

I, therefore, yield back the remaining time from our side.

The PRESIDING OFFICER. All time is yielded back.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, 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 S. 2176, the Vacancies Act:

Trent Lott, Strom Thurmond, Charles Grassley, Thad Cochran, Wayne Allard, Ben Nighthorse Campbell, Don Nickles, Orrin G. Hatch, Pat Roberts, Tim

Hutchinson, Richard Shelby, Conrad Burns, Jim Inhofe, Connie Mack, Fred Thompson, Spencer Abraham.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on Senate bill 2176, the Federal Vacancies Reform Act of 1998, 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.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from New York (Mr. D'AMATO), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Nevada (Mr. REID), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. REID) would vote ''no.''

The yeas and nays resulted—yeas 53, nays 38, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—53

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Brownback	Grassley	Roberts
Burns	Gregg	Roth
Byrd	Hagel	Santorum
Campbell	Hatch	Shelby
Chafee	Helms	Smith (NH)
Coats	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Specter
Coverdell	Jeffords	Stevens
Craig	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	

NAYS—38

Akaka	Durbin	Lautenberg
Baucus	Feingold	Leahy
Biden	Feinstein	Levin
Bingaman	Ford	Lieberman
Boxer	Glenn	Mikulski
Breaux	Graham	Moynihan
Bryan	Harkin	Murray
Bumpers	Inouye	Reed
Cleland	Johnson	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Wellstone
Dorgan	Landrieu	

NOT VOTING—9

Bond	Kennedy	Sessions
D'Amato	Moseley-Braun	Torricelli
Hollings	Reid	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 38. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that at 10 a.m. on Tuesday, September 29, and notwithstanding rule XXII, the Senate proceed to the consideration of a conference report to accompany H.R. 6, the Higher Education Act, and there be 30 minutes equally divided for debate on the report.

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

Mr. LOTT. I further ask unanimous consent that following the debate on the education conference report, it be temporarily set aside and the Senate return to the consideration of the conference report to accompany H.R. 4013, the Department of Defense appropriations bill and there be 10 minutes of debate equally divided on that report.

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

Mr. LOTT. I further ask unanimous consent that following debate on the defense conference report, it be temporarily set aside and the Senate then proceed to vote on adoption of the higher education conference report, to be followed immediately by a vote on the adoption of the defense conference report.

And finally, I ask unanimous consent that the cloture vote on the motion to proceed to the Internet tax bill occur immediately following the aforementioned stacked votes.

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

Mr. LOTT. Further, I ask unanimous consent that all votes following the first vote on Tuesday morning be limited to 10 minutes in length.

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

Mr. LOTT. Finally, I ask unanimous consent that following the last vote in the stacked sequence Tuesday morning, there be a period of morning business until 12:30 p.m., with the time equally divided between Senators WELLSTONE and JEFFORDS, or their designees; further that when the Senate reconvenes at 2:15, there be an additional period for morning business until 3:15 p.m. equally divided between the two aforementioned Senators, or their designees.

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

Mr. LOTT. Mr. President, I note that the time that we have designated here for Senators JEFFORDS and WELLSTONE is so that they can go over the final details of what is included in the higher education bill. This is a very important bill, a lot of good work has been done, and I commend all the Senators involved for completing that.

I yield the floor.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each until 7 p.m.

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

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

ENERGY AND WATER APPROPRIATIONS HOLD

Mr. DOMENICI. Mr. President, I note the presence of the minority leader in the Chamber. I wish to state for the Senate that I understand the Energy and Water appropriations bill has a hold on the minority side, and I wanted to say if it has to do with the Tennessee Valley Authority, I would like very much to discuss that with the Senator because there is nothing we can do about it in this bill. But there is another thing we are going to do in another bill, and we would like to share that with you, whoever has the hold. I would very much like to do that. If that is the only hold, we can't fix the bill as far as TVA, but we can take some action to try to alleviate the problem in another way before we leave.

I yield the floor.

Mr. DASCHLE. Mr. President, let me just respond to the distinguished Senator from New Mexico. I have discussed—

Mr. FORD. Mr. President, may we have order.

The PRESIDING OFFICER (Mr. ALLARD). The Senate will please come to order.

Mr. DASCHLE. I have discussed the matter with the Senator who has the hold, and I think there will be some effort made to resolve the matter either tonight or tomorrow morning, so we will proceed with every expectation we can come to some resolution soon.

Mr. DOMENICI. I thank the Senator.

Mr. DASCHLE. I yield the floor.

ACCESS TO CHINESE MARKETS

Mr. GORTON. Mr. President, it looks like the administration has just experienced a tardy but welcome revelation, Mr. President. After 6 years of coddling its rulers and selling out U.S. exporters, some in the administration are now beginning to realize that ''engagement'' has not moved China toward free trade but to greater protectionism.

The $50 billion a year and growing bilateral United States trade deficit, the largest with any trading partner in the world but Japan, wasn't enough. The continued and egregious market access barriers to U.S. agricultural products weren't enough. The defiant stance against WTO negotiators wasn't enough. And the flagrant violation of the intellectual property rights of the American software and entertainment industries wasn't enough.

But finally, China has pushed at least one member of the administration too far. The straw that broke the camel's

back was China's decision to ban joint ventures in the telecommunications industry. In Beijing last Tuesday, David Aaron, Undersecretary for International Trade at the Department of Commerce, became the first American official in nearly a decade to speak openly about China's protectionist trade policy and to threaten retaliation.

Aaron is quoted in last Wednesday's Wall Street Journal as saying of the long list of trade barriers erected against American imports in China, ''The list keeps getting longer, and nothing gets struck off it.'' He continues, ''China is taking the trade relationship for granted. They want to export to us but not buy our products.''

Yes; that is precisely what I have been arguing for 3 years. But an administration wedded to a policy of ''engagement'' with China no matter how unproductive refused to believe it until now. I cannot begin to express the sense of vindication I had when reading an article in last Wednesday's Washington Post that hinted at a new administration trade policy with China. Instead of continuing to hope that China's desire to join the community of free trading nations in the WTO would outweigh its protectionist tendencies, the administration is finally ''threatening retribution in a much more concrete arena—the United States market . . .''

All well and good, but a day late and a dollar short. While President Clinton dismissed those of us in the antiengagement camp as ignorant, antifree traders, while the administration allowed the Government of the People's Republic of China to walk all over the United States for 6 years, and while the United States trade deficit ballooned out of control, my home State of Washington suffered the consequences.

Since 1972, China has refused to allow Pacific Northwest wheat into its market. This nontariff barrier erected against our wheat is based on a bogus phytosanitary concern with the spread of a wheat disease called TCK smut. For more than 20 years, the United States has presented Chinese officials with irrefutable scientific evidence which proves conclusively that there is absolutely no risk of introducing TCK smut into China.

China's ban on Pacific Northwest wheat is in violation of international standards requiring that import barriers imposed in the name of food safety be based on sound science. But it is protectionism, not sound science, that serves as the basis for China's ban on Washington State wheat.

For the past 3 years, I and several of my colleagues from the Pacific Northwest, have written to the President and Vice President to ask for assistance in tearing down this deplorable trade barrier. Our entreaties have been totally ignored, Mr. President, and the wheat farmers in my home State of Washington have suffered at the hands of the administration's weakness.

Instead, the administration turned a blind eye to the wheat ban and hundreds of other Chinese protectionist policies, arguing all along that continuing to grant most-favored-nation trading status to China was the best and only way of improving our trade relationship with China.

In addition, our apples are barred from Chinese markets. Our insurance firms can't do business in China. Our telecommunications equipment is barred.

The Chinese are not stupid. In fact, one might argue that they are brilliant strategists, having convinced the United States to sit on its hands while China pillaged the United States market. That the President, the leader of the strongest nation in the world, rolled over and played dead in the face of Chinese threats is an embarrassment to the United States. He betrays the free people of Taiwan—who do buy our goods and services. But he will sell China what it will gladly purchase—our defense secrets. He allows our intellectual property to be stolen with impunity.

The President knows that China is the world's largest emerging market. With a billion potential consumers for United States goods and an insatiable need for infrastructure improvements and technology, the Chinese market is among the most appealing in the world. In the fact of this prize, the administration simply caved in to the demands of China's dictators.

What the administration has ignored until this week, is that the United States is China's most important market as well. In fact, the United States absorbs 30 percent of China's exports. And today, with the financial crisis having drastically decreased demand throughout Asia, the American market is even more important to China.

In its rush to expand its economy and catch up with the rest of the world, China, since the late 1980's, has embarked on a full scale effort greatly to increase its overseas exports and thus to foster an economic boom within its own borders. Without the United States market, China's economic growth would come to a screeching halt.

That is why, Mr. President, I have argued for 3 years that we should use the United States market as leverage in our trade disputes with China. But the administration refused to accept the logic of this strategy—until, that is, Secretary Aaron spoke so frankly in Beijing on Tuesday. I implore the administration, with its newfound wisdom, to take Aaron's advice and start tomorrow not just to threaten, but to impose retaliation against China unless it makes dramatic changes in its trade policy immediately.

To make such threats without following through would be disastrous. The administration must act on its words and impose trade restrictions on China immediately unless it takes drastic steps to eliminate market access barriers to United States exports.

The administration should start with the most egregious barrier of all, the ban on Pacific Northwest wheat. If, by next week, China has not succumbed to the irrefutable scientific evidence and allowed Pacific Northwest wheat into its market, the United States must take retaliatory action. If China won't let our wheat into its market, we shouldn't let China's textiles into our market. It is a simple solution, and it will work. China wants our markets. It won't risk losing them, even if the price is open markets to American goods and services.

The PRESIDING OFFICER. The Senator from Kansas.

CUT TAXES NOW

Mr. BROWNBACK. Mr. President, during the past several weeks the Senate has spent its time debating spending legislation. Now with only 10 days remaining in the second session of this 105th Congress we are going to begin considering a supplemental spending bill.

The American people are currently facing tax rates that are near all-time highs. These excessive taxes are being imposed on the American people in spite of the fact that for the first time in a generation the Federal books are balanced. The first time since 1969, since Neil Armstrong walked on the Moon, the books are balanced and we have these near all-time high tax rates.

Congress did some work in balancing the budget and restraining spending, but Americans did most of the work. And now that there is a surplus, they should be the first ones to get some relief. Currently, on average, 21 million American married couples are forced to shoulder an additional, on average, $1,400 in taxes simply because they are married. That is ridiculous. Congress now has the opportunity to correct this injustice by repealing the marriage penalty. And I want to say this very clearly: We can do so without touching the Social Security trust fund.

We need to enact profamily, progrowth tax relief and eliminate the marriage penalty. That is an important first step that we need to move forward on reducing our horrendously high taxes in America. America clearly needs strong families. The family is the building block for our country and our hope for the future, and it is unconscionable the Tax Code of the United States is being used to subsidize something against the family, to penalize those who are married rather than living together, and creating disincentives towards marriage. We need to eliminate the marriage penalty during the remaining 11 days of this session of Congress. We have the time. We have the opportunity. The House has passed an $80 billion tax package that includes elimination of a portion of the marriage penalty. The Senate needs to move forward with this now.

The American people should be the first to benefit from our budget surplus

with a reduction in their taxes this year. And we can do it without touching the Social Security trust fund. Elimination of the marriage penalty will serve this purpose. First, it will restrain the growth in the Federal Government, and more importantly will begin to keep Washington taxmongers out of people's wallets and out of their lives.

During debate on the Treasury-Postal appropriation bill, the Senate spoke overwhelmingly in favor of a complete elimination of the marriage penalty. We need as large a tax cut as is possible, and in particular, as large a cut in the marriage penalty as possible.

Finally, I would like to state my willingness to work in a bipartisan way with my colleagues across the aisle in providing the type of tax relief that I know we both want to give married couples laboring under this oppressive Tax Code.

A couple of days ago, some of my colleagues were on the floor demanding that the Chairman of the Federal Reserve Board begin to implement expansionary monetary policy by cutting interest rates. Cutting interest rates would incentivize investment and act as a stabilizing effect on many worldwide financial markets now teetering under a cloud of uncertainty.

I think that is good, that the Federal Reserve should consider moving towards a more expansionist monetary policy, but I don't think we should require the Fed to do that. I believe we should let the Federal Reserve do its job and we should concentrate on doing our job. If Congress has the will to enact progrowth fiscal policy, I suggest it begin to do so by enacting the largest tax cut possible so we can help stimulate the financial markets, help in this uncertain financial situation that we have, and continue the growth taking place.

We have a unique opportunity to substantially change our Tax Code treatment of married people. We can do so without touching the Social Security trust fund. There are other people who want to spend that money. I think we need to leave the money alone, create a real Social Security trust fund, and at the same time let's give people a little bit of their money back with a tax cut. The House has done this. Let's work together, let's push to finally be able to get some of that tax relief put in place.

Last year, we cut taxes for the first time in 16 years. We need to continue that effort to cut taxes to continue to stimulate the economy, to continue to give people back a little bit of their money. We should start with married two-wage-earner couples who are being penalized by a Tax Code that doesn't make any sense at this point.

So I urge my colleagues, let's work with the House and make this tax cut a reality. We can do it. We have spent a year talking about spending. Let's take a few days to talk about tax cuts.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 25, 1998, the federal debt stood at $5,523,820,694,890.03 (Five trillion, five hundred twenty-three billion, eight hundred twenty million, six hundred ninety-four thousand, eight hundred ninety dollars and three cents).

One year ago, September 25, 1997, the federal debt stood at $5,387,704,000,000 (Five trillion, three hundred eighty-seven billion, seven hundred four million).

Twenty-five years ago, September 25, 1973, the federal debt stood at $459,982,000,000 (Four hundred fifty-nine billion, nine hundred eighty-two million) which reflects a debt increase of more than $5 trillion—$5,063,838,694,890.03 (Five trillion, sixty-three billion, eight hundred thirty-eight million, six hundred ninety-four thousand, eight hundred ninety dollars and three cents) during the past 25 years.

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

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 160

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 1997, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 28, 1998.*

MESSAGES FROM THE HOUSE

At 4:46 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4579. An act to provide tax relief for individuals, families, and farming and other small businesses, to provide tax incentives for education, to extend certain expiring provisions, to amend the Social Security Act to establish the Protect Social Security Account into which the Secretary of the Treasury shall deposit budget surpluses until a reform measure is enacted to ensure the long-term solvency of the OASDI trust funds, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 4112. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 6:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4060) making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4103) making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 28, 1998 he had presented to the President of the United States, the following enrolled bill:

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.

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–7216. A communication from the Associate Managing Director for Performance Evaluation and Records Management, transmitting, pursuant to law, the report of a rule

entitled ''Table of Allotments, FM Broadcast Stations (Canton and Glasford, Illinois)'' (Docket 97–186) received on September 24, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7217. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Book-Entry Treasury Bonds, Notes, and Bills; Determination Regarding State Statutes; Wisconsin, New Hampshire and Michigan'' (Circ. No. 2–86) received on September 24, 1998; to the Committee on Finance.

EC–7218. A communication from the Benefits Administrator of the AgAmerica Western Farm Credit Bank, transmitting, pursuant to law, the Bank's annual retirement plan report for calendar year 1997 and the Audited Retirement Plan Financial Statements for calendar year 1996 and 1997; to the Committee on Governmental Affairs.

EC–7219. A communication from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Bulletproof Vest Partnership Grant Act of 1998'' (RIN1121–AA48) received on September 22, 1998; to the Committee on the Judiciary.

EC–7220. A communication from the Deputy Assistant Secretary for Policy, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Interim Rule Amending Summary Plan Description Regulation'' (RIN1210–AA55) received on September 22, 1998; to the Committee on Labor and Human Resources.

EC–7221. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Claims Based on Ionizing Radiation (Prostate Cancer and Any Other Cancer)'' (RIN2900–AI00) receive on September 22, 1998; to the Committee on Veteran Affairs.

EC–7222. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species; Threatened Status for Johnson's Seagrass'' (I.D. 052493B) received on September 22, 1998; to the Committee on Environment and Public Works.

EC–7223. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the State of Louisiana's federally approved Coastal Wetlands Conservation Plan; to the Committee on Environment and Public Works.

EC–7224. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled ''The Price-Anderson Act—Crossing the Bridge to the Next Century: A Report to Congress''; to the Committee on Environment and Public Works.

EC–7225. A communication from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Transfer for Disposal and Manifests; Minor Technical Conforming Amendment'' (RIN3150–AF99) received on September 21, 1998; to the Committee on Environment and Public Works.

EC–7226. A communication from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Physical Protection for Spent Nuclear Fuel and High-Level Radioactive Waste: Technical Amendment'' (RIN3150–AG00) received on September 21, 1998; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

H.R. 700. A bill to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians (Rept. No. 105–349).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment:

S. 2351. A bill to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System (Rept. No. 105–350).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 2469. A bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System (Rept. No. 105–351).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2470. A bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System (Rept. No. 105–352).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment:

S. 2474. A bill to direct the Secretary of the Interior to make corrections to certain maps relating to the Coastal Barrier Resources System (Rept. No. 105–353).

S. 2505. A bill to direct the Secretary of the Interior to convey title to the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, to the University of Idaho (Rept. No. 105–354).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

H.R. 8. A bill to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicles emissions, and for other purposes (Rept. No. 105–355).

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. HARKIN:

S. 2521. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that Offices of Inspector General shall be treated as independent agencies in the preparation of the United States Budget, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DEWINE (for himself, Mr. COVERDELL, Mr. GRAHAM, Mr. FAIRCLOTH, Mr. BOND, Mr. D'AMATO, Mr. BREAUX, Mr. HELMS, Mrs. FEINSTEIN, Mr. MACK, Mr. HATCH, Mr. CRAIG, Mr. ABRAHAM, Mr. HUTCHINSON, Mr. ALLARD, Mr. FRIST, Mr. MURKOWSKI, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. BROWNBACK, Mr. BURNS, Mr. BENNETT, Mr. ASHCROFT, Mr. COCHRAN, Mr. BAUCUS, Mr. SMITH of Oregon, Mr. ROBERTS, Mr. CLELAND, and Mr. GRASSLEY):

S. 2522. A bill to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries; to the Committee on Foreign Relations.

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. 2523. A bill to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the ''J.J. 'Jake' Pickle Federal Building''; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 2524. 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 2521. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that Offices of Inspector General shall be treated as independent agencies in the preparation of the United States Budget, and for other purposes; to the Committee on Governmental Affairs.

INSPECTOR GENERAL ACT AMENDMENTS

● Mr. HARKIN. Mr. President, I introduce a bill to establish a more independent budget process for the Inspector Generals of each federal Department.

Under our current budget process, each federal Department Secretary has the power to determine the budget of its Inspector General or IG. While our Department Secretaries generally do a fine job of overseeing their respective Departments and agencies, I feel that it is a conflict of interest for the head of an executive agency to also determine the funding levels for an office whose main function is investigating that agency. In the interest of proper checks and balances, I would hope that we could establish true independence for the IGs budgets.

The IGs are our government watchdogs. Yet, too often, their budgets have been cut back. The United States government is wrestling with streamlining its programs and revamping how it does business. But it has been the IG offices which have largely identified the waste, fraud, and abuse in the federal government and allow this body to make significant budget cuts in an effective manner. We need stronger watchdogs, not weaker.

The offices of Inspectors General has served this country well in making sure that the taxpayers' dollars are not misspent. This spring, for example, the Department of Defense's IG, Eleanor Hill, testified before the House Oversight Subcommittee. She described over $15 billion in fiscal year 1996 funds that were put to better use as a result of IG efforts. Hill pointed out that, ''At the Department of Defense, since FY 1989, IG audit reports have identified almost $16 billion in agreed upon savings. During the same period, monetary recoveries through investigations by the Defense Criminal Investigative Service, the criminal investigative arm

of my office, have totaled over $4.5 billion. Historically, our criminal investigators alone have returned at least $15 in recoveries and fines for every dollar spent on their operations.''

In her testimony, DOD Inspector General Eleanor Hill concludes with what she feels are the greatest concerns for the future of the Office of Inspector General. She points out examples of crimes on the Internet, the overload of paperwork and false claims. But the biggest problem, according to Ms. Hill, ''has been the continuing difficulties we face in coping with programmed downsizing.'' As we attempt to cut wasteful spending and streamline offices, it is the office of Inspectors General which must not be put on the chopping block.

Unfortunately, the support for the IGs has been often reduced more than for other parts of the government. For example, the Department of Energy faced an 11% cut for FY 1996, but a 21% cut in its IG budget. It is my fear that as we continue to cut budgets, the IGs will be first on the chopping blocks at a time when we need them even more to identify wasteful and outdated programs.

It should be obvious, Mr. President, that those who could be investigated by the Inspectors General should not be given the responsibility of developing and approving IG budgets. The Securities and Exchange Commission's budget is not decided by Wall Street firms; The Nuclear Regulatory Commission's budget is not decided by the nation's nuclear power companies. Congress must ensure that no department secretary can take vengeance upon an aggressive IG office.

My bill aims to ensure an effective and independent federal Inspector General system and allow each IG, in consultation with its parent Department, to decide the budget of the IG's office. This bill would provide greater autonomy for the office and prevent strong criticism of a Department, or the singling out of wasteful programs, from affecting watchdog funding.

We have seen repeatedly how a valuable resource like the Inspector General's office has been able to bring this body's attention, and the American public's attention, to some of the wasteful spending of the federal government. I urge my colleagues to support this important legislation.●

By Mr. DEWINE (for himself, Mr. COVERDELL, Mr. GRAHAM, Mr. FAIRCLOTH, Mr. BOND, Mr. D'AMATO, Mr. BREAUX, Mr. HELMS, Mrs. FEINSTEIN, Mr. MACK, Mr. HATCH, Mr. CRAIG, Mr. ABRAHAM, Mr. HUTCHINSON, Mr. ALLARD, Mr. FRIST, Mr. MURKOWSKI, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. BROWNBACK, Mr. BURNS, Mr. BENNETT, Mr. ASHCROFT, Mr. COCHRAN, Mr. BAUCUS, Mr. SMITH of Oregon, Mr. ROBERTS, Mr. CLELAND, and Mr. GRASSLEY):

S. 2522. A bill to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries; to the Committee on Foreign Relations.

WESTERN HEMISPHERE DRUG ELIMINATION ACT

Mr. DEWINE. Mr. President, today I am pleased to join with over 25 of my Senate colleagues to reintroduce the Western Hemisphere Drug Elimination Act. Our bipartisan legislation calls for an additional $2.6 billion investment in international counter-narcotic efforts over the next 3 years. With the additional resources provided in this legislation, we can begin to restore a comprehensive eradication, interdiction and crop substitution strategy.

I say ''restore,'' Mr. President, because we currently are not making the same kind of effort to keep drugs from entering the United States that we used to. Drugs are now easy to find, and easy to buy. As a result, the amount of drugs sold on our streets, and the number of people who use drugs, especially young people, is unprecedented.

The facts demonstrate this sobering trend. The August 1998 National Household Survey on Drug Abuse report by the Substance Abuse and Mental Health Administration list the following disturbing facts:

In 1997, 13.9 million Americans age 12-and-over cited themselves as ''current users'' of illicit drugs—a 7% increase of 1996's figure of 13 million Americans. That translates to nearly a million new users of drugs each year.

From 1992–1997, the number of children aged 12-to-17 who are using illegal drugs has more than doubled, and has increased by 27% just from 1996–1997 alone.

For kids 12-to-17, first time heroin use, which can be fatal surged an astounding 875% from 1991–1996. The overall number of past month heroin users increased 378% from 1993 to 1997.

We cannot in good conscience and with a straight face say that our drug control strategy is working. It is not. More children are using drugs. With an abundant supply, drug traffickers now are seeking to increase their sales by targeting children ages 10 through 12. This is nothing less than an assault on the future of our children, and the future of the country itself. This is nothing less than a threat to our national values, and yes, even our national security.

All of this begs the question: What are we doing wrong? Clearly, there is no one simple answer. However, one thing is clear: our overall drug strategy is imbalanced. To be effective, our national drug strategy must have a strong commitment in the following three areas: (1) demand reduction, which consists of prevention, treatment, and education programs. These are administered by all levels of government—federal, state and local—as well as non-profit and private organizations; (2) domestic law enforcement, which again, has to be provided by all three levels of government; and (3) international eradication and interdiction efforts, which are the sole responsibility of the Federal Government.

These three components are interdependent. A strong investment in each of them is necessary for each to work individually and collectively. For example, a strong effort to destroy or seize drugs at the source or outside of the United States both reduces the amount of drugs in the country, and drives up the street price. And as we all know, higher prices will reduce consumption. This in turn helps our domestic law enforcement and demand reduction efforts.

As any football fan will tell you, a winning team is one that plays well at all three phases of the game—offense, defense, and special teams. The same is true with out anti-drug strategy—all three components have to be effective if our strategy is going to be a winning effort.

While I think the current administration has shown a clear commitment to demand reduction and domestic law enforcement programs, the same cannot be said for the international eradication and interdiction components. This was not always the case.

In 1987, the $4.79 billion federal drug control budget was divided as follows: 29% for demand reduction programs; 38% for domestic law enforcement; and 33% for international eradication and interdiction efforts. This balanced approach worked. It achieved real success. Limiting drug availability through interdiction drove up the street price of drugs, reduced drug purity levels, and consequently reduced overall drug use. From 1988 to 1991, total drug use declined by 13 percent—cocaine use dropped by 35 percent. And there was a 25 percent reduction in overall drug use by adolescent Americans.

This balanced approach ended in 1993. By 1995, the $13.3 billion national drug control budget was divided as follows: 35 percent for demand reduction; 53 percent for law enforcement; and 12 percent for international and interdiction efforts. Though the overall anti-drug budget increased almost threefold from 1987 to 1995, the percentage allocated for international eradication and interdiction efforts decreased dramatically. This distribution only recently has started to change, but the imbalance is still there. In the President's proposed $17 billion drug control budget for 1999, 34 percent would be allocated for demand reduction; 52% for law enforcement; and 14% for international and interdiction efforts.

Those are the numbers, but what really matters are what these numbers get you in terms of resources. The hard truth is that our drug interdiction presence—the ship, air and man power dedicated to keeping drugs from reaching our country—has eroded dramatically. Here are just a few examples:

The Department of Defense funding for counter-narcotics decreased from $504.6 million in 1992 to $214.7 million in 1995, a 57% decrease in only three years. As a result, flight hours by Airborne Warning and Control Systems—known as AWACs planes—dropped from 38,100 hours in 1992 to 17,713 hours by 1996, a 54% reduction.

At the beginning of the decade, the U.S. Customs service operated its counter-narcotics activities around the clock. This made sense because drug trafficking truly is a 7 day/24 hour enterprise. Today, the Customs Service does not have the resources needed to maintain around-the-clock operations. At a recent hearing on our original legislation, a representative of the U.S. Customs Service testified that the Customs service has 84 boats in the Caribbean conducting drug apprehension efforts—down from 200 vessels in 1990. The Customs Service estimates that they expect to have only half of the current fleet of 84 vessels by the year 2000.

Mr. President, these are shocking statistics. And perhaps more than the budget numbers themselves, these statistics demonstrate the imbalance in our overall strategy. I have witnessed the lack of our resources and commitment in the region fisthand. This past year I traveled to the Caribbean several times to see our counter-narcotics operations there. I met with the dedicated people on the frontlines of our drug interdiction efforts. I witnessed our strategy in action, and sat down with the experts—both military and civilian—who are charged with carrying out the monitoring, detection and interdiction of drugs.

On one of my recent trips I saw that in particular, Haiti has become an attractive rest-stop on the cocaine highway. It is strategically located about halfway between the source country—Colombia—and the United States. As the poorest country in the hemisphere, it is extremely vulnerable to the kind of bribery and corruption that the drug trade needs in order to flourish.

Not surprisingly, the level of drugs moving through Haiti has dramatically increased. A U.S. government interagency assessment on cocaine movement found that the total amount of cocaine coming to the United States through Haiti jumped from 5 percent in 1996 to 19 percent by the end of 1997.

In response, we initiated a US law enforcement operation called Operation Frontier Lance, which utilized Coast Guard Cutters, speedboats, and helicopters to detect and capture drug dealers on a 24 hour per day basis. This operation was modeled after another successful interdiction effort that was first done off the coast of Puerto Rico, called Operation Frontier Shield.

Both these operations were done at two different time periods. Operation Frontier Shield utilized nearly two dozen ships and aircraft; and Operation Frontier Lance utilized more than a dozen ships and helicopters. To make Frontier Lance work required that we borrow a few ships and helicopters from operations elsewhere in the Caribbean. Because of our scare resources, we had to rob Peter to help Paul.

These operations produced amazing results. The six month operation in Puerto Rico resulted in the seizure of more than 32,900 pounds of cocaine and 120 arrests. The three month operation in Haiti and the Dominican Republic resulted in 2,990 pounds of cocaine seized and 22 arrests.

These operations demonstrate we can make a big difference if we provide the right levels of material and manpower to fight drug trafficking. One would think that these operations would serve as a model for the entire region. Instead of maintaining these operations, we ended them. This potential roadblock on the cocaine highway is no more.

Now, in Puerto Rico we only have a combined total of 6 air and sea assets doing maintenance operations.

In Haiti and the Dominican Republic, we have only 1 ship and 1 helicopter devoted for the drug operation. Keep in mind that since refugees remain a major problem in this area, these very few vessels are not dedicated solely to drug interdiction. Amazingly, no sooner than we build an effective wall against drug traffickers, we tear it down.

While in the region, I was surprised to learn that in the Eastern Pacific, off the coast of Mexico and Central America, the coast is literally clear for the drug lords to do their business. This is, without any doubt, unacceptable.

Again, we have no presence there because we lack the resources. An interdiction plan does exist for the region, which would involve the deployment of several ships and planes in the region. This operation, unfortunately, was canceled before it even got started because the resources were needed elsewhere. To date, the coastal waters in the Eastern Pacific remain an open sea expressway for drug business.

Mr. President, through my visits to the region, I have seen firsthand the dramatic decline in our eradication and interdiction capability. The results of this decline have been a decline in cocaine seizures, a decline in the price of cocaine, and an increase in drug use. This has to stop. It is a clear and imminent danger to the very heart of our society.

That is why the legislation I am introducing today is timely. We need to dedicate more resources for international efforts to help reverse this trend. Now I want to make it very clear that I strongly support our continued commitment in demand reduction and law enforcement programs! In the end, I believe that reducing demand is the only real way to permanently end illegal drug use. However, this will not happen overnight. That is why we need a comprehensive counter drug strategy that addresses all components of this problem.

There's another fundamental reason why the federal government must do more to stop drugs either at the source or in transit to the United States. If we don't, no one else will. Let me remind our colleagues that our anti-drug efforts here at home are done in cooperation with state and local governments and scores of non-profit and private organizations. However, only the federal government has the responsibility to keep drugs from crossing our borders.

It's not just an issue of responsibility—it's an issue of leadership. The United States has to demonstrate leadership on an international level if we expect to get the full cooperation of source countries, such as Colombia, Peru and Bolivia, as well as countries in the transit zone, including Mexico and the Caribbean island governments. There's little incentive for these countries to invest their limited resources, and risk the lives of their law enforcement officers to stop drug trafficking, unless we provide the leadership and resources necessary to make a serious dent in the drug trade.

Our bill is designed to provide the resources and demonstrate to our friends in the Caribbean, and in Central and South America that we intend to lead once again. With this legislation, we can once again make it difficult for drug lords to bring drugs to our nation, and make drugs far more costly to buy. It's clear drug trafficking imposes a heavy toll on law abiding citizens and communities across our country. It's time we make it a dangerous and costly business for drug traffickers themselves. A renewed investment in international and interdiction programs will make a huge difference—both in the flow and cost of illegal drugs. It worked before and we believe it can work again.

Mr. President, as I said at the beginning, my colleagues and I are reintroducing this legislation. Since we introduced our original bill in July, we have received a number of suggestions on ways to improve the legislation, including several provided in conversations I personally had with General Barry McCaffery, the Director of the Office of National Drug Control Policy—otherwise known as the Drug Czar's office. Some of these suggestions were incorporated in the House bill first introduced by Congressmen BILL MCCOLLUM of Florida and DENNIS HASTERT of Illinois. The House passed the McCollum/Hastert bill with overwhelmingly bi-partisan support. The final vote was 384 to 39! Clearly, the overwhelming, bipartisan show of support for the Western Hemisphere Drug Elimination Act is a wake up call for leadership—it's time the United States once again lead the way in a comprehensive and balanced strategy to reduce drug use. And the time for leadership is now.

Since House passage of the bill, I have reached out once again to General McCaffrey, and to my friends on the Democrat side of the aisle, on how we

can work together to pass this legislation before we adjourn. I made it clear to General McCaffrey of my commitment to work with him and the Administration to strengthen our drug interdiction efforts, and our overall anti-drug strategy. Again, I received several suggestions to improve the bill from the General, but the Administration has shown no interest in getting this bill passed this year.

The resources we would provide in our legislation should be of no surprise to General McCaffrey or anyone involved in our drug control policies. The vast majority of the items in this bill are the very items which the Drug Enforcement Administration, the Coast Guard and Customs Service have been requesting for quite some time now. Many of these items are detailed, practically item per item and dollar amount, in a United States Interdiction Coordinator report, known as USIC, which was requested by the General.

The bill we introduce today represents a good faith effort by the sponsors of this legislation to get something done this year. It includes almost all the changes made in the House-passed bill, and incorporates virtually every suggestion made to me by General McCaffrey. Of central concern to the General, as he expressed in his recent testimony before the Senate Foreign Relations Committee, was the need for greater flexibility. The bill we introduce today provides flexibility for the agencies to determine and acquire the assets best needed for their respective drug interdiction missions. It also provides more flexibility for the Administration in providing needed resources to Latin American countries.

Mr. President, thanks to the suggestions we have received, the bill we are introducing today is a better bill. It has far more bipartisan support than the first version. Again, the growing support for this legislation is not surprising. This is not a partisan issue—we need to do more to fight drugs outside our borders.

Let's be frank—in this anti-drug effort—Congress is the anti-drug funder, but the agencies represented here—the Drug Enforcement Administration, Customs, Coast Guard, State and Defense Departments, and the Drug Czar's office—they are the anti-drug fighters. The dedicated men and women at these agencies are working to keep drugs out of the hands of our kids, and all we're trying to do is to give them the additional resources they have requested to make that work result in a real reduction in drug use. This bill is just the first step in our efforts to work with the agencies represented here. I expect to do more in the future.

Finally, Mr. President, I want to make it clear that while this bill is an authorization measure, I have already started the process to request the money needed for this bill over three years. Even though we introduced the bill for the first time in late July, we have already secured $143 million through the Senate passed FY 1999 appropriation measures. Senators COVERDELL, GRAHAM of Florida, GRASSLEY, BOND, FAIRCLOTH, and myself requested these funds through the various appropriation measures.

The cosponsors of this bill also are requesting the assistance of Senators STEVENS and BYRD—the Chairman and Ranking Member of the Senate Appropriations committee—in obtaining funding as part of any emergency supplemental appropriations bill we may consider before we adjourn. Given that it will take some time to dedicate some of our larger assets, such as boats, airplanes, and helicopters, we need to start our investment as soon as possible. I understand a similar effort is underway in the House of Representatives.

Mr. President, I recognize that even as we finally are beginning to balance our budget, we still have to exercise fiscal responsibility. I believe effective drug interdiction is not only good social policy, it is sound fiscal policy as well. It is important to note that seizing or destroying a ton of cocaine in source or transit areas is more cost-effective than trying to seize the same quantity of drugs at the point of sale. But more important, are the short and long term costs if we do not act to reverse the tragic rise in drug use by our children.

Let me remind my colleagues that there are more than twice the number of children aged 12 to 17 using drugs today than there were five years ago. With more kids using drugs, we have more of the problems associated with youth drug use—violence, criminal activity and delinquency. We will have more of the same unless we take action now to restore a balanced drug control strategy. We have to have all the components of our drug strategy working effectively again.

We did it before and we succeeded.

If we pass the Western Hemisphere Drug Elimination Bill we can take the first step toward success. We can provide the resources, and most importantly, the leadership to reduce drugs at the source or in transit.

In the end, Mr. President, that's what this bill is about—it's about leadership—effective leadership. We have an opportunity with this legislation to show and exercise leadership. I hope we can seize this opportunity to stop drug trafficking, and more important, to save lives.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2522

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 ''Western Hemisphere Drug Elimination Act''.

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

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

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

(1) Teenage drug use in the United States has doubled since 1993.

(2) The drug crisis facing the United States is a top national security threat.

(3) The spread of illicit drugs through United States borders cannot be halted without an effective drug interdiction strategy.

(4) Effective drug interdiction efforts have been shown to limit the availability of illicit

narcotics, drive up the street price, support demand reduction efforts, and decrease overall drug trafficking and use.

(5) A prerequisite for reducing youth drug use is increasing the price of drugs. To increase price substantially, at least 60 percent of drugs must be interdicted.

(6) In 1987, the national drug control budget maintained a significant balance between demand and supply reduction efforts, illustrated as follows:

(A) 29 percent of the total drug control budget expenditures for demand reduction programs.

(B) 38 percent of the total drug control budget expenditures for domestic law enforcement.

(C) 33 percent of the total drug control budget expenditures for international drug interdiction efforts.

(7) In the late 1980's and early 1990's, counternarcotic efforts were successful, specifically in protecting the borders of the United States from penetration by illegal narcotics through increased seizures by the United States Coast Guard and other agencies, including a 302 percent increase in pounds of cocaine seized between 1987 and 1991.

(8) Limiting the availability of narcotics to drug traffickers in the United States had a promising effect as illustrated by the decline of illicit drug use between 1988 and 1991, through a—

(A) 13 percent reduction in total drug use;

(B) 35 percent drop in cocaine use; and

(C) 16 percent decrease in marijuana use.

(9) In 1993, drug interdiction efforts in the transit zones were reduced due to an imbalance in the national drug control strategy. This trend has continued through 1995 as shown by the following figures:

(A) 35 percent for demand reduction programs.

(B) 53 percent for domestic law enforcement.

(C) 12 percent for international drug interdiction efforts.

(10) Supply reduction efforts became a lower priority for the Administration and the seizures by the United States Coast Guard and other agencies decreased as shown by a 68 percent decrease in the pounds of cocaine seized between 1991 and 1996.

(11) Reductions in funding for comprehensive interdiction operations like OPERATION GATEWAY and OPERATION STEELWEB, initiatives that encompassed all areas of interdiction and attempted to disrupt the operating methods of drug smugglers along the entire United States border, have created unprotected United States border areas which smugglers exploit to move their product into the United States.

(12) The result of this new imbalance in the national drug control strategy caused the drug situation in the United States to become a crisis with serious consequences including—

(A) doubling of drug-abuse-related arrests for minors between 1992 and 1996;

(B) 70 percent increase in overall drug use among children aged 12 to 17;

(C) 80 percent increase in drug use for graduating seniors since 1992;

(D) a sharp drop in the price of 1 pure gram of heroin from $1,647 in 1992 to $966 in February 1996; and

(E) a reduction in the street price of 1 gram of cocaine from $123 to $104 between 1993 and 1994.

(13) The percentage change in drug use since 1992, among graduating high school students who used drugs in the past 12 months, has substantially increased—marijuana use is up 80 percent, cocaine use is up 80 percent, and heroin use is up 100 percent.

(14) The Department of Defense has been called upon to support counter-drug efforts of Federal law enforcement agencies that are carried out in source countries and through transit zone interdiction, but in recent years Department of Defense assets critical to those counter-drug activities have been consistently diverted to missions that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff consider a higher priority.

(15) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff, through the Department of Defense policy referred to as the Global Military Force Policy, has established the priorities for the allocation of military assets in the following order: (1) war; (2) military operations other than war that might involve contact with hostile forces (such as peacekeeping operations and noncombatant evacuations); (3) exercises and training; and (4) operational tasking other than those involving hostilities (including counter-drug activities and humanitarian assistance).

(16) Use of Department of Defense assets is critical to the success of efforts to stem the flow of illegal drugs from source countries and through transit zones to the United States.

(17) The placement of counter-drug activities in the fourth and last priority of the Global Military Force Policy list of priorities for the allocation of military assets has resulted in a serious deficiency in assets vital to the success of source country and transit zone efforts to stop the flow of illegal drugs into the United States.

(18) At present the United States faces few, if any, threats from abroad greater than the threat posed to the Nation's youth by illegal and dangerous drugs.

(19) The conduct of counter-drug activities has the potential for contact with hostile forces.

(20) The Department of Defense counter-drug activities mission should be near the top, not among the last, of the priorities for the allocation of Department of Defense assets after the first priority for those assets for the war-fighting mission of the Department of Defense.

(b) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) reduce the supply of drugs and drug use through an enhanced drug interdiction effort in the major drug transit countries, as well support a comprehensive supply country eradication and crop substitution program, because a commitment of increased resources in international drug interdiction efforts will create a balanced national drug control strategy among demand reduction, law enforcement, and international drug interdiction efforts; and

(2) develop and establish comprehensive drug interdiction and drug eradication strategies, and dedicate the required resources, to achieve the goal of reducing the flow of illegal drugs into the United States by 80 percent by as early as December 31, 2001.

TITLE I—ENHANCED SOURCE AND TRANSIT COUNTRY COVERAGE

SEC. 101. EXPANSION OF RADAR COVERAGE AND OPERATION IN SOURCE AND TRANSIT COUNTRIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the enhancement of radar coverage in drug source and transit countries in the total amount of $14,300,000 which shall be available for the following purposes:

(1) For restoration of radar, and operation and maintenance of radar, in the Bahamas.

(2) For operation and maintenance of ground-based radar at Guantanamo Bay Naval Base, Cuba.

(b) REPORT.—Not later than January 31, 1999, the Secretary of Defense, in conjunction with the Director of Central Intelligence, shall submit to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate a report examining the options available to the United States for improving Relocatable Over the Horizon (ROTHR) capability to provide enhanced radar coverage of narcotics source zone countries in South America and transit zones in the Eastern Pacific. The report shall include—

(1) a discussion of the need and costs associated with the establishment of a proposed fourth ROTHR site located in the source or transit zones; and

(2) an assessment of the intelligence specific issues raised if such a ROTHR facility were to be established in conjunction with a foreign government.

SEC. 102. EXPANSION OF COAST GUARD DRUG INTERDICTION.

(a) OPERATING EXPENSES.—For operating expenses of the Coast Guard associated with expansion of drug interdiction activities around Puerto Rico, the United States Virgin Islands, and other transit zone areas of operation, there is authorized to be appropriated to the Secretary of Transportation $151,500,000 for each of fiscal years 1999, 2000, and 2001. Such amounts shall include (but are not limited to) amounts for the following:

(1) For deployment of intelligent acoustic detection buoys in the Florida Straits and Bahamas.

(2) For a nonlethal technology program to enhance countermeasures against the threat of transportation of drugs by so-called Go-Fast boats.

(b) ACQUISITION, CONSTRUCTION, AND IMPROVEMENT.—

(1) IN GENERAL.—For acquisition, construction, and improvement of facilities and equipment to be used for expansion of Coast Guard drug interdiction activities, there is authorized to be appropriated to the Secretary of Transportation for fiscal year 1999 the total amount of $630,300,000 which shall be available for the following purposes:

(A) For maritime patrol aircraft sensors.

(B) For acquisition of deployable pursuit boats.

(C) For the acquisition and construction of up to 15 United States Coast Guard 87-foot Coastal Patrol Boats.

(D) For—

(i) the reactivation of up to 3 United States Coast Guard HU–25 Falcon jets;

(ii) the procurement of up to 3 C–37A aircraft; or

(iii) the procurement of up to 3 C–20H aircraft.

(E) For acquisition of installed or deployable electronic sensors and communications systems for Coast Guard Cutters.

(F) For acquisition and construction of facilities and equipment to support regional and international law enforcement training and support in Puerto Rico, the United States Virgin Islands, and the Caribbean Basin.

(G) For acquisition or conversion of maritime patrol aircraft.

(H) For acquisition or conversion of up to 2 vessels to be used as Coast Guard Medium or High Endurance Cutters.

(I) For acquisition or conversion of up to 2 vessels to be used as Coast Guard Cutters as support, command, and control platforms for drug interdiction operations.

(J) For acquisition of up to 6 Coast Guard Medium Endurance Cutters.

(K) For acquisition of up to 6 HC–130J aircraft.

(2) CONTINUED AVAILABILITY.—Amounts appropriated under this subsection may remain available until expended.

(c) REQUIREMENT TO ACCEPT PATROL CRAFT FROM DEPARTMENT OF DEFENSE.—The Secretary of Transportation shall accept, for use by the Coast Guard for expanded drug interdiction activities, 7 PC–170 patrol craft offered by the Department of Defense.

SEC. 103. EXPANSION OF AIRCRAFT COVERAGE AND OPERATION IN SOURCE AND TRANSIT COUNTRIES.

(a) DEPARTMENT OF THE TREASURY.—Funds are authorized to be appropriated for the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the enhancement of air coverage and operation for drug source and transit countries in the total amount of $886,500,000 which shall be available for the following purposes:

(1) For procurement of 10 P–3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries.

(2) For the procurement and deployment of 10 P–3B Slick airplanes for the United States Customs Service to enhance overhead air coverage of the drug source zone.

(3) In fiscal years 2000 and 2001, for operation and maintenance of 10 P–3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries.

(4) For personnel for the 10 P–3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries.

(5) In fiscal years 2000 and 2001, for operation and maintenance of 10 P–3B Slick airplanes for the United States Customs Service to enhance overhead coverage of the drug source zone.

(6) For personnel for the 10 P–3B Slick airplanes for the United States Customs Service to enhance overhead air coverage of drug source zone countries.

(7) For construction and furnishing of an additional facility for the P–3B aircraft.

(8) For operation and maintenance for overhead air coverage for source countries.

(9) For operation and maintenance for overhead coverage for the Caribbean and Eastern Pacific regions.

(10) For purchase and for operation and maintenance of 3 RU–38A observation aircraft (to be piloted by pilots under contract with the United States).

(b) REPORT.—Not later than January 31, 1999, the Secretary of Defense, in consultation with the Secretary of State and the Director of Central Intelligence, shall submit to the Committee on National Security, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives and to the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate a report examining the options available in the source and transit zones to replace Howard Air Force Base in Panama and specifying the requirements of the United States to establish an airbase or airbases for use in support of counternarcotics operations to optimize operational effectiveness in the source and transit zones. The report shall identify the following:

(1) The specific requirements necessary to support the national drug control policy of the United States.

(2) The estimated construction, operation, and maintenance costs for a replacement counterdrug airbase or airbases in the source and transit zones.

(3) Possible interagency cost sharing arrangements for a replacement airbase or airbases.

(4) Any legal or treaty-related issues regarding the replacement airbase or airbases.

(5) A summary of completed alternative site surveys for the airbase or airbases.

(c) TRANSFER OF AIRCRAFT.—The Secretary of the Navy shall transfer to the United States Customs Service—

(1) ten currently retired and previously identified heavyweight P–3B aircraft for modification into P–3 AEW&C aircraft; and

(2) ten currently retired and previously identified heavyweight P–3B aircraft for modification into P–3 Slick aircraft.

TITLE II—ENHANCED ERADICATION AND INTERDICTION STRATEGY IN SOURCE COUNTRIES

SEC. 201. ADDITIONAL ERADICATION RESOURCES FOR COLOMBIA.

(a) DEPARTMENT OF STATE.—Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for the enhancement of drug-related eradication efforts in Colombia in the total amount of $201,250,000 which shall be available for the following purposes:

(1) For each such fiscal year for sustaining support of the helicopters and fixed wing fleet of the national police of Colombia.

(2) For the purchase of DC–3 transport aircraft for the national police of Colombia.

(3) For acquisition of resources needed for prison security in Colombia.

(4) For the purchase of minigun systems for the national police of Colombia.

(5) For the purchase of 6 UH–60L Black Hawk utility helicopters for the national police of Colombia and for operation, maintenance, and training relating to such helicopters.

(6) For procurement, for upgrade of 50 UH–1H helicopters to the Huey II configuration equipped with miniguns for the use of the national police of Colombia.

(7) For the repair and rebuilding of the antinarcotics base in southern Colombia.

(8) For providing sufficient and adequate base and force security for any rebuilt facility in southern Colombia, and the other forward operating antinarcotics bases of the Colombian National Police antinarcotics unit.

(b) COUNTERNARCOTICS ASSISTANCE.—United States counternarcotics assistance may not be provided for the Government of Colombia under this Act or under any other provision of law on or after the date of enactment of this Act if the Government of Colombia negotiates or permits the establishment of any demilitarized zone in which the eradication of drug production by the security forces of Colombia, including the Colombian National Police antinarcotics unit, is prohibited.

SEC. 202. ADDITIONAL ERADICATION RESOURCES FOR PERU.

(a) DEPARTMENT OF STATE.—Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for the establishment of a third drug interdiction site in Peru to support air bridge and riverine missions for enhancement of drug-related eradication efforts in Peru, in the total amount of $3,000,000, and an additional amount of $1,000,000 for each of fiscal years 2000 and 2001 for operation and maintenance.

(b) DEPARTMENT OF DEFENSE STUDY.—The Secretary of Defense shall conduct a study of Peruvian counternarcotics air interdiction requirements and, not later than 90 days after the date of enactment of this Act, submit to Congress a report on the results of the study. The study shall include a review of the Peruvian Air Force's current and future requirements for counternarcotics air interdiction to complement the Peruvian Air Force's A–37 capability.

SEC. 203. ADDITIONAL ERADICATION RESOURCES FOR BOLIVIA.

Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for enhancement of drug-related eradication efforts in Bolivia in the total amount of $17,000,000 which shall be available for the following purposes:

(1) For support of air operations in Bolivia.

(2) For support of riverine operations in Bolivia.

(3) For support of coca eradication programs.

(4) For procurement of 2 mobile x-ray machines, with operation and maintenance support.

SEC. 204. MISCELLANEOUS ADDITIONAL ERADICATION RESOURCES.

Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for enhanced precursor chemical control projects, in the total amount of $500,000.

SEC. 205. BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.

(a) SENSE OF CONGRESS RELATING TO PROFESSIONAL QUALIFICATIONS OF OFFICIALS RESPONSIBLE FOR INTERNATIONAL NARCOTICS CONTROL.—It is the sense of Congress that any individual serving in the position of assistant secretary in any department or agency of the Federal Government who has primary responsibility for international narcotics control and law enforcement, and the principal deputy of any such assistant secretary, shall have substantial professional qualifications in the fields of—

(1) management; and

(2) Federal law enforcement or intelligence.

(b) FOREIGN MILITARY SALES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, upon the receipt by the Department of State of a formal letter of request for any foreign military sales counternarcotics-related assistance from the head of any police, military, or other appropriate security agency official, the principle agency responsible for the implementation and processing of the counternarcotics foreign military sales request shall be the Department of Defense.

(2) ROLE OF STATE DEPARTMENT.—The Department of State shall continue to have a consultative role with the Department of Defense in the processing of the request described in paragraph (1), after receipt of the letter of request, for all counternarcotics-related foreign military sales assistance.

(c) SENSE OF CONGRESS RELATING TO DEFICIENCIES IN INTERNATIONAL NARCOTICS ASSISTANCE ACTIVITIES.—It is the sense of Congress that the responsiveness and effectiveness of international narcotics assistance activities under the Department of State have been severely hampered due, in part, to the lack of law enforcement expertise by responsible personnel in the Department of State.

TITLE III—ENHANCED ALTERNATIVE CROP DEVELOPMENT SUPPORT IN SOURCE ZONE

SEC. 301. ALTERNATIVE CROP DEVELOPMENT SUPPORT.

Funds are authorized to be appropriated for the United States Agency for International Development for fiscal years 1999, 2000, and 2001 for alternative development programs in the total amount of $180,000,000 which shall be available as follows:

(1) In the Guaviare, Putumayo, and Caqueta regions in Colombia.

(2) In the Ucayali, Apurimac, and Huallaga Valley regions in Peru.

(3) In the Chapare and Yungas regions in Bolivia.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS FOR AGRICULTURAL RESEARCH SERVICE COUNTERDRUG RESEARCH AND DEVELOPMENT ACTIVITIES.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary of Agriculture for each of fiscal years 1999, 2000, and 2001, $23,000,000 to support the counternarcotics research efforts of the Agricultural Research Service of the Department of Agriculture. Of that amount, funds are authorized as follows:

(1) $5,000,000 shall be used for crop eradication technologies.

(2) $2,000,000 shall be used for narcotics plant identification, chemistry, and biotechnology.

(3) $1,000,000 shall be used for worldwide crop identification, detection tagging, and production estimation technology.

(4) $5,000,000 shall be used for improving the disease resistance, yield, and economic competitiveness of commercial crops that can be promoted as alternatives to the production of narcotics plants.

(5) $10,000,000 to contract with entities meeting the criteria described in subsection (b) for the product development, environmental testing, registration, production, aerial distribution system development, product effectiveness monitoring, and modification of multiple mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) CRITERIA FOR ELIGIBLE ENTITIES.—An entity under this subsection is an entity which possesses—

(1) experience in diseases of narcotic crops;

(2) intellectual property involving seedborne dispersal formulations;

(3) the availability of state-of-the-art containment or quarantine facilities;

(4) country-specific mycoherbicide formulations;

(5) specialized fungicide resistant formulations; or

(6) special security arrangements.

SEC. 303. MASTER PLAN FOR MYCOHERBICIDES TO CONTROL NARCOTIC CROPS.

(a) IN GENERAL.—The Director of the Office of National Drug Control Policy shall develop a 10-year master plan for the use of mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) COORDINATION.—The Director shall develop the plan in coordination with—

(1) the Department of Agriculture;

(2) the Drug Enforcement Administration of the Department of Justice;

(3) the Department of Defense;

(4) the Environmental Protection Agency;

(5) the Bureau for International Narcotics and Law Enforcement Activities of the Department of State;

(6) the United States Information Agency; and

(7) other appropriate agencies.

(c) REPORT.—Not later than March 1, 1999, the Director of the Office of National Drug Control Policy shall submit to Congress a report describing the activities undertaken to carry out this section.

TITLE IV—ENHANCED INTERNATIONAL LAW ENFORCEMENT TRAINING

SEC. 401. ENHANCED INTERNATIONAL LAW ENFORCEMENT ACADEMY TRAINING.

(a) ENHANCED INTERNATIONAL LAW ENFORCEMENT ACADEMY TRAINING.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for the establishment and operation of international law enforcement academies to carry out law enforcement training activities in the total amount of $13,400,000 which shall be available for the following purposes:

(1) For the establishment and operation of an academy which shall serve Latin America and the Caribbean.

(2) For the establishment and operation of an academy in Bangkok, Thailand, which shall serve Asia.

(3) For the establishment and operation of an academy in South Africa which shall serve Africa.

(b) MARITIME LAW ENFORCEMENT TRAINING CENTER.—Funds are authorized to be appropriated for the Department of Transportation and the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the joint establishment, operation, and maintenance in San Juan, Puerto Rico, of a center for training law enforcement personnel of countries located in the Latin American and Caribbean regions in matters relating to maritime law enforcement, including customs-related ports management matters, as follows:

(1) For each such fiscal year for funding by the Department of Transportation, $1,500,000.

(2) For each such fiscal year for funding by the Department of the Treasury, $1,500,000.

(c) UNITED STATES COAST GUARD INTERNATIONAL MARITIME TRAINING VESSEL.—Funds are authorized to be appropriated for the Department of Transportation for fiscal years 1999, 2000, and 2001 for the establishment, operation, and maintenance of maritime training vessels in the total amount of $15,000,000 which shall be available for the following purposes:

(1) For a vessel for international maritime training, which shall visit participating Latin American and Caribbean nations on a rotating schedule in order to provide law enforcement training and to perform maintenance on participating national assets.

(2) For support of the United States Coast Guard Balsam Class Buoy Tender training vessel.

SEC. 402. ENHANCED UNITED STATES DRUG ENFORCEMENT INTERNATIONAL TRAINING.

(a) MEXICO.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for substantial exchanges for Mexican judges, prosecutors, and police, in the total amount of $2,000,000 for each such fiscal year.

(b) BRAZIL.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for enhanced support for the Brazilian Federal Police Training Center, in the total amount of $1,000,000 for each such fiscal year.

(c) PANAMA.—

(1) IN GENERAL.—Funds are authorized to be appropriated for the Department of Transportation for fiscal years 1999, 2000, and 2001 for operation and maintenance, for locating and operating Coast Guard assets so as to strengthen the capability of the Coast Guard of Panama to patrol the Atlantic and Pacific coasts of Panama for drug enforcement and interdiction activities, in the total amount of $1,000,000 for each such fiscal year.

(2) ELIGIBILITY TO RECEIVE TRAINING.—Notwithstanding any other provision of law, members of the national police of Panama shall be eligible to receive training through the International Military Education Training program.

(d) VENEZUELA.—There are authorized to be appropriated for the Department of Justice for each of fiscal years 1999, 2000, and 2001, $1,000,000 for operation and maintenance, for support for the Venezuelan Judicial Technical Police Counterdrug Intelligence Center.

(e) ECUADOR.—Funds are authorized to be appropriated for the Department of Transportation and the Department of the Treasury for each of fiscal years 1999, 2000, and 2001 for the buildup of local coast guard and port control in Guayaquil and Esmeraldas, Ecuador, as follows:

(1) For each such fiscal year for the Department of Transportation, $500,000.

(2) For each such fiscal year for the Department of the Treasury, $500,000.

(f) HAITI AND THE DOMINICAN REPUBLIC.—Funds are authorized to be appropriated for the Department of the Treasury for each of fiscal years 1999, 2000, and 2001, $500,000 for the buildup of local coast guard and port control in Haiti and the Dominican Republic.

(g) CENTRAL AMERICA.—There are authorized to be appropriated for the Department of the Treasury for each of fiscal years 1999, 2000, and 2001, $12,000,000 for the buildup of local coast guard and port control in Belize, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

SEC. 403. PROVISION OF NONLETHAL EQUIPMENT TO FOREIGN LAW ENFORCEMENT ORGANIZATIONS FOR COOPERATIVE ILLICIT NARCOTICS CONTROL ACTIVITIES.

(a) IN GENERAL.—The Administrator of the Drug Enforcement Administration, in consultation with the Secretary of State, may transfer or lease each year nonlethal equipment, of which each piece of equipment may be valued at not more than $100,000, to foreign law enforcement organizations for the purpose of establishing and carrying out cooperative illicit narcotics control activities.

(b) ADDITIONAL REQUIREMENT.—The Administrator shall provide for the maintenance and repair of any equipment transferred or leased under subsection (a).

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

(1) all United States law enforcement personnel serving in Mexico should be accredited the same status under the Vienna Convention on Diplomatic Immunity as other diplomatic personnel serving at United States posts in Mexico; and

(2) all Mexican narcotics law enforcement personnel serving in the United States should be accorded the same diplomatic status as Drug Enforcement Administration personnel serving in Mexico.

TITLE V—ENHANCED DRUG TRANSIT AND SOURCE ZONE LAW ENFORCEMENT OPERATIONS AND EQUIPMENT

SEC. 501. INCREASED FUNDING FOR OPERATIONS AND EQUIPMENT; REPORT.

(a) DRUG ENFORCEMENT ADMINISTRATION.—Funds are authorized to be appropriated for the Drug Enforcement Administration for fiscal years 1999, 2000, and 2001 for enhancement of counternarcotic operations in drug transit and source countries in the total amount of $58,900,000 which shall be available for the following purposes:

(1) For support of the Merlin program.

(2) For support of the intercept program.

(3) For support of the Narcotics Enforcement Data Retrieval System.

(4) For support of the Caribbean Initiative.

(5) For the hire of special agents, administrative and investigative support personnel, and intelligence analysts for overseas assignments in foreign posts.

(b) DEPARTMENT OF STATE.—Funds are authorized to be appropriated for the Department of State for fiscal year 1999, 2000, and 2001 for the deployment of commercial unclassified intelligence and imaging data and a Passive Coherent Location System for counternarcotics and interdiction purposes in the Western Hemisphere, the total amount of $20,000,000.

(c) DEPARTMENT OF THE TREASURY.—Funds are authorized to be appropriated for the United States Customs Service for fiscal years 1999, 2000, and 2001 for enhancement of counternarcotic operations in drug transit and source countries in the total amount of

$71,500,000 which shall be available for the following purposes:

(1) For refurbishment of up to 30 interceptor and Blue Water Platform vessels in the Caribbean maritime fleet.

(2) For purchase of up to 9 new interceptor vessels in the Caribbean maritime fleet.

(3) For the hire and training of up to 25 special agents for maritime operations in the Caribbean.

(4) For purchase of up to 60 automotive vehicles for ground use in South Florida.

(5) For each such fiscal year for operation and maintenance support for up to 10 United States Customs Service Citations Aircraft to be dedicated for the source and transit zone.

(6) For purchase of non-intrusive inspection systems consistent with the United States Customs Service 5-year technology plan, including truck x-rays and gamma-imaging for drug interdiction purposes at high-threat seaports and land border ports of entry.

(d) DEPARTMENT OF DEFENSE REPORT.—Not later than January 31, 1999, the Secretary of Defense, in consultation with the Director of the Office of National Drug Control Policy, shall submit to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate a report examining and proposing recommendations regarding any organizational changes to optimize counterdrug activities, including alternative cost-sharing arrangements regarding the following facilities:

(1) The Joint Inter-Agency Task Force, East, Key West, Florida.

(2) The Joint Inter-Agency Task Force, West, Alameda, California.

(3) The Joint Inter-Agency Task Force, South, Panama City, Panama.

(4) The Joint Task Force 6, El Paso, Texas.

SEC. 502. FUNDING FOR COMPUTER SOFTWARE AND HARDWARE TO FACILITATE DIRECT COMMUNICATION BETWEEN DRUG ENFORCEMENT AGENCIES.

(a) AUTHORIZATION.—Funds are authorized to be appropriated for the development and purchase of computer software and hardware to facilitate direct communication between agencies that perform work relating to the interdiction of drugs at United States borders, including the United States Customs Service, the Border Patrol, the Federal Bureau of Investigation, the Drug Enforcement Agency, and the Immigration and Naturalization Service, in the total amount of $50,000,000.

(b) AVAILABILITY.—Funds authorized pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

SEC. 503. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES.

It is the sense of Congress that the Secretary of Defense should revise the Global Military Force Policy of the Department of Defense in order—

(1) to treat the international drug interdiction and counter-drug activities of the Department as a military operation other than war, thereby elevating the priority given such activities under the Policy to the next priority below the priority given to war under the Policy and to the same priority as is given to peacekeeping operations under the Policy; and

(2) to allocate the assets of the Department to drug interdiction and counter-drug activities in accordance with the priority given those activities.

TITLE VI—RELATIONSHIP TO OTHER LAWS

SEC. 601. AUTHORIZATIONS OF APPROPRIATIONS.

The funds authorized to be appropriated for any department or agency of the Federal Government for fiscal years 1999, 2000, or 2001 by this Act are in addition to funds authorized to be appropriated for that department or agency for fiscal year 1999, 2000, or 2001 by any other provision of law.

TITLE VII—CRIMINAL BACKGROUND CHECKS ON PORT EMPLOYEES

SEC. 701. BACKGROUND CHECKS.

(a) BACKGROUND CHECKS.—Upon the request of any State, county, port authority, or other local jurisdiction of a State, the Attorney General shall grant to such State, county, port authority, or other local jurisdiction access to information collected by the Attorney General pursuant to section 534 of title 28, United States Code, for the purpose of allowing such State, county, port authority, or other local jurisdiction to conduct criminal background checks on employees, or applicants for employment, at any port under the jurisdiction of such State, county, port authority, or other local jurisdiction.

(b) PORT DEFINED.—In this section, the term ''port'' means any place at which vessels may resort to load or unload cargo.

TITLE VIII—DRUG CURRENCY FORFEITURES

SEC. 801. SHORT TITLE.

This title may be cited as the ''Drug Currency Forfeitures Act''.

SEC. 802. DRUG CURRENCY FORFEITURES.

(a) IN GENERAL.—Section 511 of the Controlled Substances Act (21 U.S.C. 881) is amended by inserting after subsection (j) the following:

''(k) REBUTTABLE PRESUMPTION.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'drug trafficking offense' means—

''(i) with respect to an action under subsection (a)(6), any illegal exchange involving a controlled substance or other violation for which forfeiture is authorized under that subsection; and

''(ii) with respect to an action under section 981(a)(1)(B) of title 18, United States Code, any offense against a foreign nation involving the manufacture, importation, sale, or distribution of a controlled substance for which forfeiture is authorized under that section; and

''(B) the term 'shell corporation' means any corporation that does not conduct any ongoing and significant commercial or manufacturing business or any other form of commercial operation.

''(2) PRESUMPTION.—In any action with respect to the forfeiture of property described in subsection (a)(6) of this section, or section 981(a)(1)(B) of title 18, United States Code, there is a rebuttable presumption that property is subject to forfeiture, if the Government offers a reasonable basis to believe, based on any circumstance described in subparagraph (A), (B), (C), or (D) of paragraph (3), that there is a substantial connection between the property and a drug trafficking offense.

''(3) CIRCUMSTANCES.—The circumstances described in this paragraph are that—

''(A) the property at issue is currency in excess of $10,000 that was, at the time of seizure, being transported through an airport, on a highway, or at a port-of-entry, and—

''(i) the property was packaged or concealed in a highly unusual manner;

''(ii) the person transporting the property (or any portion thereof) provided false information to any law enforcement officer or inspector who lawfully stopped the person for investigative purposes or for purposes of a United States border inspection;

''(iii) the property was found in close proximity to a measurable quantity of any controlled substance; or

''(iv) the property was the subject of a positive alert by a properly trained dog;

''(B) the property at issue was acquired during a period of time when the person who acquired the property was engaged in a drug trafficking offense or within a reasonable time after such period, and there is no likely source for such property other than that offense;

''(C)(i) the property at issue was, or was intended to be, transported, transmitted, or transferred to or from a major drug-transit country, a major illicit drug producing country, or a major money laundering country, as determined pursuant to section 481(e) or 490(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e) and 2291j(h)), as applicable; and

''(ii) the transaction giving rise to the forfeiture—

''(I) occurred in part in a foreign country whose bank secrecy laws render the United States unable to obtain records relating to the transaction by judicial process, treaty, or executive agreement; or

''(II) was conducted by, to, or through a shell corporation that was not engaged in any legitimate business activity in the United States; or

''(D) any person involved in the transaction giving rise to the forfeiture action—

''(i) has been convicted in any Federal, State, or foreign jurisdiction of a drug trafficking offense or a felony involving money laundering; or

''(ii) is a fugitive from prosecution for any offense described in clause (i).

''(4) OTHER PRESUMPTIONS.—The establishment of the presumption in this subsection shall not preclude the development of other judicially created presumptions, or the establishment of probable cause based on criteria other than those set forth in this subsection.''.

(b) MONEY LAUNDERING FORFEITURES.—Section 981 of title 18, United States Code, is amended by adding at the end the following:

''(k) REBUTTABLE PRESUMPTION.—In any action with respect to the forfeiture of property described in subsection (a)(1)(A), there is a rebuttable presumption that the property is the proceeds of an offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance (as defined in section 102 of the Controlled Substances Act), and thus constitutes the proceeds of specified unlawful activity (as defined in section 1956(c)), if any circumstance set forth in subparagraph (A), (B), (C), or (D) section 511(k)(3) of the Controlled Substances Act (21 U.S.C. 881(k)(3)) is present.''.

Mr. COVERDELL. Mr. President, I am pleased today to join my colleagues from both sides of the aisle in reintroducing the Western Hemisphere Drug Elimination Act of 1998. This legislation authorizes a $3 billion, three year initiative to enhance international drug eradication, interdiction and crop substitution efforts.

The other body has already adopted a companion version of this bill in a 384–39 vote. That level of support reflects, I believe, a growing recognition by members of Congress that our current approach to the drug war is not working. While treatment and education and other demand reduction activities are vital to an overall drug strategy,

you do not win a war by only treating the wounded. A balanced strategy is essential and we have in recent years neglected the interdiction and international components of our counterdrug efforts.

The result has been a flood of drugs into our streets and schools and neighborhoods and disturbing increases in drug use.

On August 21, 1998, the National Household Survey on Drug Abuse, conducted by the Substance Abuse & Mental Health Administration, was released. That report indicates that in 1997, 13.9 million Americans 12-and-over cited themselves as ''current users'' of illicit drugs—a 7 percent increase from 1996. Current illicit drug use among our nation's youth continues to increase at an alarming rate. From 1992–1997, youth aged 12-to-17 using illegal drugs has more than doubled (120 percent)—with a 27 percent increase from 1996–1997 alone.

On September 1, 1998, the Back to School 1998: CASA Teen Survey, conducted by the National Center on Addiction & Substance Abuse at Columbia University, was released. A majority (51 percent) of high school students say the drug problem is getting worse. For the fourth straight year, both middle and high school students say that drugs are their biggest concern. More than three-quarters of high school teens report that drugs are used, sold and kept at their schools—an increase from 72 percent in 1996 to 78 percent in 1998.

This newly drafted version of the Western Hemisphere Drug Elimination Act reflects testimony heard at the joint hearing of the Senate Foreign Relations Committee and the Senate Caucus on International Narcotics Control held on September 15. General Barry McCaffrey, Director of the Office of National Drug Control Policy, as well as officials from the Departments of State and Defense, the Drug Enforcement Administration, the U.S. Customs Service and the United States Coast Guard testified. The committees also heard from experts of the General Accounting Office and the Institute for Defense Analysis.

General McCaffrey in particular asked for greater flexibility in the provisions of the bill and we have granted that request. Our legislation still authorizes new aircraft, cutters, and ''go-fast'' boats for the Coast Guard and Customs Service. But we give these agencies the flexibility to prioritize from a menu of option and determine for themselves which are the greatest needs.

The bill supports increased eradication and interdiction efforts in Bolivia, Colombia, Peru, and Mexico, as well as assistance for alternative crop development support in the Andean region. But again, we have tailored its provisions to give the State Department needed flexibility in determining priorities and adjusting to changing conditions.

The bill also provides for development of international law enforcement training and improvements in drug transit and source zone law enforcement operations and equipment.

Mr. President, the Western Hemisphere Drug Elimination Act of 1998 is a bipartisan effort to restore a balanced drug strategy. I urge all Senators to support it.

Mr. D'AMATO. Mr. President, I am pleased to join with my colleagues as original co-sponsor of the revised Western Hemisphere Drug Elimination Act of 1998. This bill reflects a balanced approach in curbing the flow of narcotics over our borders; to stop the drugs before they arrive in the United States.

Illegal drug use by our children and youth is taking an enormous toll on families and communities all over the country. A study released by the National Institute on Drug Abuse found that cocaine and marijuana use among high school seniors has increased 80% since 1992. Even more alarming is that heroin use among twelfth graders doubled.

The effects of drugs are astounding. It is estimated that drug-related illness, death and crime cost the United States approximately $67 billion a year. That is $1,000 for every man, woman and child in America. The resources we spend to combat drugs could have been used for so many other valuable social and economic development programs. That is why, after decades of trying to combat the scourge of drugs, we must finally put a stop to it.

New York State is no stranger to the plight created by illegal drugs. Last year, almost 40% of the heroin seized at our international borders was seized in the New York metropolitan area. This disproportionate amount of drugs destined for New York communities underscores my intention to do what is necessary to end the flow of drugs into our country.

An effective counter-narcotics control strategy should be balanced and coordinated—including interdiction, prevention and law enforcement. But a disturbing trend has emerged. Since 1987, the percentage of the national drug control budget earmarked for interdiction and international efforts has decreased from 33% to just 12%. That is a trend we intend to reverse with this bill.

This is an opportunity to make a commitment to substantially reducing drug availability in the United States. In this spirit, the sponsors of this bill have consulted with the Office of National Drug Control Policy to improve on certain aspects of this legislation. But one thing won't change. This bill will provide the necessary resources, $2.6 billion over three years, to increase our interdiction efforts. We can all agree on one thing—we have to stop the drugs before they reach our communities. And it's important to mention that the House of Representatives overwhelmingly approved a similar bill.

The Western Hemisphere Drug Elimination Act of 1998 reaches that goal by providing a comprehensive eradication, interdiction and crop substitution strategy. This initiative will make supply reduction a priority again—guaranteeing valuable equipment for our law enforcement including speed boats at least as fast as those belonging to the drug lords. Our radars and early warning aircraft will be improved so that they will detect the small and elusive drug planes that smuggle tons of narcotics destined for out streets. This initiative will restore balance to the drug control strategy and make significant inroads towards keeping drugs from reaching our neighborhoods, and more importantly, our children.

This initiative recognizes that drug availability can be decreased by operating against every level of the drug process—from the growing fields to the clandestine laboratories to the trafficking. By continuing to work with reputable law enforcement in narcotic source and transit countries, we may be able to eradicate drugs at their origin.

The importance of this legislation cannot be underestimated. Everyday, our men and women of law enforcement, at the federal, state and local levels, make great sacrifices as they face the heavy burden of fighting the drug war. They protect the citizens of this country and we should respond by providing them with all the tools they need to get the job done. These people have committed themselves to eliminating illegal drugs from our streets. Now we must demonstrate to them that we will support them in their struggle—a struggle they carry on to protect us.

I commend the sponsors of this bill for working toward an agreement on this bill and I urge my colleagues to support its enactment.

Mr. BREAUX. Mr. President, I rise today in support of S. 2341, the Western Hemisphere Drug Elimination Act, introduced by Senator DEWINE, myself and twenty-nine of our distinguished colleagues.

Research shows that increased Federal, State and local efforts are needed to enforce the already existing laws, as well as to pass pro-active legislation to deal with ever changing trends in substance abuse. Unfortunately, there is compelling evidence that over the past decade the changing trends indicate that drug use has increased, particularly among young people. My colleagues and I believe that the growth in drug use has some connection to the decline in resources dedicated to drug interdiction efforts outside our borders over this period. While previous budgets have appropriately devoted resources to demand and domestic law enforcement programs, evidence also shows that there must be a returned focus on interdiction and eradication programs. I have continued to support a continued federal commitment to demand reduction and law enforcement

programs since ultimately these activities drive the drug trade in the United States. However, we can not reverse the disturbing increases in drug use unless we also dedicate more funds to drug interdiction and restore a more balanced drug control strategy.

Mr. President, I believe that this $2.6 billion over 3 years initiative to enhance international eradication, interdiction and crop substitution efforts targets the threat to the United States caused by drug lords. Furthermore, by addressing the very highlights of the bill and appropriating the necessary monies, drug lords and drug traffickers will be more clearly targeted. While this bill is very detailed, let me mention a few of the highlights:

It would improve our aircraft, maritime and radar coverage of both drug-source and drug-transit countries;

It would enhance drug-eradication and interdiction efforts in source countries;

It would enhance the development of alternative crops in drug-source countries; It would support international law enforcement training;

It would enhance law enforcement interdiction operations.

Mr. President, all too often, the drug smugglers have the upper hand with state-of-the-art boats and aircraft. I might add the United States specifically lacks adequate surface assets and is using aircraft with 1990 technology. I believe that this bill will help turn the tide in the war on drugs by equipping the Coast Guard, Customs, DEA, DOD and other law enforcement agencies with the latest in proven technology.

Mr. President, I want my colleagues to take note of the fact that an identical bill H.R.4300 has already been passed in the House of Representatives by a vote of 384–39. I urge my colleagues to support the Western Hemisphere Drug Elimination Act and make it far more difficult for drug lords to bring drugs to our nation. I believe that increasing funds for eradication and interdiction efforts will make a difference.

By Mr. HATCH:

S. 2524. A bill to cofidy 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.

U.S. CODE REVISIONS

Mr. HATCH. Mr. President, I rise to introduce today a bill to amend title 36 of the U.S. Code, to codify certain laws related to patriotic and national organizations that were enacted after the cut-off date for the title 36 codification recently enacted by Public Law 105–225. The bill makes technical corrections in title 36 and repeals obsolete and unnecessary provisions.

ADDITIONAL COSPONSORS

S. 614

At the request of Mr. BREAUX, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 614, a bill to amend the Internal Revenue Code of 1986 to provide flexibility in the use of unused volume cap for tax-exempt bonds, to provide a $20,000,000 limit on small issue bonds, and for other purposes.

S. 1021

At the request of Mr. HAGEL, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1021, a bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1464

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1464, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes.

S. 1707

At the request of Ms. MIKULSKI, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1707, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improved safety of imported foods.

S. 1868

At the request of Mr. NICKLES, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 2046

At the request of Mr. ASHCROFT, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2046, a bill to ensure that Federal, State and local governments consider all nongovernmental organizations on an equal basis when choosing such organizations to provide assistance under certain government programs, without impairing the religious character of any of the organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under such programs, and for other purposes.

S. 2176

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2176, a bill to amend sections 3345 through 3349 of title 5, United States Code (commonly referred to as the ''Vacancies Act''), to clarify statutory requirements relating to vacancies in and appointments to certain Federal offices, and for other purposes.

S. 2196

At the request of Mr. GORTON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2196, a bill to amend the Public Health Service Act to provide for establishment at the National Heart, Lung, and Blood Institute of a program regarding lifesaving interventions for individuals who experience cardiac arrest, and for other purposes.

S. 2217

At the request of Mr. FRIST, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2217, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 2233

At the request of Mr. CONRAD, the names of the Senator from Utah (Mr. BENNETT), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Montana (Mr. BURNS) 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. 2263

At the request of Mr. GORTON, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2263, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism.

S. 2296

At the request of Mr. MACK, the name of the Senator from North Carolina (Mr. HELMS) 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. 2358

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2358, a bill to provide for the establishment of a service-connection for illnesses associated with service in the Persian Gulf War, to extend and enhance certain health care authorities relating to such service, and for other purposes.

S. 2364

At the request of Mr. CHAFEE, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2392

At the request of Mr. BENNETT, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2392, a bill to encourage the disclosure and exchange of information about computer processing problems and related matters in connection with the transition to the Year 2000.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2392, supra.

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2392, supra.

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of Senate Joint Resolution 56, a joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

SENATE CONCURRENT RESOLUTION 83

At the request of Mr. WARNER, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Maine (Ms. COLLINS), the Senator from Oklahoma (Mr. NICKLES), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of Senate Concurrent Resolution 83, a concurrent resolution remembering the life of George Washington and his contributions to the Nation.

SENATE RESOLUTION 257

At the request of Mr. MURKOWSKI, the names of the Senator from Virginia (Mr. WARNER), the Senator from Missouri (Mr. ASHCROFT), the Senator from Idaho (Mr. CRAIG), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Montana (Mr. BAUCUS), the Senator from Utah (Mr. BENNETT), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of Senate Resolution 257, a resolution expressing the sense of the Senate that October 15, 1998, should be designated as ''National Inhalant Abuse Awareness Day.''

SENATE RESOLUTION 274

At the request of Mr. FORD, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Resolution 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.

SENATE RESOLUTION 278

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Resolution 278, a resolution designating the 30th day of April of 1999, as ''Dia de los Ninos: Celebrating Young Americans,'' and for other purposes.

AMENDMENTS SUBMITTED

INTERNET TAX FREEDOM ACT

ABRAHAM AMENDMENT NO. 3665

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill (S. 442) to establish national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exaction that would interfere with the free flow of commerce via the Internet, and for other purposes, as follows:

At the appropriate place, insert the following:

TITLE II—GOVERNMENT PAPERWORK ELIMINATION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Government Paperwork Elimination Act''.

SEC. 202. STUDIES ON USE OF ELECTRONIC SIGNATURES TO ENHANCE ELECTRONIC COMMERCE.

The Secretary shall conduct an ongoing study of the enhancement of electronic commerce and the impact on individual privacy due to the use of electronic signatures pursuant to this title, and shall report findings to the Commerce Committee of the House and to the Commerce, Science, and Transportation Committee of the Senate not later than 18 months after the date of enactment of this title.

SEC. 203. ELECTRONIC AVAILABILITY OF FORMS.

(a) NEW FORMS, QUESTIONNAIRES AND SURVEYS.—The head of an agency or operating unit shall provide for the availability to the affected public in electronic form for downloading or printing through the Internet or other suitable medium of any agency form, questionnaire, or survey created after the date of enactment of this title that is to be submitted to the agency by more than 1,000 non-government persons or entities per year, except where the head of the agency or operating unit determines by a finding that providing for such availability would be impracticable or otherwise unreasonable.

(b) ALL FORMS, QUESTIONNAIRES, AND SURVEYS.—As soon as practicable, but not later than 18 months after the date of enactment of this title, each Federal agency shall make all of its forms, questionnaires, and surveys that are expected to be submitted to such agency by more than 1,000 non-government persons or entities per year available to the affected public for downloading or printing through the Internet or other suitable electronic medium. This requirement shall not apply where the head of an agency or operating unit determines that providing such availability for particular form, questionnaire or survey documents would be impracticable or otherwise unreasonable.

(c) APPLICABILITY OF SECTION.—The requirements of this section shall not apply to surveys that are both distributed and collected one-time only or that are provided directly to all respondents by the agency.

(d) AVAILABILITY.—Forms subject to this section shall be available for electronic submission (with an electronic signature when necessary) under the provisions of section 208, and shall be available for electronic storage by employers as described in section 207.

(e) PAPER FORMS TO BE AVAILABLE.—Each agency and operating unit shall continue to make forms, questionnaires, and surveys available in paper form.

SEC. 204. PAYMENTS.

In conjunction with the process required by section 208—

(1) where they deem such action appropriate and practicable, and subject to standards or guidance of the Department of the Treasury concerning Federal payments or collections, agencies shall seek to develop or otherwise provide means whereby persons submitting documents electronically are accorded the option of making any payments associated therewith by electronic means.

(2) payments associated with forms, applications, or similar documents submitted electronically, other than amounts relating to additional costs associated with the electronic submission such as charges imposed by merchants in connection with credit card transactions, shall be no greater than the payments associated with the corresponding printed version of such documents.

SEC. 205. USE OF ELECTRONIC SIGNATURES BY FEDERAL AGENCIES.

(a) AGENCY EMPLOYEES TO RECEIVE ELECTRONIC SIGNATURES.—The head of each agency shall issue guidelines for determining how and which employees in each respective agency shall be permitted to use electronic signatures within the scope of their employment.

(b) AVAILABILITY OF ELECTRONIC NOTICE.—An agency may provide a person entitled to receive written notice of a particular matter with the opportunity to receive electronic notice instead.

(c) PROCEDURES FOR ACCEPTANCE OF ELECTRONIC SIGNATURES.—The Director, in consultation with the Secretary, shall coordinate agency actions to comply with the provisions of this title and shall develop guidelines concerning agency use and acceptance of electronic signatures, and such use and acceptance shall be supported by the issuance of such guidelines as may be necessary or appropriate by the Secretary.

(1) The procedures shall be compatible with standards and technology for electronic signatures as may be generally used in commerce and industry and by State governments, based upon consultation with appropriate private sector and State government standard setting bodies.

(2) Such procedures shall not inappropriately favor one industry or technology.

(3) Under the procedures referred to in subsection (a), an electronic signature shall be as reliable as is appropriate for the purpose, and efforts shall be made to keep the information submitted intact.

(4) Successful submission of an electronic form shall be electronically acknowledged.

(5) In accordance with all other sections of the title, to the extent feasible and appropriate, and described in a written finding, an agency, when it expects to receive electronically 50,000 or more submittals of a particular form, shall take all steps necessary to ensure that multiple formats of electronic signatures are made available for submitting such forms.

SEC. 206. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with agency procedures

and guidelines established pursuant to the title, or electronic signatures or other forms of electronic authentication used in accordance with such procedures and guidelines, shall not be denied legal effect, validity or enforceability because they are in electronic form.

SEC. 207. EMPLOYER ELECTRONIC STORAGE OF FORMS.

If an employer is required by any Federal law or regulation to collect or store, or to file with a Federal agency forms containing information pertaining to employees, such employer may, after 18 months after enactment of this title, store such forms electronically unless the relevant agency determines by regulation that storage of a particular form in an electronic format is inconsistent with the efficient secure or proper administration of an agency program. Such forms shall also be accepted in electronic form by agencies as provided by section 208.

SEC. 208. IMPLEMENTATION BY AGENCIES.

(a) IMPLEMENTATION.—Consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and after consultation with the Attorney General, and subject to applicable laws and regulations pertaining to the Department of the Treasury concerning Federal payments and collections and the National Archives and Records Administration concerning the proper maintenance and preservation of agency records, Federal agencies shall, not later than 18 months after the enactment of this title, establish and implement policies and procedures under which they will use and authorize the use of electronic technologies in the transmittal of forms, applications, and similar documents or records, and where appropriate, for the creation and transmission of such documents or records and their storage for their required retention period.

(b) ESTABLISHMENT OF A TIMELINE FOR IMPLEMENTATION.—Within 18 months after the date of enactment of this title, Federal agencies shall establish timelines for the implementation of the requirements of subsection (a).

(c) GENERAL ACCOUNTING OFFICE REPORT.—The Comptroller General shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce 21 months after the date of enactment of this title on the proposed implementation policies and timelines described in subsections (a) and (b).

(d) IMPLEMENTATION DEADLINE.—Except where an agency makes a written finding that electronic filing of a form is either technically infeasible, economically unreasonable, or may compromise national security, all Federal forms must be made available for electronic submission within 60 months after the date of enactment of this title.

SEC. 209. SENSE OF THE CONGRESS.

Because there is no meaningful difference between contracts executed in the electronic world and contracts executed in the analog world, it is the sense of the Congress that such contracts should be treated similarly under Federal law. It is further the sense of the Congress that such contracts should be treated similarly under State law.

SEC. 210. APPLICATION WITH OTHER LAWS.

Nothing in this title shall apply to the Department of the Treasury or the Internal Revenue Service, to the extent that—

(1) it involves the administration of the internal revenue laws; and

(2) it conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

SEC. 211. DISCLOSURE OF INFORMATION.

Except as provided by law, information collected in the provision of electronic signature services for communications with an agency, as provided by this Act, shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or government practice, for the purpose of facilitating such communications, or with the prior affirmative consent of the person about whom the information pertains.

SEC. 212. DEFINITIONS.

For purposes of this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(2) AGENCY.—The term ''agency'' means executive agency, as that term is defined in section 105 of title 5, United States Code.

(3) ELECTRONIC SIGNATURE.—The term ''electronic signature'' means a method of signing an electronic message that—

(A) identifies a particular person as the source of such electronic message; and

(B) indicates such person's approval of the information contained in such electronic message.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(5) FORM, QUESTIONNAIRE, OR SURVEY.—The terms ''form'', ''questionnaire'', and ''survey'' include documents produced by an agency to facilitate interaction between an agency and non-government persons.

FEDERAL VACANCIES REFORM ACT OF 1998

THOMPSON AMENDMENT NO. 3666

(Ordered to lie on the table.)

Mr. THOMPSON submitted an amendment intended to be proposed by him to amendment No. 3656 submitted by Mr. GLENN to the bill (S. 2176) to amend sections 3345 through 3349 of title 5, United States Code (commonly referred to as the ''Vacancies Act'') to clarify statutory requirements relating to vacancies in and appointments to certain Federal offices, and for other purposes; as follows:

In the matter proposed to be inserted strike ''General Schedule.'' and insert ''General Schedule; and

''(C) is not a limited term appointee, limited emergency appointee, or noncareer appointee (as such terms are defined under section 3132(a), (5), (6), and (7)), or an appointee to a position of a confidential or policy-determining character under schedule C of part 213 of title 5, Code of Federal Regulations.''.

DURBIN AMENDMENTS NOS. 3667–3668

(Ordered to lie on the table.)

Mr. DURBIN submitted two amendments intended to be proposed by him to the bill, S. 2176, supra; as follows:

AMENDMENT NO. 3667

At the appropriate place, add the following:

''§ 3349d. Nominations reported to Senate

''Any nomination submitted to the Senate that is pending before a committee of the Senate for more than 150 calendar days, shall on the day following such 150th calendar day be discharged from such committee, placed on the Senate executive calendar, and be deemed as reported favorably by such committee.''.

AMENDMENT NO. 3668

At the appropriate place, add the following:

''§ 3349d. Consideration of nomination in Senate

''(a) Any nomination remaining on the Senate executive calendar for 150 calendar days shall be considered for a vote by the Senate in executive session within the next 5 calendar days following such 150th day in which the Senate is in session.

''(b) The Senate may waive subsection (a) by unanimous consent.''.

YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT

HATCH (AND OTHERS) AMENDMENT NO. 3669

Mr. ROBERTS (for Mr. HATCH for himself, Mr. LEAHY, and Mr. KYL) proposed an amendment to the bill (S. 2392) to encourage the disclosure and exchange of information about computer processing problems and related matters in connection with the transition to the Year 2000; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Year 2000 Information and Readiness Disclosure Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1)(A) At least thousands but possibly millions of information technology computer systems, software programs, and semiconductors are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process those dates.

(B) The problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, government, and safety and defense systems, in the United States and throughout the world.

(C) Reprogramming or replacing affected systems before the problem incapacitates essential systems is a matter of national and global interest.

(2) The prompt, candid, and thorough disclosure and exchange of information related to year 2000 readiness of entities, products, and services—

(A) would greatly enhance the ability of public and private entities to improve their year 2000 readiness; and

(B) is therefore a matter of national importance and a vital factor in minimizing any potential year 2000 related disruption to the Nation's economic well-being and security.

(3) Concern about the potential for legal liability associated with the disclosure and exchange of year 2000 readiness information is impeding the disclosure and exchange of such information.

(4) The capability to freely disseminate and exchange information relating to year 2000 readiness, solutions, test practices and test results, with the public and other entities without undue concern about litigation is critical to the ability of public and private entities to address year 2000 needs in a timely manner.

(5) The national interest will be served by uniform legal standards in connection with the disclosure and exchange of year 2000 readiness information that will promote disclosures and exchanges of such information in a timely fashion.

(b) PURPOSES.—Based upon the powers contained in article I, section 8, clause 3 of the

Constitution of the United States, the purposes of this Act are—

(1) to promote the free disclosure and exchange of information related to year 2000 readiness;

(2) to assist consumers, small businesses, and local governments in effectively and rapidly responding to year 2000 problems; and

(3) to lessen burdens on interstate commerce by establishing certain uniform legal principles in connection with the disclosure and exchange of information related to year 2000 readiness.

SEC. 3. DEFINITIONS.

In this Act:

(1) ANTITRUST LAWS.—The term ''antitrust laws''—

(A) has the meaning given to it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(B) includes any State law similar to the laws referred to in subparagraph (A).

(2) CONSUMER.—The term ''consumer'' means an individual who acquires a consumer product for purposes other than resale.

(3) CONSUMER PRODUCT.—The term ''consumer product'' means any personal property or service which is normally used for personal, family, or household purposes.

(4) COVERED ACTION.—The term ''covered action'' means civil action of any kind, whether arising under Federal or State law, except for an action brought by a Federal, State, or other public entity, agency, or authority acting in a regulatory, supervisory, or enforcement capacity.

(5) MAKER.—The term ''maker'' means each person or entity, including the United States or a State or political subdivision thereof, that—

(A) issues or publishes any year 2000 statement;

(B) develops or prepares any year 2000 statement; or

(C) assists in, contributes to, or reviews, reports or comments on during, or approves, or otherwise takes part in the preparing, developing, issuing, approving, or publishing of any year 2000 statement.

(6) REPUBLICATION.—The term ''republication'' means any repetition, in whole or in part, of a year 2000 statement originally made by another.

(7) YEAR 2000 INTERNET WEBSITE.—The term ''year 2000 Internet website'' means an Internet website or other similar electronically accessible service, clearly designated on the website or service by the person or entity creating or controlling the content of the website or service as an area where year 2000 statements concerning that person or entity are posted or otherwise made accessible to the general public.

(8) YEAR 2000 PROCESSING.—The term ''year 2000 processing'' means the processing (including calculating, comparing, sequencing, displaying, or storing), transmitting, or receiving of date data from, into, and between the 20th and 21st centuries, and during the years 1999 and 2000, and leap year calculations.

(9) YEAR 2000 READINESS DISCLOSURE.—The term ''year 2000 readiness disclosure'' means any written year 2000 statement—

(A) clearly identified on its face as a year 2000 readiness disclosure;

(B) inscribed on a tangible medium or stored in an electronic or other medium and retrievable in perceivable form; and

(C) issued or published by or with the approval of a person or entity with respect to year 2000 processing of that person or entity or of products or services offered by that person or entity.

(10) YEAR 2000 REMEDIATION PRODUCT OR SERVICE.—The term ''year 2000 remediation product or service'' means a software program or service licensed, sold, or rendered by a person or entity and specifically designed to detect or correct year 2000 processing problems with respect to systems, products, or services manufactured or rendered by another person or entity.

(11) YEAR 2000 STATEMENT.—

(A) IN GENERAL.—The term ''year 2000 statement'' means any communication or other conveyance of information by a party to another or to the public, in any form or medium—

(i) concerning an assessment, projection, or estimate concerning year 2000 processing capabilities of an entity, product, service, or set of products and services;

(ii) concerning plans, objectives, or timetables for implementing or verifying the year 2000 processing capabilities of an entity, product, service, or set of products and services;

(iii) concerning test plans, test dates, test results, or operational problems or solutions related to year 2000 processing by—

(I) products; or

(II) services that incorporate or utilize products; or

(iv) reviewing, commenting on, or otherwise directly or indirectly relating to year 2000 processing capabilities.

(B) NOT INCLUDED.—For the purposes of any action brought under the securities laws, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), the term year 2000 statement does not include statements contained in any documents or materials filed with the Securities and Exchange Commission, or with Federal banking regulators, pursuant to section 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 781(i)), or disclosures or writing that when made accompanied the solicitation of an offer or sale of securities.

SEC. 4. PROTECTION FOR YEAR 2000 STATEMENTS.

(a) EVIDENCE EXCLUSION.—No year 2000 readiness disclosure, in whole or in part, shall be admissible against the maker of that disclosure to prove the accuracy or truth of any year 2000 statement set forth in that disclosure, in any covered action brought by another party except that—

(1) a year 2000 readiness disclosure may be admissible to serve as the basis for a claim for anticipatory breach, or repudiation of a contract, or a similar claim against the maker, to the extent provided by applicable law; and

(2) the court in any covered action shall have discretion to limit application of this subsection in any case in which the court determines that the maker's use of the year 2000 readiness disclosure amounts to bad faith or fraud, or is otherwise beyond what is reasonable to achieve the purposes of this Act.

(b) FALSE, MISLEADING AND INACCURATE YEAR 2000 STATEMENTS.—Except as provided in subsection (c), in any covered action, to the extent that such action is based on an allegedly false, inaccurate, or misleading year 2000 statement, the maker of that year 2000 statement shall not be liable under Federal or State law with respect to that year 2000 statement unless the claimant establishes, in addition to all other requisite elements of the applicable action, by clear and convincing evidence, that—

(1) the year 2000 statement was material; and

(2)(A) to the extent the year 2000 statement was not a republication, that the maker made the year 2000 statement—

(i) with actual knowledge that the year 2000 statement was false, inaccurate, or misleading;

(ii) with intent to deceive or mislead; or

(iii) with a reckless disregard as to the accuracy of the year 2000 statement; or

(B) to the extent the year 2000 statement was a republication that the maker of the republication made the year 2000 statement—

(i) with actual knowledge that the year 2000 statement was false, inaccurate, or misleading;

(ii) with intent to deceive or mislead; or

(iii) without notice in that year 2000 statement that—

(I) the maker has not verified the contents of the republication; or

(II) the maker is not the source of the republication and the republication is based on information supplied by another person or entity identified in that year 2000 statement or republication.

(c) DEFAMATION OR SIMILAR CLAIMS.—In a covered action arising under any Federal or State law of defamation, trade disparagement, or a similar claim, to the extent such action is based on an allegedly false, inaccurate, or misleading year 2000 statement, the maker of that year 2000 statement shall not be liable with respect to that year 2000 statement, unless the claimant establishes by clear and convincing evidence, in addition to all other requisite elements of the applicable action, that the year 2000 statement was made with knowledge that the year 2000 statement was false or made with reckless disregard as to its truth or falsity.

(d) YEAR 2000 INTERNET WEBSITE.—

(1) IN GENERAL.—Except as provided in paragraph (2), in any covered action, other than a covered action involving personal injury or serious physical damage to property, in which the adequacy of notice about year 2000 processing is at issue, the posting, in a commercially reasonable manner and for a commercially reasonable duration, of a notice by the entity charged with giving such notice on the year 2000 Internet website of that entity shall be deemed an adequate mechanism for providing that notice.

(2) EXCEPTION.—Paragraph (1) shall not apply if the court finds that the use of the mechanism of notice—

(A) is contrary to express prior representations regarding the mechanism of notice made by the party giving notice;

(B) is materially inconsistent with the regular course of dealing between the parties; or

(C) occurs where there have been no prior representations regarding the mechanism of notice, no regular course of dealing exists between the parties, and actual notice is clearly the most commercially reasonable means of providing notice.

(3) CONSTRUCTION.—Nothing in this subsection shall—

(A) alter or amend any Federal or State statute or regulation requiring that notice about year 2000 processing be provided using a different mechanism;

(B) create a duty to provide notice about year 2000 processing;

(C) preclude or suggest the use of any other medium for notice about year 2000 processing or require the use of an Internet website; or

(D) mandate the content or timing of any notices about year 2000 processing.

(e) LIMITATION ON EFFECT OF YEAR 2000 STATEMENTS.—

(1) IN GENERAL.—In any covered action, a year 2000 statement shall not be interpreted or construed as an amendment to or alteration of a contract or warranty, whether entered into by or approved for a public or private entity.

(2) NOT APPLICABLE.—

(A) IN GENERAL.—This subsection shall not apply—

(i) to the extent the party whose year 2000 statement is alleged to have amended or altered a contract or warranty has otherwise agreed in writing to so alter or amend the contract or warranty;

(ii) to a year 2000 statement made in conjunction with the formation of the contract or warranty; or

(iii) if the contract or warranty specifically provides for its amendment or alteration through the making of a year 2000 statement.

(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall affect applicable Federal or State law in effect as of the date of enactment of this Act with respect to determining the extent to which a year 2000 statement affects a contract or warranty.

(f) SPECIAL DATA GATHERING.—

(1) IN GENERAL.—A Federal entity, agency, or authority may expressly designate a request for the voluntary provision of information relating to year 2000 processing, including year 2000 statements, as a special year 2000 data gathering request made pursuant to this subsection.

(2) SPECIFICS.—A special year 2000 data gathering request made under this subsection shall specify a Federal entity, agency, or authority, or, with its consent, another public or private entity, agency, or authority, to gather responses to the request.

(3) PROTECTIONS.—Except with the express consent or permission of the provider of information described in paragraph (1), any year 2000 statements or other such other information provided by a party in response to a special year 2000 data gathering request made under this subsection—

(A) shall be exempt from disclosure under subsection (b)(4) of section 552 of title 5, United States Code, commonly known as the ''Freedom of Information Act'';

(B) shall not be disclosed to any third party; and

(C) may not be used by any Federal entity, agency, or authority or by any third party, directly or indirectly, in any civil action arising under any Federal or State law.

(4) EXCEPTIONS.—

(A) INFORMATION OBTAINED ELSEWHERE.—Nothing in this subsection shall preclude a Federal entity, agency, or authority, or any third party, from separately obtaining the information submitted in response to a request under this subsection through the use of independent legal authorities, and using such separately obtained information in any action.

(B) VOLUNTARY DISCLOSURE.—A restriction on use or disclosure of information under this subsection shall not apply to any information disclosed to the public with the express consent of the party responding to a special year 2000 data gathering request or disclosed by such party separately from a response to a special year 2000 data gathering request.

SEC. 5. TEMPORARY ANTITRUST EXEMPTION.

(a) EXEMPTION.—Except as provided in subsection (b), the antitrust laws shall not apply to conduct engaged in, including making and implementing an agreement, solely for the purpose of and limited to—

(1) facilitating responses intended to correct or avoid a failure of year 2000 processing in a computer system, in a component of a computer system, in a computer program or software, or services utilizing any such system, component, program, or hardware; or

(2) communicating or disclosing information to help correct or avoid the effects of year 2000 processing failure

(b) APPLICABILITY.—Subsection (a) shall apply only to conduct that occurs, or an agreement that is made and implemented, after the date of enactment of this Act and before July 14, 2001.

(c) EXCEPTION TO EXEMPTION.—Subsection (a) shall not apply with respect to conduct that involves or results in an agreement to boycott any person, to allocate a market or fix prices or output.

(d) RULE OF CONSTRUCTION.—The exemption granted by this section shall be construed narrowly.

SEC. 6. EXCLUSIONS.

(a) EFFECT ON INFORMATION DISCLOSURE.—This Act does not affect, abrogate, amend, or alter the authority of a Federal or State entity, agency, or authority to enforce a requirement to provide or disclose, or not to provide or disclose, information under a Federal or State statute or regulation or to enforce such statute or regulation.

(b) CONTRACTS AND OTHER CLAIMS.—

(1) IN GENERAL.—Except as may be otherwise provided in subsections (a) and (e) of section 4, this Act does not affect, abrogate, amend, or alter any right established by contract or tariff between any person or entity, whether entered into by a public or private person or entity, under any Federal or State law.

(2) OTHER CLAIMS.—

(A) IN GENERAL.—In any covered action brought by a consumer, this Act does not apply to a year 2000 statement expressly made in a solicitation, including an advertisement or offer to sell, to that consumer by a seller, manufacturer, or provider of a consumer product.

(B) SPECIFIC NOTICE REQUIRED.—In any covered action, this Act shall not apply to a year 2000 statement, concerning a year 2000 remediation product or service, expressly made in an offer to sell or in a solicitation (including an advertisement) by a seller, manufacturer, or provider, of that product or service unless, during the course of the offer or solicitation, the party making the offer or solicitation provides the following notice in accordance with section 4(d):

''Statements made to you in the course of this sale are subject to the Year 2000 Information and Readiness Disclosure Act (___ U.S.C. ___). In the case of a dispute, this Act may reduce your legal rights regarding the use of any such statements, unless otherwise specified by your contract or tariff.''.

(3) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to preclude any claims that are not based exclusively on year 2000 statements.

(c) DUTY OR STANDARD OF CARE.—

(1) IN GENERAL.—This Act shall not impose upon the maker of any year 2000 statement any more stringent obligation, duty, or standard of care than is otherwise applicable under any other Federal law or State law.

(2) ADDITIONAL DISCLOSURE.—This Act does not preclude any party from making or providing any additional disclosure, disclaimer, or similar provisions in connection with any year 2000 readiness disclosure or year 2000 statement.

(3) DUTY OF CARE.—This Act shall not be deemed to alter any standard or duty of care owed by a fiduciary, as defined or determined by applicable Federal or State law.

(d) INTELLECTUAL PROPERTY RIGHTS.—This Act does not affect, abrogate, amend, or alter any right in a patent, copyright, semiconductor mask work, trade secret, trade name, trademark, or service mark, under any Federal or State law.

(e) INJUNCTIVE RELIEF.—Nothing in this Act shall be deemed to preclude a claimant from seeking injunctive relief with respect to a year 2000 statement.

SEC. 7. APPLICABILITY.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this section, this Act shall become effective on the date of enactment of this Act.

(2) APPLICATION TO LAWSUITS PENDING.—This Act shall not affect or apply to any lawsuit pending on July 14, 1998.

(3) APPLICATION TO STATEMENTS AND DISCLOSURES.—Except as provided in subsection (b)—

(A) this Act shall apply to any year 2000 statement made beginning on July 14, 1998 and ending on July 14, 2001; and

(B) this Act shall apply to any year 2000 readiness disclosure made beginning on the date of enactment of this Act and ending on July 14, 2001.

(b) PREVIOUSLY MADE READINESS DISCLOSURE.—

(1) IN GENERAL.—For the purposes of section 4(a), a person or entity that issued or published a year 2000 statement after January 1, 1996, and before the date of enactment of this Act, may designate that year 2000 statement as a year 2000 readiness disclosure if—

(A) the year 2000 statement complied with the requirements of section 3(9) when made, other than being clearly designated on its face as a disclosure; and

(B) within 45 days after the date of enactment of this Act, the person or entity seeking the designation—

(i) provides individual notice that meets the requirements of paragraph (2) to all recipients of the applicable year 2000 statement; or

(ii) prominently posts notice that meets the requirements of paragraph (2) on its year 2000 Internet website, commencing prior to the end of the 45-day period under this subparagraph and extending for a minimum of 45 consecutive days and also by using the same method of notification used to originally provide the applicable year 2000 statement.

(2) REQUIREMENTS.—A notice under paragraph (1)(B) shall—

(A) state that the year 2000 statement that is the subject of the notice is being designated a year 2000 readiness disclosure; and

(B) include a copy of the year 2000 statement with a legend labeling the statement as a ''Year 2000 Readiness Disclosure''.

(c) EXCEPTION.—No designation of a year 2000 statement as a year 2000 readiness disclosure under subsection (b) shall apply with respect to any person or entity that—

(1) proves, by clear and convincing evidence, that it relied on the year 2000 statement prior to the receipt of notice described above and it would be prejudiced by the retroactive designation of the year 2000 statement as a year 2000 readiness disclosure; and

(2) provides to the person or entity seeking the designation a written notice objecting to the designation within 45 days after receipt of individual notice under subsection (b)(1)(B)(i), or within 180 days after the date of enactment of this Act, in the case of notice provided under subsection (b)(1)(B)(ii).

SEC. 8. NATIONAL INFORMATION CLEARINGHOUSE AND WEBSITE.

(a) NATIONAL WEBSITE.—

(1) IN GENERAL.—The Administrator of General Services shall create and maintain until July 14, 2002, a national year 2000 website, and promote its availability, designed to assist consumers, small business, and local governments in obtaining information from other governmental websites, hotlines, or information clearinghouses about year 2000 Processing of computers, systems, products and services, including websites maintained by independent agencies and other departments.

(2) CONSULTATION.—In creating the national year 2000 website, the Administrator of General Services shall consult with—

(A) the Director of the Office of Management and Budget;

(B) the Administrator of the Small Business Administration;

(C) the Consumer Product Safety Commission;

(D) officials of State and local governments;

(E) the Director of the National Institute of Standards and Technology;

(F) representatives of consumer and industry groups; and

(G) representatives of other entities, as determined appropriate.

(b) REPORT.—The Administrator of General Services shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives not later than 60 days after the date of enactment of this Act regarding planning to comply with the requirements of this section.

THOMPSON AMENDMENT NO. 3670

Mr. ROBERTS (for Mr. THOMPSON) proposed an amendment to amendment No. 3669 proposed by Mr. HATCH to the bill, S. 2392, supra; as follows:

Redesignate section 8 as section 9 and insert the following after section 8:

SEC. 8. YEAR 2000 COUNCIL WORKING GROUPS.

(1) WORKING GROUPS.—The President's Year 2000 Council) referred to in this section as the ''Council'') may establish and terminate working groups composed of Federal employees who will engage outside organizations in discussions to address the year 2000 problems identified in section 2(a)(1) to share information related to year 2000 readiness, and otherwise to serve the purposes of this Act.

(2) LIST OF GROUPS.—The Council shall maintain and make available to the public a printed and electronic list of the working groups, the members of each working group, and a point of contact, together with an address, telephone number, and electronic mail address for the point of contact, for each working group created under this section.

(3) BALANCE.—The Council shall seek to achieve a balance of participation and representation among the working groups.

(4) ATTENDANCE.—The Council shall maintain and make available to the public a printed and electronic list of working group members who attend each meeting of a working group as well as any other individuals or organizations participating in each meeting.

(5) MEETINGS.—Each meeting of a working group shall be announced in advance in accordance with procedures established by the Council. The Council shall encourage working groups to hold meetings open to the public to the extent feasible and consistent with the activities of the Council and the purposes of this Act.

(b) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working groups established under this section.

(c) PRIVATE RIGHT OF ACTION.—This section creates no private right of action to sue for enforcement of the provisions of this section.

(d) EXPIRATION.—The authority conferred by this section shall expire on December 31, 2000.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, September 30, 1998, at 9:15 a.m. to conduct a markup, on S. 1870, to amend the Indian Gaming Regulatory Act; H.R. 1805, Auburn Indian Restoration Act; and S. 2097, to encourage and facilitate the resolution of conflicts involving Indian tribes. To be followed immediately by a hearing on S. 2010, to provide for business development and trade promotion for Native Americans. The hearing will be held in room 485 of the Russell Senate Office Building.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that S. 2513, a bill to transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon; S. 2413, a bill to provide for the development of a management plan for the Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona reflecting the current use of the tract as a public park; and S. 2402, a bill to direct the Secretary of Agriculture to convey certain lands in San Juan County, New Mexico, to San Juan College has been added to the agenda of the Subcommittee on Forests and Public Land Management hearing on the Forest Service cabin fees which is scheduled for Thursday, October 1 at 2:30 p.m. in SD–366 of the Dirksen Senate Office Building.

For further information, please call Amie Brown or Bill Lange at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON RULES AND ADMINISTRATION

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Monday, September 28, 1998, at 5:30 p.m. to mark up S. 2288, the Wendell H. Ford Government Publications Reform Act of 1998.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. THOMPSON. 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 Monday, September 28, 1998, at 1 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: ''Administrative Oversight of Financial Control Failures at the Department of Defense.''

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

ADDITIONAL STATEMENTS.

DEDICATION OF A WORLD WAR II MEMORIAL HONORING THE POW/MIAS OF WHITE COUNTY, TENNESSEE

● Mr. FRIST. Mr. President, on Sunday, September 20th, I traveled to Sparta, TN, to deliver remarks at the dedication of a memorial honoring the brave Americans from White County, Tennessee who were prisoners of war or missing in action during World War II. I ask that my remarks be printed in the RECORD.

DEDICATION OF A WORLD WAR II MEMORIAL HONORING THE POW/MIAS OF WHITE COUNTY, TENNESSEE

It is an honor and a special privilege for me to participate in the dedication of this memorial to the World War II POWs and MIAs of White County. To each and every one of them—those who died, and those we are blessed to still have with us—we owe an unending debt of love, respect, and gratitude for the sacrifice they made, the pain they suffered, and the trauma they endured to ensure that the flame of freedom would never be extinguished.

Their wounds, and the wounds of their families, are ones that do not close easily with the passage of time. Rather, they abide as long as even one missing American remains unaccounted for. And so, we must not only remember, but re-dedicate ourselves to the accounting of every last American serviceman from Korea, and Viet Nam and, yes, even World War II, for America can never move forward by leaving even one missing son behind.

Many of you here today were their comrades-in-arms—in Italy and France; in Germany and Japan. You fought the same battles. You flew the same missions. You sacrificed for the same noble cause. All of you were different. You came from different states and different backgrounds, but you shared one thing in common: you loved America; you were willing to die for freedom.

And so, to you also, we offer our love, our thanks, and our promise that we will never forget not only those who died and those who returned, but those who fate is still unknown.

And we promise to remember something more: We promise to remember that peace is a fragile thing; that strength is the only way to avoid war; and that freedom is always just one generation away from extinction.

If we remember those things, no future American generation will be required, as you were, to place themselves in harm's way to secure for their posterity the benefits and blessings of freedom.

Before I close, I'd like to mention one last thing, and that's my thanks to the American Legion who has stood steadfast and determined in the fight to account for every American from every war who is still a prisoner or missing in action.

I thank them for that, and all the other sponsors of today's ceremony. May this marker we dedicate today, forever guard the memory of those who are gone; salute the courage of those who returned, and stand like a beacon of hope for every American whose homecoming we still await.

God bless you, and God bless the United States of America.●

THE MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION ACT

● Ms. MIKULSKI. Mr. President, I rise today to celebrate the Senate passage of the Mammography Quality Standards Reauthorization Act (MQSA). It is timely and appropriate that the Senate took action on this important legislation in time for Breast Cancer Awareness Month in October and on the eve of the march against cancer right here in Washington. The bill that the Senate passed reauthorizes the original legislation which passed in 1992 with bipartisan support.

What MQSA does is require that all facilities that provide mammograms meet key safety and quality-assurance standards in the area of personnel, equipment, and operating procedures. Before the law passed, tests were misread, women were misdiagnosed, and people died as a result of sloppy work. Since 1992, MQSA has been successful in raising the quality of mammography services that women receive.

What are these national, uniform quality standards for mammography? Well, facilities are required to use equipment designed specifically for mammography. Only radiological technologists can perform mammography. Only qualified doctors can interpret the results of mammography. Facilities must establish a quality assurance and control program to ensure reliability, clarity and accurate interpretation of mammograms. Facilities must be inspected annually by qualified inspectors. Finally, facilities must be accredited by an accrediting body approved by the Secretary of Health and Human Services.

This current reauthorization makes some improvements to the current law. It ensures that women will receive direct written notification of their mammogram results. MQSA already requires written notification of mammography results to self-referred women. Now this provision will apply to all women. Women won't assume that ''no news is good news'' when this isn't always the case. They will know what their results are, so that they can get any follow up care they need. The Agency for Health Care Policy Research has cited studies that show that direct communication with patients, which is in addition to written communication to health care providers, dramatically increases compliance with follow up recommendations. Women are entitled to know the results of their exams. This new provision will ensure that women are informed and active participants in their health care decisions.

This legislation also allows the Secretary of Health and Human Services to establish a demonstration program for less than annual inspections for facilities that have excellent track records. This program will not be implemented before April 1, 2001, which is almost two years after the final regulations implementing MQSA go into effect. The facilities that participate in this program will continue to be inspected to ensure that they continue to comply with MQSA standards. A strong inspection program under MQSA is extremely important to assure the public that quality standards are being met. In a 1997 GAO report which evaluated the MQSA inspection program, GAO praised the program. I am very interested in the results of this demonstration. This demonstration program will provide us with an important opportunity to see if less than annual inspections are just as effective in making high-quality facilities comply with MQSA. It should allow the FDA to focus more of its attention on ensuring compliance with MQSA standards by facilities where problems have been identified in the past. The best way to protect the public health is for the FDA to focus its resources on the problem facilities.

This bill also contains a few minor changes to the law to ensure that: patients and referring physicians be advised of any mammography facility deficiency; women are guaranteed the right to obtain an original of their mammogram; physicians who review facility images on behalf of accreditation bodies are highly qualified and subject to high ethical standards; and both state and local government agencies are permitted to have inspection authority.

I like MQSA because it has saved lives. The front line against breast cancer is mammography. We know that early detection saves lives. But a mammogram is worse than useless if it produces a poor-quality image or is misinterpreted. The first rule of all medical treatment is: Above all things, do no harm. And a bad mammogram can do real harm by leading a woman and her doctor to believe that nothing is wrong when something is. The result can be unnecessary suffering or even a death that could have been prevented. That is why this legislation is so important. And that is why I am so pleased that this law is being reauthorized, so that we don't go back to the old days when women's lives were in jeopardy.

I want to make sure that women's health needs are met comprehensively. It is expected that 178,700 new cases of breast cancer will be diagnosed and about 43,900 women will die from the disease in 1998. This makes breast cancer the most common cancer among women. And only lung cancer causes more deaths in women.

We must aggressively pursue prevention in our war on breast cancer. I pledge to fight for new attitudes and to find new ways to end the needless pain and death that too many American women face. This bill is an important step in that direction.

As the 105th Congress comes to a close, we can look back on some great bipartisan victories and other great bipartisan frustrations. But one area Republicans and Democrats have always worked together on is women's health. I am proud of this bill's broad bipartisan support. I want to take this opportunity to thank all 56 cosponsors of my MQSA bill here in the Senate for their support. I also want to recognize Congresswoman NANCY JOHNSON and Delegate ELEANOR HOLMES NORTON as the original sponsors of the House MQSA bill. I applaud the Democrats and Republicans of the House Commerce Committee, especially Congressmen BLILEY, DINGELL, BILIRAKIS, and BROWN for their leadership on MQSA. A special thanks also goes to Senator JEFFORDS for working with me to make reauthorization of MQSA a reality. As Dean of the Democratic Women, I want to also thank the Dean of the Republican Women, KAY BAILEY HUTCHINSON, for always reaching out to work together on the issues that matter most to American women and their families. MQSA is a shining example of what the U.S. Congress can accomplish when both Republicans and Democrats work together for the good of the American people.●

MR. OKTOBERFEST

● Mr. INHOFE. Mr. President, while I was the mayor of Tulsa, we started an Oktoberfest to benefit the ''River Parks'' which is an area around the Arkansas River for jogging, cycling or walking. Tulsa Oktoberfest is known as one of the best in world and a large reason for that is due to Josef Peter Hardt, whom I dubbed ''Mr. Oktoberfest.''

Born in Oberhausen (Rhineland) Germany, Josef emigrated to Ithaca, New York in 1951 and moved to Tulsa in 1955. His professional career was in broadcasting, retiring as the manager of commercial productions of Channel 2 in 1993. His civic career consisted of work in the Theater Tulsa, television and film production, one founders of Tulsa's Oktoberfest, an active member of the German American Society Arts Association and German American Society Building Corporation in Tulsa.

Because of his active involvement in the German American Society, he was awarded the Bundesverdienstkreuz (Distinguished Service Cross) by the Counsel General for the Federal Republic of Germany, on the tenth anniversary of the German American Society of Tulsa. During that occasion, the Honorable Peter Maier-Oswald noted that ''Joe Hardt has always worked for his old country and his new country to promote relations between the two.''

Our first Oktoberfest consisted of a small tent on the banks of the Arkansas River in 1979 and now draws over 200,000 people over a four day period. Since the beginning, Josef, has held various jobs but perhaps the one for which he will be remembered most is that of MC. As this is the last year of his active involvement in Tulsa's Oktoberfest, I wanted to take this opportunity to commemorate his leadership and faithful service to his community.

We will miss seeing and hearing him as the MC, but he will always be Mr. Oktoberfest in my book.●

TRIBUTE TO JOSEPH R. HAROLD

● Mr. KERRY. Mr. President, I rise today to pay tribute to a special individual, one whom the people of Massachusetts are proud to call one of our own.

On Sunday, September 27th, 1998, elected officials, friends, family and the communities of Quincy and Dorchester will join to recognize the contributions of Mr. Joseph Harold by celebrating the designation of the Joseph R. Harold, Sr. MBTA Old Colony Rail Bridge. This important structure will bridge these two communities in much the same way Joseph Harold did in his life.

Service to community and nation can define one's life, and such is the case with Mr. Harold. After graduating from Boston English High School, he served in the U.S. Infantry under General George Patton. His service with that historic leader earned him a Bronze Star for bravery in an assault on the Siegfried Line, a Battlefield Commission to Second Lieutenant, and three Battle Stars.

His commitment to those that served in the military would remain throughout his life, demonstrated by his 43 year service as the State Adjutant for the Disabled American Veterans. For those decades, Mr. Harold was a principled advocate for any man or woman who had served, logging thousands of hours on behalf of countless individuals. The depth of his conviction will allow his impact on national veterans issues to reach far into the future.

Mr. Harold's death in 1994 was an unfortunate loss for the state of Massachusetts, but his career of advocacy and compassion serves as an inspiration to all citizens. This is demonstrated by the fund established in his honor at the Quincy Historical Society in June of 1997. This fund will collect, preserve and display military items of historical significance for the city, and that is a fitting tribute to a man who did so much for the communities he loved.

I am proud to join with his sons, former State Senator Paul Harold and William Harold, his seven grandchildren, and the communities of Dorchester and Quincy in honoring Joseph Harold.●

TRIBUTE TO SUMMIT DESIGN AND MANUFACTURING

● Mr. BURNS. Mr. President, I rise today to pay tribute to one of Montana's newest and brightest stars. Summit Design and Manufacturing, a Montana-based company located in Helena, Montana, recently took a giant leap on the stepping stones of success.

It is both an honor and a great pleasure to announce that Summit Design and Manufacturing was recently awarded the ''Outstanding Team Player Award'' by Lockheed Martin for work they have performed on the F–22 fighter aircraft. This award is given to only 5 Lockheed Martin suppliers selected from a pool of around 4,500 suppliers program wide. Even more impressive is that Summit's selection is the first time this type of supplier has received such an award.

Since their start-up in June 1997, Summit has grown from four employees to 15 and now boasts deliveries for the F–22 program at approximately $2 million is sales for the past 12 months. In less than a year, this company has become one of Montana's technological advantages over the rest of the nation.

Besides performing design and manufacturing work on the F–22 in Montana, other involvement with Lockheed Martin has included producing parts and tools for the X–33 Spacecraft, Joint Strike Fighter and the C–130J aircraft programs.

I often say that folks in Montana are very special people and I commend Tom Hottman and Summit Design and Manufacturing for their perseverance and commitment in today's small business society.●

MINIMUM WAGE

● Mr. ABRAHAM. Mr. President, I rise today to clarify my position on the minimum wage vote that took place last week. In 1996, I voted to increase the minimum wage by a total of 90 cents. I did this with the understanding that the minimum wage has not been increased since 1989. As many are aware, the last increment of the 1996 increase went into effect on September 1, 1997. Senator KENNEDY is now proposing to increase the minimum wage by another dollar one year after the last increase took effect. Mr. President, I believe this is simply too soon because the current U.S. economic situation is unstable. Given the wild fluctuations in financial markets, continued economic stagnation in Asia, and job losses in our manufacturing sector, imposing additional costs on the private sector—particularly the small business sector—is very risky at this time.

I also have concerns about the effect that increasing the minimum wage has on low-skilled workers. Studies that examine the effect of the 1996 wage increase only heighten my concern. For instance, a recent review of data from the Bureau of Labor Statistics concludes that the October 1, 1996, 50-cent minimum wage hike led to 128,000 lost jobs among teen workers and up to 380,000 lost jobs overall. According to a study done by the Employment Policies Institute, the employment rate of teenagers declined by 0.14 percent after the increase. The decline in employment for black teenage males was even worse—1.0 percent.

Minimum wage jobs provide workers with valuable on-the-job training. A full 60 percent of today's workforce cites a minimum wage job as their first work experience. As we begin to move people from welfare to work, it will become increasingly important that they have positions available to them to gain this experience. Mr. President, I do not believe that this is the time to put the availability of low-skilled jobs at risk.

Finally, Mr. President, this amendment was offered to the Consumer Bankruptcy Reform Act. I believe this legislation contained important reforms that needed to be passed this year. The Consumer Bankruptcy Reform Act of 1998 received bipartisan support and passed out of the Judiciary Committee by a 16–2 vote. I was concerned that adding this amendment would stop the underlying bill from passing this Congress.

For all of the above mentioned reason, I chose to vote to table the minimum wage increase amendment at this time.●

RECOGNIZING CINDY GEORGER

● Mr. CRAIG. Mr. President, I rise to speak about an outstanding individual from the State of Idaho who is deserving of not only our praise, but our wholehearted respect. In the turmoil of daily life, it is easy to get so caught up in our own affairs that we forget those less fortunate around us. Cindy Georger is not one of those people. She has unselfishly dedicated her time and energy to one of the most important battles raging in our nation today—the fight against illiteracy. Although this struggle continues even during our high-tech entry into the 21st Century, small battles are being won every day by people like Cindy.

Mrs. Georger, a Boise resident, has volunteered at ''Learning Lab, Inc.'' since 1994. This is a non-profit organization providing literacy programs in three sectors: Adult Basic Skills, English as a Second Language, and Family Literacy. She has assisted with children ages 3 to 5 who have at least one functionally illiterate parent.

In volunteering with these children, Mrs. Georger is serving two equally important purposes. She is both tutoring children—undoubtedly one of the noblest of causes—and inspiring the parents of those children. By helping the parents, she is not only promoting literacy, but also family values, by encouraging them to take the time to sit down and read with their children. What a gift to give to a child—what a gift to give to a family.

In a nation facing an unparalleled struggle to maintain family values, and plagued with reports of the American family as increasingly apathetic, it is easy to get disheartened, but through people like Cindy Georger it is possible to look to the future with hope—hope for a time when people care about others, when family returns to the top of everyone's agenda, and when every American knows how to read.

I would like to thank Cindy Georger for her time, dedication, and efforts to

promote and teach literacy. Her services, and the services of volunteers like Cindy throughout Idaho and the nation, are the instruments through which the battle of illiteracy can and will be won.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ROBERTS. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 726, 728, 730, 731, 732, 788, 789, 790, 796, and No. 853. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Steven Robert Mann, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkmenistan.

Elizabeth Davenport McKune, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Melissa Foelsch Wells, of Connecticut, 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 Republic of Estonia.

Richard E. Hecklinger, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

Theodore H. Kattouf, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

THE JUDICIARY

Carl J. Barbier, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Gerald Bruce Lee, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Patricia A. Seitz, of Florida, to be United States District Judge for the Southern District of Florida.

William B. Traxler, Jr., of South Carolina, to be United States Circuit Judge for the Fourth Circuit.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Robert M. Walker, of Tennessee, to be Deputy Director of the Federal Emergency Management Agency.

MONTREAL PROTOCOL NO. 4—TREATY DOCUMENT NO. 95–2(B)

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate proceed to consider the following treaty on today's Executive Calendar, No. 22. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; all committee provisos, reservations, understandings, declarations, be considered agreed to; that any statements be inserted in the CONGRESSIONAL RECORD as if read; and I further ask consent that when the resolution of ratification is voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and, following the disposition of the treaty, the Senate return to legislative session.

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

Mr. ROBERTS. I ask for a division vote on the resolution of the ratification.

The PRESIDING OFFICER. A division is requested. Senators in favor of the ratification will rise and stand until counted.

All those opposed to ratification, please rise and stand until counted.

On a divisions, two-thirds of the Senators present and having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification is as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Montreal Protocol No. 4 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on October 12, 1929, as amended by the Protocol done at The Hague on September 8, 1955 (hereinafter Montreal Protocol No. 4) (Executive B, 95th Congress, 1st Session), subject to the declaration of subsection (a), and the provisos of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties of the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISOS.—The resolution of ratification is subject to the following provisos:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

(2) RETURN OF PROTOCOL NO. 3 TO THE PRESIDENT.—Upon submission of this resolution of ratification to the President of the United States, the Secretary of the Senate is directed to return to the President of the United States the Additional Protocol No. 3 to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air, signed at Warsaw on October 12, 1929, as amended by the Protocols done at The Hague, on September 28, 1955, and at Guatemala City, March 8, 1971 (Executive B, 95th Congress).

Mr. BIDEN. Mr. President, I am pleased to support Montreal Protocol No. 4, which will simplify the rules for cargo and baggage liability in international air traffic. It is important for the Senate to act now, because Protocol No. 4 has already entered into force. Consequently, U.S. carriers and cargo companies are unable to take advantage of these simplified rules, at a significant economic cost. U.S. industry estimates that Protocol No. 4 will save them $1 billion annually.

The treaty has been pending in the Senate for over 20 years. It failed to gain support not because it is controversial, but because it has been the victim of misfortune—having been paired, in its submission to the Senate, with Montreal Protocol No. 3, a treaty placing unreasonably low limits on personal liability in international air traffic. I oppose Protocol No. 3, because I believe strongly that limits on personal liability contained in the treaty are an anachronism. Such limits may have been warranted when the underlying Warsaw Convention was drafted in 1929, a time when the airline industry was in its infancy. Now, however, when international air carriers are large corporations with significant financial resources—and thus fully capable of purchasing adequate insurance—there is no justification for such limits.

For the past two decades, the aviation industry and the Executive Branch unsuccessfully sought ratification of Protocol No. 3 and No. 4. Only once did the Protocols reach the full Senate floor. In 1983, the Senate voted 50–42 to approve them, far short of the two-thirds necessary for advice and consent to ratification.

Recognizing that Protocol No. 3 cannot be approved by the Senate, the industry and the Executive have effectively abandoned the effort, and have requested the Senate to proceed with consideration of Protocol No. 4. The resolution of ratification of Protocol No. 4 will bring a formal end to the misguided effort to approve No. 3: the resolution directs the Secretary of the Senate to return Protocol No. 3 to the President.

More importantly, the industry, acting through its association, the International Air Transport Association, has taken steps to waive these personal liability limits. Consequently, most of the leading air carriers have agreed in their contracts with passengers to waive all personal liability limits, and agreed to strict liability up to 100,000 Special Drawing Rights, or about $130,000.

These are positive developments, and I commend the airlines for taking these steps. Although not all carriers have waived the liability limits, all of the major U.S. carriers have, as have many of the leading foreign carriers which fly to the United States. I urge the Department of Transportation to make every effort to ensure that all carriers involved in international air traffic which fly within or to or from

the United States do so as soon as possible.

I hope that these measures, which are based on contract, not on any domestic law or international treaty, will eventually be codified in a new international instrument—an instrument that would firmly establish international norms and provide certainty for carriers and passengers alike. Negotiations toward that end are ongoing under the auspices of the International Civil Aviation Organization (ICAO).

One sticking point in these negotiations has been the question of a ''fifth jurisdiction.'' Under the current Warsaw Convention, a suit may be brought in any one of four places: the place of incorporation of the carrier, the carrier's principal place of business, the place where the ticket was sold, and the place of the ultimate destination of the passenger. Notably missing from this list is the place where the passenger lives, or, in legal terms, his ''domicile.'' As a practical matter, most Americans will be able to sue in U.S. court under the existing four jurisdictions; but there will be cases in which a passenger buys a ticket overseas on a foreign carrier—which would probably preclude that passenger from bringing a suit in a U.S. court.

The Clinton Administration is pressing for inclusion of the fifth jurisdiction in any new international instrument. I commend the Administration for taking this position. Including a fifth jurisdiction should be considered an essential element of any new international agreement on passenger liability.

At this point, I would like to call the attention of my colleagues and the Executive Branch to a speech delivered earlier this year by Lee Kreindler regarding these negotiations. Mr. Kreindler, an aviation attorney with over four decades of experience, has provided a helpful guide to the current legal situation in this area and to the ICAO negotiations.

I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. BIDEN. Mr. President, Montreal Protocol No. 4 is a useful step in modernizing the rules of cargo and baggage in international air traffic. I urge my colleagues to support it.

EXHIBIT 1

CLOUDS ON THE LIABILITY HORIZON AND WHAT WE CAN DO ABOUT THEM

(By Lee S. Kreindler)

I am honored to appear on this symposium, the second straight year in which I have been on your program. After all, as a plaintiff's laywer, I have spent much of the last forty five years bringing legal actions against IATA's members, the international airlines. More important than that, perhaps, I have spent most of that time being highly critical of IATA's role in promoting the Warsaw Convention and its progeny, and in defending and preserving a limit of liability that to me, and all of my clients, has been abhorrent.

Now I find myself applauding your monumental efforts, and, particularly the monumental efforts of your distinguished general counsel, Lorne Clark, to put an end to limits of liability in personal injury and death cases. I find that, after all these years, we are in synchronization, pulling together to create a system that will protect the interests of your member carriers' customers, the flying public, and their families, and at the same time preserve the interests of your airline members. To me this is an uplifting and energizing experience.

I want IATA's efforts to establish a fair and enforceable system of liability in international air law, as well as my own efforts, to succeed. I have nothing but praise for IATA's courage in leading its member airlines to waive the liability limits of the Warsaw Convention. The IATA Agreement was long and hard in coming, but it was a remarkable achievement given the political and economic realities of the world. You deserve enormous credit for bringing it about. I say that, as your long time adversary, without condition or qualification. You have done a wonderful job, for which the flying public owes you thanks.

I think it would be a great mistake, however, to revel in the glory of accomplishment, and ignore problems and threats which could very well bring this brave new dream crashing down. And so my concern now, as a friend, is that the new system, because of its inherent weaknesses, may fail. Indeed, I see clouds on the horizon, and I want to address them with you while there is still time to deal with them, so that, together, we can build a strong and lasting structure that can and will withstand the storms that are sure to come.

Problems With the IATA–ATA Agreements and the Resulting System—A Foundation Based on Contract

The basic law in international airline liability is still provided by the Warsaw Convention, which was effectively modified in 1966, with respect to transportation involving the United States, to increase the passenger injury and death limitation to $75,000. Onto this convention there have now been engrafted three agreements, the IATA Intercarrier Agreement (IIA), the Agreement on Measures to Implement the IATA Intercarrier Agreement (MIA), and the ATA Intercarrier Agreement, also known as Provisions Implementing the IATA Intercarrier Agreement (IPA), applicable, at least, to those carriers which have signed the agreements.

Each of the three agreements, IIA, MIA, and IPA is a private contractual agreement sponsored by either IATA or ATA and signed by individual airlines. Some of these agreements, by some of the signatory airlines, have been incorporated in tariffs, which have been filed with the U.S. Department of Transportation. This does not, however, turn them into ''law.'' They are still private contracts which, by virtue of the tariffs, are incorporated in the airline's conditions of contract.

In the first of these agreements, IIA, the signatory airlines agreed to ''take action'' to waive the limitation of liability on recoverable compensatory damages, which, since the Montreal Agreement of 1966 has effectively been $75,000 per passenger on a substantial part of international airline travel, including all transportation involving the United States.

In the MIA the signatory carriers agree to implement the IIA by incorporating various provisions in their contracts of carriage and tariffs where necessary. Under the most important provision the carrier agrees that it will not invoke the limitation of liability in Article 22 (1) of the Convention as to any claim of recoverable compensatory damages under Article 17. In order words, each carrier waives the Warsaw limit.

The second provision each carrier agrees to in MIA is to not avail itself of any defense under Article 20 (1) of the Convention with respect to claims up to 100,000 SDRs. Article 20 (1), sometimes called the exculpatory clause, provides that the carrier can exculpate itself from liability completely if it can show it took all necessary measures to avoid the damage. Thus, in agreeing to waive this defense up to 100,000 SDRs each carrier has subjected itself to absolute or strict liability up to that amount. In not making this waiver above 100,000 SDRs the carrier has accepted the burden of proving the taking of all necessary measures. Proving that is a virtual impossibility in all cases except terrorist cases, other situations entirely caused by a third party, and possibly clear air turbulence cases.

Thus while this provision may not have substantial practical significance the principle of the carrier having the burden of proof regarding its absence of fault has become a precedent which may affect the formulation of a new convention or protocol.

Rights of Recourse, Including Indemnity and Contribution

The MIA goes on to provide that the signatory airline ''reserves all defenses available under the Convention to any such claim.'' And it adds that ''With respect to third parties, the carrier also reserves all rights of recourse . . . including rights of contribution and indemnity.''

It may be well and good for the signatory airlines to reserve all rights of recourse against a manufacturer, for example, in a contract between itself and other airline, but there is real doubt that this can have any legal and binding effect without the consent of such third party and possibly without the consent of the passenger himself. The fact that this reservation of rights is a creature of private contract, rather than law or legal judgments, is, in my opinion, a fatal flaw in the system in terms of legal enforceability.

An impleaded third party, such as a manufacturer, or its insurer, will be free to claim that the airline, or its insurer, which made a payment pursuant to IIA, was a ''volunteer'', and was a collateral source whose payment may not be created to damages owed the passenger or his estate by the manufacturer.

It is my understanding that George Tompkins and Lorne Clark have requested the manufacturers to provide a statement of policy that they will not assert a ''volunteer'' defense in the event that an airline settles a claim in excess of the applicable limit of liability in any suit for contribution or indemnity, and it is my further understanding that the request is being favorably considered.

However, in my opinion, the problem can't definitively be cured by consent of the third party defendant. Under this system the airline can offer to pay unlimited damages, and it may try to insist that a passenger or passenger's family execute a general release, releasing third parties, but the passenger does not have to accept that. The passenger can sue the airline under the IIA and MIA, as a third party beneficiary, and can maintain a wholly independent action against a negligent manufacturer or air traffic control facility. In other words there is the theoretical possibility here of double recoveries. The passenger can recover on his case against the airline, which is based on the IIA and MIA contracts and then take the position, on his case against the manufacturer, or other third party, that the airline was collateral source for which the manufacturer may not get a credit. For the recourse provisions of

IIA, MIA, and IPA to be meaningful the payment of damages by the airline would have to be the result of *law* and not private contract.

This problem of recourse runs through all three of these agreements, and, in my opinion, can be solved only by a new convention or protocol, establishing a legal basis for the payment of unlimited damages by an airline.

That is not the only problem presented by IIA agreements.

Domicile, ''Subject To Applicable Law''

IIA states as an objective ''that recoverable compensatory damages may be determined and awarded by reference to the law of the domicile of the passenger.''

When one examines the MIA, however, it provides that at the option of the carrier it may include a provision in its conditions of carriage and tariffs that, ''subject to applicable law'', recoverable compensatory damages . . . may be determined by reference to the law of the domicile or permanent residence of the passenger.''

In the IPA there is no option provision. It simply states that ''subject to applicable law, recoverable compensatory damages * * * may be determined by reference to the law of the domicile or permanent residence of the passenger.''

Thus the intent of the drafters, as shown by the language of the three agreements, would appear to have been to apply the law of the passenger's domicile or permanent residence. In actual fact, however, there was no such uniform agreement to apply the law of domicile, and the language can best be explained by the political, or negotiating constraints if any agreement at all was to be achieved.

Briefly stated, the United States carriers, with the prodding of the U.S. Department of Transportation, insisted on language applying the law of domicile. To European carriers, however, their law did not apply law of domicile. Generally there courts would apply the law of the place of the accident or the law of the forum. Thus in the face of the language in IIA, pointing to law of domicile, they insisted on language making it clear that would only be at the option of the airline.

The U.S. carriers, on the other hand, all signed the IPA, and thereby accepted law of the passenger's domicile on cases against them.

The agreements may not do that, however, because the language, ''subject to applicable law'' may dictate some other law!

Let's assume, for example, a case brought under the IPA in which the deceased passenger was domiciled in Pennsylvania, which has relatively liberal death damages law. Let's say the airplane crashed into the high seas. When the case is brought in the United States will the Death on the High Seas Act be applied, or the law of Pennsylvania?

In the first instance the decision will be up to the airline, or, more likely, the airline's insurer. Let's suppose the airline, faithful to the text of the IIA agreements, makes an offer under Pennsylvania law standards. But let's assume the passenger, or the lawyer for the estate of the passenger, rejects the offer as being insufficient. The matter would then go to court. In court the passenger (or the estate's) lawyer, asserts that the law of Pennsylvania will govern damages, pointing to the IIA Agreements.

What position does the airline take in court? And what position will the court take? After all the Death on the High Seas Act is a United States statute.

As for the carrier, one might hope it would feel morally bound to accept the law of the domicile of the passenger, but history suggests that economics will determine its position, or, more precisely, its insurer's position.

Let's take a similar case under the IPA, where the airplane has crashed over land, as in the Pan Am 103 Lockerbie bombing. Let's assume the action is started in Florida, as, indeed, a significant number of Lockerbie cases were. In those Lockerbie cases the court, stating that it was applying Florida choice of law rules, applied the law of the place of the accident, Scotland.

What will the situation be under the Intercarrier Agreements including the IPA? Will the carrier, and the court, enforce the law of the passenger's domicile, or will they apply the law of the place of accident?

Again, history suggests that the parties are likely to be motivated by economics.

In short, the words, ''subject to applicable law'' are likely to introduce conflict and uncertainty in many cases brought under the IPA. I would respectfully suggest that those words be removed from the IPA Agreement, and that it simply provide that the law of the passenger's domicile will be applied.

Successive Carriage

Another problem arises by virtue of Article 30 (1) and (2) of the Warsaw Convention which deal with the liability of successive carriers. Article 30 (2) states: ''(2) . . . the passenger or his representative can take action only against the carrier who performed the transportation during which the accident or delay occurred. . . .''

It may turn out, of course, that all carriers sign and adhere to the Intercarrier Agreement, and they will, therefore, all be subject to it. But, given the nature of the world, it is probable that some, or even many, will not sign on. If the second, or third, successive carrier is the one on which the accident happens, it may choose not to waive the limit, despite the claim by the plaintiff that the successive carrier is bound by the original contract of carriage. Then where are we?

I understand that carriers now signing the IIA Agreements are limiting their waivers of the limit to accidents occurring on their own part of the carriage, so passengers may still be subject to the limit in other cases.

But the injured passenger, or his family if he has been killed, will, nevertheless, argue that the carrier which issued the ticket must be liable for damages without limitation, and that he or his estate is an authorized third party beneficiary. An action will be brought against that carrier for unlimited damages. The Warsaw Convention, which was supposed to have simplified liability rules will be the very cause of the dispute in these cases.

If, indeed, waivers of the limit do not apply to successive carriers, then the IATA agreements will be something of a cruel hoax in successive carriage situations and may well inspire intense adverse passenger group reactions.

The 5th Jurisdiction

Article 28 of the Warsaw Convention permits suit to be brought in any one of four places; the place of incorporation of the carrier, its principal place of business, the place where the contract of carriage was made (i.e. where the ticket was sold), and, finally, the place of ultimate destination of the passenger. Notably absent is the place of the passenger's domicile. In most cases the place of the passenger's domicile will coincide with one of the places suit can be brought anyway, so there is no problem. But there are occasional cases where an American, for example, will buy a ticket while on a trip, away from home. American damages standards are considerably higher than those of other countries, generally, and in that rare case the American passenger, or his family, will be denied the higher American standards.

It is generally recognized that the place of domicile is the place which has the greatest interest in the question of damages, and the denial of domicile law is very troubling to parties and governments alike.

The United States Government, and particularly the Department of Transportation and Department of State, have taken the position that any new regime of law, in international airline transportation, must provide for suits in ''the 5th Jurisdiction'', i.e., the place of the passenger's domicile. Non American carriers have resisted the proposal, for reasons that baffle me. It seems to me that from the airline's standpoint the point is not worth fighting about, if the carriers can get an otherwise favorable system. There are simply not enough such cases to provide a real stumbling block.

The IATA intercarrier agreements do not and cannot solve the problem, and they cannot because of the Warsaw Convention's proscription against changing jurisdictional rules (See Article 32). The United States has gone along with the intercarrier agreements because of the predominant interest in getting the airlines to abandon the limits, notwithstanding their failure to adopt the 5th jurisdiction, but the point remains one of contention for any new convention or protocol.

Fault or No Fault?

Finally, important lawyers in the United States DOT seem to be locked into an anti-fault mode of thinking on any new system, whether it be based on the intercarrier agreements or a new convention or protocol. This probably goes back to attitudes developed in 1966 at the time of the Montreal Agreement, when State Department lawyers obtained from the airlines and IATA an agreement to accept absolute liability up to a limit of $75,000 as a tradeoff for perpetuation of the Warsaw Convention and its limited liability regime. The DOT has viewed absolute, no-fault, liability as being in the passenger interest. Most passenger groups, however, as well as lawyer groups which customarily represent passengers, view the fault system as a fundamental necessity which is critically important from the safety perspective for the protection of passengers as well as society in general. They point to numerous contributions to airline safety made by tort cases and their examination into both negligence and accident causation.

The contribution of the tort system to aviation safety is well recognized, also, by aviation insurers and their lawyers. Sean Gates, a London solicitor and senior partner of Beaumont and Son, one of the leading firms representing aviation underwriters, has expressed himself as strongly opposed to absolute liability for international airlines, both because he is opposed to abandonment of the fault system, and because he doesn't see why airlines alone in our society should be held to be guarantors of safety. Anthony Mednuik, one of the world's leading underwriters, and presently Managing Director of the British Aviation Insurance Group, has similarly expressed himself as strongly opposed to abandoning the fault system. He did so most recently at a large meeting in Amelia Island, Florida, in October, of the Aircraft Builders Council, which consists of both aviation manufacturers and underwriters, and again at an aviation insurance and law symposium in London in November, sponsored by Lloyds of London Press. And George N. Tompkins, Jr. one of the top airline defense lawyers in the United States has recommended the following language to the ICAO Secretariat Study Group, of which he is a member: ''No limit of liability on the recoverable damages mentioned in A above if the passenger/claimant proves negligence or

fault on the part of the carrier. This would not impose an undue burden on the passenger/claimant and would serve to preserve the ''Warsaw Convention'' as a fault based system.''

This difference of opinion on the fault system is not a factor affecting the intercarrier agreements since they are already in place and they have been based on strict liability up to 100,000 SDRs and presumptive liability above that amount if the carrier fails to show its complete absence of fault, but it will be a significant factor in the effort to achieve a new convention or protocol.

Thus we have a situation where the IATA agreements, however noble their purpose and laudable their execution, provide an insufficient basis for a satisfactory future regime in international air law, and where there is considerable doubt that, on a political level, the problems and differences of fault/no fault, limitations of venue, rights of recourse, and successive carriage, can be overcome, so as to create a reasonable new convention or protocol. The prospect exists that there will be no satisfactory new convention or protocol, and that the intercarrier agreements will fail to provide a workable system. It is uncertain where such an outcome would lead, but one virtual certainty would be complete abandonment of the Warsaw Convention, and the airlines would not be happy about that.

So, where do we go from here?

The Need to Work Together

Everyone involved, from IATA and airlines, to the United States Government and other governments, to passengers' groups and plaintiffs' lawyers, has something to lose from a failure to come up with a satisfactory new liability regime. The obvious answer to the problem is the formulation of a new and widely acceptable convention or protocol which will have the force of law to handle not only airline liability, but rights of recourse, successive carriage, choice of law and adequate venue.

The Need for Ratifiability

At the excellent Lloyds of London Press Aviation Insurance and Law Symposium in November, in London, Don Horn, Associate General Counsel for International Affairs of the United States Department of Transportation, pointed out the truism that the first requirement for any new convention (or protocol) is that it must be ratifiable.

I respectfully suggest that that is a good place to start in our consideration of the new convention or protocol. Whatever we come up with must be ratifiable. It must be ratifiable by the United States, and it must be approval by the international airlines.

Excellent preparatory work has been done by the ICAO Study Group and the ICAO Legal Committee. The pattern of a splendid convention or protocol is now clear, and available. In general it has been set forth by the Study Group. It will provide for a two tier liability system, with absolute liability up to the threshold number of 100,000 Special Drawing Rights, and negligence liability above that. It must provide for the addition of the ''fifth jurisdiction.'' In other words, passenger's domicile must be added to the other available venues, place of incorporation of the carrier, place of its principal place of business, and place where the ticket was bought.

For those international airlines and insurers who are reluctant to accept the fifth jurisdiction I would point out three things. First, there is an element of compromise inherent in the United States Government acceptance of the two tier concept on fault. The position of the U.S. has been to favor absolute liability across the board. This is not in the airline interest, and in my humble opinion, not in the public interest, but that, as I understand it, has been its position. Acceptance of the two tier system by the United States will have another laudable effect. It will insure support of the new convention or protocol in the United States on the part of passengers', consumers, and lawyers' groups who believe that the fault system is one of society's basic protections. Were the United States to hold out for absolute liability across the board, and were that part of the new Convention or protocol I would expect intense opposition to the new convention or protocol in the United States.

The second point is that in terms of cost to airlines or insurers the fifth jurisdiction is deminimus. There are, simply, very few cases where an American domiciliary buys a ticket in another country and cannot sue in the United States under one of the four presently permissible jurisdictions. I have been practicing aviation law for forty five years, and I have probably handled as many airline cases as any other lawyer in the world, and I can only remember one case involving an American passenger where I was unable to sue in the United States because of Article 28.

Finally, the overall benefit to airlines, and all others, of having a viable new convention or protocol would be enormous. It would be foolish to jeopardize its chances because of opposition to the fifth jurisdiction.

Burden of Proof on the Second Tier

As indicated above, the new convention proposed by the Legal Committee of ICAO prescribes a two tier system of liability. There is absolute liability for damage up to 100,000 SDRs and negligence liability above that. In an exercise of indecision, however, the drafters set forth three alternative provisions on who shoulders the burden of proving negligence. The concept of placing the burden on the defendant airline of showing its freedom from fault grows from Article 20 of the Convention which provides that to exculpate itself the airline must show that it took all necessary measures to avoid the damage. Generally speaking, however, it is the plaintiff who has the burden of proving negligence.

The concept of providing three alternative suggestions is not sound and will lead to confusion and uncertainty. Obviously, it is to the plaintiff's advantage to place the burden on the defendant, but I don't consider it a make or break matter. Again, it is more important to get the broad outlines of the convention established than to fight about each of its terms.

Convention or Protocol?

Similary, the question of whether this should be a brand new convention or a protocol to the Warsaw Convention is less important than the substance of the new instrument. People I respect, including Lorne Clark and George Tompkins, who know far more than I do about the politics of enacting a new convention, tell me that it will be much easier to enact a protocol, so, for that reason alone I favor it.

I would urge a note of caution, however. The Warsaw Convention has a very bad history and reputation with many people, including me and my clients. For many of them it has ruined their lives. I would eliminate all extolatory language praising the Warsaw Convention, such as the introductory language in the ICAO Legal Committee draft, regardless whether it is new convention or protocol.

Simpler and Shorter is better

I would suggest that all references to cargo be removed. It is not necessary to include it in the new instrument. In fact, it may be completely resolved by the ratification of Montreal Protocol 4. The simpler and shorter the new instrument is, the better.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 584, S. 2392.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2392) to encourage the disclosure and exchange of information about computer processing problems, solutions, test practices and test results, and related matters in connection with the transition to the Year 2000.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, 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.

This Act may be cited as the ''Year 2000 Information and Readiness Disclosure Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1)(A) At least thousands but possibly millions of information technology computer systems, software programs, and semiconductors are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process those dates.

(B) The problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, government, and safety and defense systems, in the United States and throughout the world.

(C) Reprogramming or replacing affected systems before the problem incapacitates essential systems is a matter of national and global interest.

(2) The prompt, candid, and thorough disclosure and exchange of information related to year 2000 readiness of entities, products, and services—

(A) would greatly enhance the ability of public and private entities to improve their year 2000 readiness; and

(B) is therefore a matter of national importance and a vital factor in minimizing any potential year 2000 related disruption to the Nation's economic well-being and security.

(3) Concern about the potential for legal liability associated with the disclosure and exchange of year 2000 readiness information is impeding the disclosure and exchange of such information.

(4) The capability to freely disseminate and exchange information relating to year 2000 readiness, solutions, test practices and test results, with the public and other entities without undue concern about litigation is critical to the ability of public and private entities to address year 2000 needs in a timely manner.

(5) The national interest will be served by uniform legal standards in connection with the disclosure and exchange of year 2000 readiness information that will promote disclosures and exchanges of such information in a timely fashion.

(b) PURPOSES.—Based upon the powers contained in article I, section 8, clause 3 of the Constitution of the United States, the purposes of this Act are—

(1) to promote the free disclosure and exchange of information related to year 2000 readiness;

(2) to assist consumers, small businesses, and local governments in effectively and rapidly responding to year 2000 problems; and

(3) to lessen burdens on interstate commerce by establishing certain uniform legal principles in connection with the disclosure and exchange of information related to year 2000 readiness.

SEC. 3. DEFINITIONS.

In this Act:

(1) ANTITRUST LAWS.—The term ''antitrust laws''—

(A) has the meaning given to it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(B) includes any State law similar to the laws referred to in subparagraph (A).

(2) CONSUMER.—The term ''consumer'' means an individual who acquires a consumer product other than for purposes of resale.

(3) CONSUMER PRODUCT.—The term ''consumer product'' means any personal property or service which is normally used for personal, family, or household purposes.

(4) COVERED ACTION.—The term ''covered action'' means any civil action of any kind, whether arising under Federal or State law, except for any civil action arising under Federal or State law brought by a Federal, State, or other public entity, agency, or authority acting in a regulatory, supervisory, or enforcement capacity.

(5) MAKER.—The term ''maker'' means each person or entity, including a State or political subdivision thereof, that issues or publishes any year 2000 statement, or develops or prepares, or assists in, contributes to, or reviews, reports or comments on during, or approves, or otherwise takes part in the preparing, developing, issuing, approving, or publishing any year 2000 statement.

(6) REPUBLICATION.—The term ''republication'' means any repetition, in whole or in part, of a year 2000 statement originally made by another.

(7) YEAR 2000 INTERNET WEBSITE.—The term ''year 2000 Internet website'' means an Internet website or other similar electronically accessible service, clearly designated on the website or service by the person or entity creating or controlling the content of the website or service as an area where year 2000 statements concerning that person or entity are posted or otherwise made accessible to the general public.

(8) YEAR 2000 PROCESSING.—The term ''year 2000 processing'' means the processing (including calculating, comparing, sequencing, displaying, or storing), transmitting, or receiving of date data from, into, and between the 20th and 21st centuries, and during the years 1999 and 2000, and leap year calculations.

(9) YEAR 2000 READINESS DISCLOSURE.—The term ''year 2000 readiness disclosure'' means any written year 2000 statement, clearly identified on its face as a year 2000 readiness disclosure inscribed on a tangible medium or stored in an electronic or other medium and retrievable in perceivable form and issued or published by or with the approval of an entity with respect to year 2000 processing of that entity or of products or services offered by that entity.

(10) YEAR 2000 STATEMENT.—

(A) IN GENERAL.—The term ''year 2000 statement'' means any communication or other conveyance of information by a party to another or to the public, in any form or medium—

(i) concerning an assessment, projection, or estimate concerning year 2000 processing capabilities of any entity, product, or service, or a set of products and services;

(ii) concerning plans, objectives, or timetables for implementing or verifying the year 2000 processing capabilities of an entity, a product, or service, or a set of products or services;

(iii) concerning test plans, test dates, test results, or operational problems or solutions related to year 2000 processing by—

(I) products; or

(II) services that incorporate or utilize products; or

(iv) reviewing, commenting on, or otherwise directly or indirectly relating to year 2000 processing capabilities.

(B) NOT INCLUDED.—The term does not include for the purposes of any action brought under the securities laws, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), any document or material filed with the Securities and Exchange Commission, or with Federal banking regulators, pursuant to section 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 781(i)), or any disclosure or writing that when made accompanied the solicitation of an offer or sale of securities.

SEC. 4. PROTECTION FOR YEAR 2000 STATEMENTS.

(a) EVIDENCE EXCLUSION.—No year 2000 readiness disclosure, in whole or in part, shall be admissible against the maker of the disclosure to prove the accuracy or truth of any year 2000 statement set forth in that disclosure, in any covered action brought by another party except that—

(1) a disclosure may serve as the basis for a claim for anticipatory breach or repudiation or a similar claim against the maker, to the extent provided by applicable law; and

(2) the court in any covered action shall have discretion to limit application of this subsection in any case in which the court determines that the maker's use of that disclosure amounts to bad faith, or fraud, or is otherwise is beyond what is reasonable to achieve the purposes of this Act.

(b) FALSE, MISLEADING AND INACCURATE YEAR 2000 STATEMENTS.—Except as otherwise provided in subsection (c), in any covered action, to the extent that such action is based on an allegedly false, inaccurate, or misleading year 2000 statement, the maker of that year 2000 statement shall not be liable under Federal or State law with respect to that year 2000 statement unless the claimant establishes, in addition to all other requisite elements of the applicable action, by clear and convincing evidence, that—

(1) the year 2000 statement was material; and

(2)(A) to the extent the year 2000 statement was not a republication of a year 2000 statement originally made by a third party, that the maker made the year 2000 statement—

(i) with actual knowledge that the year 2000 statement was false, inaccurate, or misleading;

(ii) with intent to deceive or mislead; or

(iii) with a reckless disregard as to the accuracy of the year 2000 statement; or

(B) to the extent the year 2000 statement was a republication of a year 2000 statement originally made by a third party, that the maker of the republication made the year 2000 statement—

(i) with actual knowledge that the year 2000 statement was false, inaccurate, or misleading;

(ii) with intent to deceive or mislead; or

(iii) without notice in that year 2000 statement that—

(I) the maker has not verified the contents of the republication; or

(II) the maker is not the source of the republished year 2000 statement, the republished statement is based on information supplied by another person or entity, and the notice or republished statement identifies the source of the republished statement.

(c) DEFAMATION OR SIMILAR CLAIMS.—In a covered action arising under any Federal or State law of defamation, trade disparagement, or a similar claim, to the extent such action is based on an allegedly false, inaccurate, or misleading year 2000 statement, the maker of that year 2000 statement shall not be liable with respect to that year 2000 statement, unless the claimant establishes by clear and convincing evidence, in addition to all other requisite elements of the applicable action, that the year 2000 statement was made with knowledge that the year 2000 statement was false or made with reckless disregard as to its truth or falsity.

(d) YEAR 2000 INTERNET WEBSITE.—

(1) IN GENERAL.—Except as provided in paragraph (2), in any covered action, other than a covered action involving personal injury or serious physical damage to property, in which the adequacy of notice about year 2000 processing is at issue, the posting, in a commercially reasonable manner and for a commercially reasonable duration, of a notice by the entity charged with giving such notice on the year 2000 Internet website of that entity shall be deemed to be an adequate mechanism for providing that notice.

(2) EXCEPTION.—Under paragraph (1) the notice shall not be adequate if the trier of fact finds that the use of the mechanism of notice—

(A) is contrary to express prior representations made by the party giving notice;

(B) is materially inconsistent with the regular course of dealing between the parties; or

(C) occurs where there have been no prior representations regarding the mechanism of notice and no regular course of dealing exists between the parties and where actual notice is clearly the most commercially reasonable means of providing notice.

(3) CONSTRUCTION.—Nothing in this subsection shall—

(A) alter or amend any Federal or State statute or regulation requiring that notice about year 2000 processing be provided using a different mechanism;

(B) create a duty to provide notice about year 2000 processing;

(C) preclude or suggest the use of any other medium for notice about year 2000 processing or require the use of an Internet website; or

(D) mandate the content or timing of any notices about year 2000 processing.

(e) LIMITATION ON EFFECT OF YEAR 2000 STATEMENTS.—

(1) IN GENERAL.—In any covered action, a year 2000 statement shall not be interpreted or construed as an amendment to or alteration of a contract or warranty, whether entered into by or approved for a public or private entity.

(2) NOT APPLICABLE.—

(A) IN GENERAL.—This subsection shall not apply—

(i) to the extent the party whose year 2000 statement is alleged to have amended or altered a contract or warranty has otherwise agreed in writing to so alter or amend the contract or warranty;

(ii) to a year 2000 statement made in conjunction with the formation of the contract or warranty; or

(iii) if the contract or warranty specifically provides for its amendment or alteration through the making of a year 2000 statement.

(B) RULE OF CONSTRUCTION.—Nothing in this subsection is intended to affect applicable Federal or State law in effect as of the date of enactment of this Act with respect to determining the extent to which a year 2000 statement within the scope of clause (i), (ii), or (iii) of subparagraph (A) affects a contract or warranty.

(f) SPECIAL DATA GATHERING.—

(1) IN GENERAL.—A Federal entity, agency, or authority may expressly designate a request for the voluntary provision of information relating to year 2000 processing, including year 2000 statements, as a special year 2000 data gathering request made pursuant to this subsection.

(2) SPECIFICS.—A special year 2000 data gathering request made under this subsection shall specify a Federal entity, agency, or authority,

or with the consent of the designee, another public or private entity, agency or authority, to gather responses to the request.

(3) PROTECTIONS.—Except with the express consent or permission of the provider of information described in paragraph (1), any year 2000 statements or other such other information provided by a party in response to a special year 2000 data gathering request made under this subsection—

(A) shall be exempt from disclosure under subsection (b)(4) of section 552 of title 5, United States Code, commonly known as the ''Freedom of Information Act'' ;

(B) shall be prohibited from disclosure to any third party; and

(C) may not be used by any Federal entity, agency, or authority or by any third party, directly or indirectly, in any civil action arising under any Federal or State law.

(4) EXCEPTIONS.—

(A) INFORMATION OBTAINED ELSEWHERE.—Nothing in this subsection shall preclude a Federal entity, agency, or authority or any third party from separately obtaining the information submitted in response to a request under this subsection through the use of independent legal authorities, and using such separately obtained information in any action.

(B) VOLUNTARY DISCLOSURE.—A restriction on use or disclosure of information under this subsection shall not apply to any information disclosed to the public with the express consent of the party responding to the request or disclosed by such party separately from a response to a special year 2000 data gathering request.

SEC. 5. TEMPORARY ANTITRUST EXEMPTION.

(a) EXEMPTION.—Except as provided in subsection (b), the antitrust laws shall not apply to conduct engaged in, including making and implementing an agreement, solely for the purpose of—

(1) facilitating responses intended to correct or avoid a failure of year 2000 processing in a computer system, in a component of a computer system, in a computer program or software, or services utilizing any such system, component, program, or hardware; or

(2) communicating or disclosing information to help correct or avoid the effects of year 2000 processing failure.

(b) APPLICABILITY.—Subsection (a) shall apply only to conduct that occurs, or an agreement that is made and implemented, after the date of enactment of this Act and before July 14, 2001.

(c) EXCEPTION TO EXEMPTION.—Subsection (a) shall not apply with respect to conduct that involves or results in an agreement to boycott any person, to allocate a market or fix prices or output.

(d) RULE OF CONSTRUCTION.—The exemption granted by this section shall be construed narrowly.

SEC. 6. EXCLUSIONS.

(a) EFFECT ON INFORMATION DISCLOSURE.—This Act does not affect, abrogate, amend, or alter the authority of a Federal or State entity, agency, or authority to enforce a requirement to provide or disclose, or not to provide or disclose, information under a Federal or State statute or regulation or to enforce such statute or regulation.

(b) CONTRACTS AND OTHER CLAIMS.—

(1) IN GENERAL.—Except as may be otherwise provided in subsections (a) and (e) of section 4, this Act does not affect, abrogate, amend, or alter any right established by contract or tariff between any person or entity, whether entered into by a public or private person entity, under any Federal or State law.

(2) OTHER CLAIMS.—In any covered action brought by a consumer, this Act does not apply to a year 2000 statement expressly made in a solicitation, including an advertisement or offer to sell, to that consumer by a seller, manufacturer, or provider of a consumer product.

(3) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to preclude any claims that are not based exclusively on year 2000 statements.

(c) DUTY OR STANDARD OF CARE.—

(1) IN GENERAL.—This Act shall not impose upon the maker of any year 2000 statement any more stringent obligation, duty, or standard of care than is otherwise applicable under any other Federal law or State law.

(2) ADDITIONAL DISCLOSURE.—This Act does not preclude any party from making or providing any additional disclosure, disclaimer, or similar provisions in connection with any year 2000 readiness disclosure or year 2000 statement.

(3) DUTY OF CARE.—This Act shall not be deemed to alter any standard or duty of care owed by a fiduciary, as defined or determined by applicable Federal or State law.

(d) INTELLECTUAL PROPERTY RIGHTS.—This Act does not affect, abrogate, amend, or alter any right in a patent, copyright, semiconductor mask work, trade secret, trade name, trademark, or service mark, under any Federal or State law.

(e) INJUNCTIVE RELIEF.—Nothing in this Act shall be deemed to preclude a claimant from seeking temporary or permanent injunctive relief with respect to a year 2000 statement.

SEC. 7. APPLICABILITY.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this section, this Act shall become effective on the date of enactment of this Act.

(2) APPLICATION TO LAWSUITS PENDING.—This Act shall not affect or apply to any lawsuit pending on July 14, 1998.

(3) APPLICATION TO STATEMENTS AND DISCLOSURES.—Except as provided in subsection (b)—

(A) this Act shall apply to any year 2000 statement made on or after July 14, 1998 through July 14, 2001; and

(B) this Act shall apply to any year 2000 readiness disclosure made after the date of enactment of this Act through July 14, 2001.

(b) PREVIOUSLY MADE READINESS DISCLOSURE.—

(1) IN GENERAL.—For the purposes of section 4(a), a person or entity that issued or published a year 2000 statement after January 1, 1996, and before the date of enactment of this Act, may designate that year 2000 statement as a year 2000 readiness disclosure if—

(A) the year 2000 statement complied with the requirements of section 4(b) when made, other than being clearly designated on its face as a disclosure;

(B) within 45 days after the date of enactment of this Act, the person or entity seeking the designation provides notice—

(i) by individual notice that meets the requirements of paragraph (2) to all recipients of the applicable year 2000 statement; and

(ii) a prominent posting notice that meets the requirements of paragraph (2) on its year 2000 Internet website, commencing prior to the end of the 45-day period under this subparagraph and extending for a minimum of 45 consecutive days and also by using the same method of notification used to originally provide the applicable year 2000 statement.

(2) REQUIREMENTS.—A notice under paragraph (1)(B) shall—

(A) state that the year 2000 statement that is the subject of the notice is being designated a year 2000 readiness disclosure; and

(B) include a copy of the year 2000 statement with a legend labeling the statement as a ''Year 2000 Readiness Disclosure''.

(c) EXCEPTION.—No designation of a year 2000 statement as a disclosure under subsection (b) shall apply with respect to any person or entity that—

(1) proves, by clear and convincing evidence, that it relied on the year 2000 statement prior to the receipt of notice described above and it would be prejudiced by the retroactive designation of the year 2000 statement as a disclosure; and

(2) provides to the person or entity seeking the designation a written notice objecting to the designation within 45 days after receipt of individual notice under subsection (b)(2)(B)(i), or within 180 days after the date of enactment of this Act, in the case of notice provided under subsection (b)(2)(B)(ii).

SEC. 8. NATIONAL INFORMATION CLEARINGHOUSE AND WEBSITE.

(a) NATIONAL WEBSITE.—

(1) IN GENERAL.—The Administrator of General Services shall create and maintain a national year 2000 website, and promote its availability, designed to assist consumers, small business, and local governments in obtaining information from other governmental websites, hotlines, or information clearinghouses about year 2000 Processing of computers, systems, products and services, including websites maintained by independent agencies and other departments.

(2) CONSULTATION.—In creating the national year 2000 website, the Administrator of General Services shall consult with—

(A) the Director of the Office of Management and Budget;

(B) the Administrator of the Small Business Administration;

(C) the Consumer Product Safety Commission;

(D) officials of State and local governments;

(E) the Director of the National Institute of Standards and Technology;

(F) representatives of consumer and industry groups; and

(G) representatives of other entities, as determined appropriate.

(b) REPORT.—The Administrator of General Services shall submit a preliminary report to the Committees on the Judiciary of the Senate and the House of Representatives and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives not later than 60 days after the date of enactment of this Act regarding planning to comply with the requirements of this section.

Amend the title so as to read: ''To encourage the disclosure and exchange of information about computer processing problems, solutions, test practices and test results, and related matters in connection with the transition to the year 2000.''.

AMENDMENT NO. 3669

(Purpose: To provide a substitute)

Mr. ROBERTS. Senators HATCH, LEAHY, and KYL have a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] for Mr. HATCH, for himself, Mr. LEAHY, and Mr. KYL, proposes an amendment numbered 3669.

Mr. ROBERTS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

AMENDMENT NO. 3670 TO AMENDMENT NO. 3669

(Purpose: To provide for the establishment of working groups as a part of the President's Year 2000 Council)

Mr. ROBERTS. Senator THOMPSON has an amendment at the desk and I now ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS], for Mr. THOMPSON, proposes an amendment numbered 3670 to amendment No. 3669.

Mr. ROBERTS. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

Redesignate section 8 as section 9 and insert the following after section 8:

SEC. 8. YEAR 2000 COUNCIL WORKING GROUPS.

(a) IN GENERAL.—

(1) WORKING GROUPS.—The President's Year 2000 Council (referred to in this section as the ''Council'') may establish and terminate working groups composed of Federal employees who will engage outside organizations in discussions to address the year 2000 problems identified in section 2(a)(1) to share information related to year 2000 readiness, and otherwise to serve the purposes of this Act.

(2) LIST OF GROUPS.—The Council shall maintain and make available to the public a printed and electronic list of the working groups, the members of each working group, and a point of contact, together with an address, telephone number, and electronic mail address for the point of contact, for each working group created under this section.

(3) BALANCE.—The Council shall seek to achieve a balance of participation and representation among the working groups.

(4) ATTENDANCE.—The Council shall maintain and make available to the public a printed and electronic list of working group members who attend each meeting of a working group as well as any other individuals or organizations participating in each meeting.

(5) MEETINGS.—Each meeting of a working group shall be announced in advance in accordance with procedures established by the Council. The Council shall encourage working groups to hold meetings open to the public to the extent feasible and consistent with the activities of the Council and the purposes of this Act.

(b) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working groups established under this section.

(c) PRIVATE RIGHT OF ACTION.—This section creates no private right of action to due for enforcement of the provisions of this section.

(d) EXPIRATION.—The authority conferred by this section shall expire on December 31, 2000.

Mr. THOMPSON. Mr. President, this country will face an unprecedented problem on January 1, 2000, when many computer systems, in the form of software, hardware and embedded chips, will interpret the year as 1900 rather than 2000, potentially resulting in extensive failures of critical operations. The fix to this problem is not a technological challenge, but a management challenge due to its massive nature and the limited time we have to fix it. With less then 465 days until the new millennium, this problem will affect every level of government, every size of business, and literally every person in this great nation.

Although the Year 2000 Information and Readiness Disclosure Act does not represent the silver bullet to remedy this problem, I rise today to voice my support for this legislation. This bill will encourage both public and private sector entities to disclose year 2000 related information, in the form of product readiness, proposed solutions and testing processes, thereby increasing the ability of governments and businesses to update their own systems and avoid potentially catastrophic failures.

Mr. President, I had a number of concerns with this legislation in its original form. First of all, this legislation preempts state and local liability law. Typically, neither I nor many of my colleagues would support such preemption of state authority; however, this problem warrants drastic action. In fact, state and local government associations have expressed their support for this bill.

Second, this legislation reduces the standard of care required in providing accurate information as currently defined in state and local statutes. Due to the critical nature of this problem, I can support this provision for cases where businesses are sharing information with the intent to identify a common solution and prevent a potentially catastrophic failure. However, in its original form, this bill would have extended this protection to sellers of year 2000 remediation products and services whose statements may be motivated solely by financial interests.

Mr. President, to address these concerns I introduced an amendment in the Judiciary Committee which failed to pass. However, I worked with the Committee and other interested parties to develop language that achieved all the goals and intentions of my original amendment. This language has been adopted in section 6(b), and all interested parties agree we have strengthened the bill. My language will mitigate against false and inaccurate year 2000 solicitations while promoting the open sharing of information needed to solve the year 2000 problem. Further, it will expressly prevent vendors which sell year 2000 remediation products from taking advantage of unknowing customers by making the protections of the bill unavailable to any seller of these products who does not inform in writing any entity, including businesses, governments, and non-profit organizations, that its legal rights under state law are reduced by this bill. By imposing a higher duty of care in these instances, failures will be prevented.

Since my concerns have been addressed, I support immediate passage of this bill.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the amendment be agreed to, the substitute amendment be agreed to, the bill be read the third time and passed, as amended, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and the title, as amended, be agreed to, and that any statements relating to the bill appear at this point in the RECORD.

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

The amendments (Nos. 3669 and 3670) were agreed to.

The bill (S. 2392), as amended, was considered read the third time and passed, as follows:

S. 2392

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 ''Year 2000 Information and Readiness Disclosure Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1)(A) At least thousands but possibly millions of information technology computer systems, software programs, and semiconductors are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process those dates.

(B) The problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, government, and safety and defense systems, in the United States and throughout the world.

(C) Reprogramming or replacing affected systems before the problem incapacitates essential systems is a matter of national and global interest.

(2) The prompt, candid, and thorough disclosure and exchange of information related to year 2000 readiness of entities, products, and services—

(A) would greatly enhance the ability of public and private entities to improve their year 2000 readiness; and

(B) is therefore a matter of national importance and a vital factor in minimizing any potential year 2000 related disruption to the Nation's economic well-being and security.

(3) Concern about the potential for legal liability associated with the disclosure and exchange of year 2000 readiness information is impeding the disclosure and exchange of such information.

(4) The capability to freely disseminate and exchange information relating to year 2000 readiness, solutions, test practices and test results, with the public and other entities without undue concern about litigation is critical to the ability of public and private entities to address year 2000 needs in a timely manner.

(5) The national interest will be served by uniform legal standards in connection with the disclosure and exchange of year 2000 readiness information that will promote disclosures and exchanges of such information in a timely fashion.

(b) PURPOSES.—Based upon the powers contained in article I, section 8, clause 3 of the Constitution of the United States, the purposes of this Act are—

(1) to promote the free disclosure and exchange of information related to year 2000 readiness;

(2) to assist consumers, small businesses, and local governments in effectively and rapidly responding to year 2000 problems; and

(3) to lessen burdens on interstate commerce by establishing certain uniform legal principles in connection with the disclosure and exchange of information related to year 2000 readiness.

SEC. 3. DEFINITIONS.

In this Act:

(1) ANTITRUST LAWS.—The term ''antitrust laws''—

(A) has the meaning given to it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(B) includes any State law similar to the laws referred to in subparagraph (A).

(2) CONSUMER.—The term ''consumer'' means an individual who acquires a consumer product for purposes other than resale.

(3) CONSUMER PRODUCT.—The term ''consumer product'' means any personal property or service which is normally used for personal, family, or household purposes.

(4) COVERED ACTION.—The term ''covered action'' means civil action of any kind, whether arising under Federal or State law, except for an action brought by a Federal, State, or other public entity, agency, or authority acting in a regulatory, supervisory, or enforcement capacity.

(5) MAKER.—The term ''maker'' means each person or entity, including the United States or a State or political subdivision thereof, that—

(A) issues or publishes any year 2000 statement;

(B) develops or prepares any year 2000 statement; or

(C) assists in, contributes to, or reviews, reports or comments on during, or approves, or otherwise takes part in the preparing, developing, issuing, approving, or publishing of any year 2000 statement.

(6) REPUBLICATION.—The term ''republication'' means any repetition, in whole or in part, of a year 2000 statement originally made by another.

(7) YEAR 2000 INTERNET WEBSITE.—The term ''year 2000 Internet website'' means an Internet website or other similar electronically accessible service, clearly designated on the website or service by the person or entity creating or controlling the content of the website or service as an area where year 2000 statements concerning that person or entity are posted or otherwise made accessible to the general public.

(8) YEAR 2000 PROCESSING.—The term ''year 2000 processing'' means the processing (including calculating, comparing, sequencing, displaying, or storing), transmitting, or receiving of date data from, into, and between the 20th and 21st centuries, and during the years 1999 and 2000, and leap year calculations.

(9) YEAR 2000 READINESS DISCLOSURE.—The term ''year 2000 readiness disclosure'' means any written year 2000 statement—

(A) clearly identified on its face as a year 2000 readiness disclosure;

(B) inscribed on a tangible medium or stored in an electronic or other medium and retrievable in perceivable form; and

(C) issued or published by or with the approval of a person or entity with respect to year 2000 processing of that person or entity or of products or services offered by that person or entity.

(10) YEAR 2000 REMEDIATION PRODUCT OR SERVICE.—The term ''year 2000 remediation product or service'' means a software program or service licensed, sold, or rendered by a person or entity and specifically designed to detect or correct year 2000 processing problems with respect to systems, products, or services manufactured or rendered by another person or entity.

(11) YEAR 2000 STATEMENT.—

(A) IN GENERAL.—The term ''year 2000 statement'' means any communication or other conveyance of information by a party to another or to the public, in any form or medium—

(i) concerning an assessment, projection, or estimate concerning year 2000 processing capabilities of an entity, product, service, or set of products and services;

(ii) concerning plans, objectives, or timetables for implementing or verifying the year 2000 processing capabilities of an entity, product, service, or set of products and services;

(iii) concerning test plans, test dates, test results, or operational problems or solutions related to year 2000 processing by—

(I) products; or

(II) services that incorporate or utilize products; or

(iv) reviewing, commenting on, or otherwise directly or indirectly relating to year 2000 processing capabilities.

(B) NOT INCLUDED.—For the purposes of any action brought under the securities laws, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), the term year 2000 statement does not include statements contained in any documents or materials filed with the Securities and Exchange Commission, or with Federal banking regulators, pursuant to section 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 781(i)), or disclosures or writing that when made accompanied the solicitation of an offer or sale of securities.

SEC. 4. PROTECTION FOR YEAR 2000 STATEMENTS.

(a) EVIDENCE EXCLUSION.—No year 2000 readiness disclosure, in whole or in part, shall be admissible against the maker of that disclosure to prove the accuracy or truth of any year 2000 statement set forth in that disclosure, in any covered action brought by another party except that—

(1) a year 2000 readiness disclosure may be admissible to serve as the basis for a claim for anticipatory breach, or repudiation of a contract, or a similar claim against the maker, to the extent provided by applicable law; and

(2) the court in any covered action shall have discretion to limit application of this subsection in any case in which the court determines that the maker's use of the year 2000 readiness disclosure amounts to bad faith or fraud, or is otherwise beyond what is reasonable to achieve the purposes of this Act.

(b) FALSE, MISLEADING AND INACCURATE YEAR 2000 STATEMENTS.—Except as provided in subsection (c), in any covered action, to the extent that such action is based on an allegedly false, inaccurate, or misleading year 2000 statement, the maker of that year 2000 statement shall not be liable under Federal or State law with respect to that year 2000 statement unless the claimant establishes, in addition to all other requisite elements of the applicable action, by clear and convincing evidence, that—

(1) the year 2000 statement was material; and

(2)(A) to the extent the year 2000 statement was not a republication, that the maker made the year 2000 statement—

(i) with actual knowledge that the year 2000 statement was false, inaccurate, or misleading;

(ii) with intent to deceive or mislead; or

(iii) with a reckless disregard as to the accuracy of the year 2000 statement; or

(B) to the extent the year 2000 statement was a republication that the maker of the republication made the year 2000 statement—

(i) with actual knowledge that the year 2000 statement was false, inaccurate, or misleading;

(ii) with intent to deceive or mislead; or

(iii) without notice in that year 2000 statement that—

(I) the maker has not verified the contents of the republication; or

(II) the maker is not the source of the republication and the republication is based on information supplied by another person or entity identified in that year 2000 statement or republication.

(c) DEFAMATION OR SIMILAR CLAIMS.—In a covered action arising under any Federal or State law of defamation, trade disparagement, or a similar claim, to the extent such action is based on an allegedly false, inaccurate, or misleading year 2000 statement, the maker of that year 2000 statement shall not be liable with respect to that year 2000 statement, unless the claimant establishes by clear and convincing evidence, in addition to all other requisite elements of the applicable action, that the year 2000 statement was made with knowledge that the year 2000 statement was false or made with reckless disregard as to its truth or falsity.

(d) YEAR 2000 INTERNET WEBSITE.—

(1) IN GENERAL.—Except as provided in paragraph (2), in any covered action, other than a covered action involving personal injury or serious physical damage to property, in which the adequacy of notice about year 2000 processing is at issue, the posting, in a commercially reasonable manner and for a commercially reasonable duration, of a notice by the entity charged with giving such notice on the year 2000 Internet website of that entity shall be deemed an adequate mechanism for providing that notice.

(2) EXCEPTION.—Paragraph (1) shall not apply if the court finds that the use of the mechanism of notice—

(A) is contrary to express prior representations regarding the mechanism of notice made by the party giving notice;

(B) is materially inconsistent with the regular course of dealing between the parties; or

(C) occurs where there have been no prior representations regarding the mechanism of notice, no regular course of dealing exists between the parties, and actual notice is clearly the most commercially reasonable means of providing notice.

(3) CONSTRUCTION.—Nothing in this subsection shall—

(A) alter or amend any Federal or State statute or regulation requiring that notice about year 2000 processing be provided using a different mechanism;

(B) create a duty to provide notice about year 2000 processing;

(C) preclude or suggest the use of any other medium for notice about year 2000 processing or require the use of an Internet website; or

(D) mandate the content or timing of any notices about year 2000 processing.

(e) LIMITATION ON EFFECT OF YEAR 2000 STATEMENTS.—

(1) IN GENERAL.—In any covered action, a year 2000 statement shall not be interpreted or construed as an amendment to or alteration of a contract or warranty, whether entered into by or approved for a public or private entity.

(2) NOT APPLICABLE.—

(A) IN GENERAL.—This subsection shall not apply—

(i) to the extent the party whose year 2000 statement is alleged to have amended or altered a contract or warranty has otherwise agreed in writing to so alter or amend the contract or warranty;

(ii) to a year 2000 statement made in conjunction with the formation of the contract or warranty; or

(iii) if the contract or warranty specifically provides for its amendment or alteration through the making of a year 2000 statement.

(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall affect applicable Federal or State law in effect as of the date of enactment of this Act with respect to determining the extent to which a year 2000 statement affects a contract or warranty.

(f) SPECIAL DATA GATHERING.—

(1) IN GENERAL.—A Federal entity, agency, or authority may expressly designate a request for the voluntary provision of information relating to year 2000 processing, including year 2000 statements, as a special year 2000 data gathering request made pursuant to this subsection.

(2) SPECIFICS.—A special year 2000 data gathering request made under this subsection shall specify a Federal entity, agency, or authority, or, with its consent, another public or private entity, agency, or authority, to gather responses to the request.

(3) PROTECTIONS.—Except with the express consent or permission of the provider of information described in paragraph (1), any year 2000 statements or other such other information provided by a party in response to a special year 2000 data gathering request made under this subsection—

(A) shall be exempt from disclosure under subsection (b)(4) of section 552 of title 5, United States Code, commonly known as the ''Freedom of Information Act'';

(B) shall not be disclosed to any third party; and

(C) may not be used by any Federal entity, agency, or authority or by any third party, directly or indirectly, in any civil action arising under any Federal or State law.

(4) EXCEPTIONS.—

(A) INFORMATION OBTAINED ELSEWHERE.—Nothing in this subsection shall preclude a Federal entity, agency, or authority, or any third party, from separately obtaining the information submitted in response to a request under this subsection through the use of independent legal authorities, and using such separately obtained information in any action.

(B) VOLUNTARY DISCLOSURE.—A restriction on use or disclosure of information under this subsection shall not apply to any information disclosed to the public with the express consent of the party responding to a special year 2000 data gathering request or disclosed by such party separately from a response to a special year 2000 data gathering request.

SEC. 5. TEMPORARY ANTITRUST EXEMPTION.

(a) EXEMPTION.—Except as provided in subsection (b), the antitrust laws shall not apply to conduct engaged in, including making and implementing an agreement, solely for the purpose of and limited to—

(1) facilitating responses intended to correct or avoid a failure of year 2000 processing in a computer system, in a component of a computer system, in a computer program or software, or services utilizing any such system, component, program, or hardware; or

(2) communicating or disclosing information to help correct or avoid the effects of year 2000 processing failure

(b) APPLICABILITY.—Subsection (a) shall apply only to conduct that occurs, or an agreement that is made and implemented, after the date of enactment of this Act and before July 14, 2001.

(c) EXCEPTION TO EXEMPTION.—Subsection (a) shall not apply with respect to conduct that involves or results in an agreement to boycott any person, to allocate a market or fix prices or output.

(d) RULE OF CONSTRUCTION.—The exemption granted by this section shall be construed narrowly.

SEC. 6. EXCLUSIONS.

(a) EFFECT ON INFORMATION DISCLOSURE.—This Act does not affect, abrogate, amend, or alter the authority of a Federal or State entity, agency, or authority to enforce a requirement to provide or disclose, or not to provide or disclose, information under a Federal or State statute or regulation or to enforce such statute or regulation.

(b) CONTRACTS AND OTHER CLAIMS.—

(1) IN GENERAL.—Except as may be otherwise provided in subsections (a) and (e) of section 4, this Act does not affect, abrogate, amend, or alter any right established by contract or tariff between any person or entity, whether entered into by a public or private person or entity, under any Federal or State law.

(2) OTHER CLAIMS.—

(A) IN GENERAL.—In any covered action brought by a consumer, this Act does not apply to a year 2000 statement expressly made in a solicitation, including an advertisement or offer to sell, to that consumer by a seller, manufacturer, or provider of a consumer product.

(B) SPECIFIC NOTICE REQUIRED.—In any covered action, this Act shall not apply to a year 2000 statement, concerning a year 2000 remediation product or service, expressly made in an offer to sell or in a solicitation (including an advertisement) by a seller, manufacturer, or provider, of that product or service unless, during the course of the offer or solicitation, the party making the offer or solicitation provides the following notice in accordance with section 4(d):

''Statements made to you in the course of this sale are subject to the Year 2000 Information and Readiness Disclosure Act (___ U.S.C. ___). In the case of a dispute, this Act may reduce your legal rights regarding the use of any such statements, unless otherwise specified by your contract or tariff.''.

(3) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to preclude any claims that are not based exclusively on year 2000 statements.

(c) DUTY OR STANDARD OF CARE.—

(1) IN GENERAL.—This Act shall not impose upon the maker of any year 2000 statement any more stringent obligation, duty, or standard of care than is otherwise applicable under any other Federal law or State law.

(2) ADDITIONAL DISCLOSURE.—This Act does not preclude any party from making or providing any additional disclosure, disclaimer, or similar provisions in connection with any year 2000 readiness disclosure or year 2000 statement.

(3) DUTY OF CARE.—This Act shall not be deemed to alter any standard or duty of care owed by a fiduciary, as defined or determined by applicable Federal or State law.

(d) INTELLECTUAL PROPERTY RIGHTS.—This Act does not affect, abrogate, amend, or alter any right in a patent, copyright, semiconductor mask work, trade secret, trade name, trademark, or service mark, under any Federal or State law.

(e) INJUNCTIVE RELIEF.—Nothing in this Act shall be deemed to preclude a claimant from seeking injunctive relief with respect to a year 2000 statement.

SEC. 7. APPLICABILITY.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this section, this Act shall become effective on the date of enactment of this Act.

(2) APPLICATION TO LAWSUITS PENDING.—This Act shall not affect or apply to any lawsuit pending on July 14, 1998.

(3) APPLICATION TO STATEMENTS AND DISCLOSURES.—Except as provided in subsection (b)—

(A) this Act shall apply to any year 2000 statement made beginning on July 14, 1998 and ending on July 14, 2001; and

(B) this Act shall apply to any year 2000 readiness disclosure made beginning on the date of enactment of this Act and ending on July 14, 2001.

(b) PREVIOUSLY MADE READINESS DISCLOSURE.—

(1) IN GENERAL.—For the purposes of section 4(a), a person or entity that issued or published a year 2000 statement after January 1, 1996, and before the date of enactment of this Act, may designate that year 2000 statement as a year 2000 readiness disclosure if—

(A) the year 2000 statement complied with the requirements of section 3(9) when made, other than being clearly designated on its face as a disclosure; and

(B) within 45 days after the date of enactment of this Act, the person or entity seeking the designation—

(i) provides individual notice that meets the requirements of paragraph (2) to all recipients of the applicable year 2000 statement; or

(ii) prominently posts notice that meets the requirements of paragraph (2) on its year 2000 Internet website, commencing prior to the end of the 45-day period under this subparagraph and extending for a minimum of 45 consecutive days and also by using the same method of notification used to originally provide the applicable year 2000 statement.

(2) REQUIREMENTS.—A notice under paragraph (1)(B) shall—

(A) state that the year 2000 statement that is the subject of the notice is being designated a year 2000 readiness disclosure; and

(B) include a copy of the year 2000 statement with a legend labeling the statement as a ''Year 2000 Readiness Disclosure''.

(c) EXCEPTION.—No designation of a year 2000 statement as a year 2000 readiness disclosure under subsection (b) shall apply with respect to any person or entity that—

(1) proves, by clear and convincing evidence, that it relied on the year 2000 statement prior to the receipt of notice described above and it would be prejudiced by the retroactive designation of the year 2000 statement as a year 2000 readiness disclosure; and

(2) provides to the person or entity seeking the designation a written notice objecting to the designation within 45 days after receipt of individual notice under subsection (b)(1)(B)(i), or within 180 days after the date of enactment of this Act, in the case of notice provided under subsection (b)(1)(B)(ii).

SEC. 8. YEAR 2000 COUNCIL WORKING GROUPS.

(a) IN GENERAL.—

(1) WORKING GROUPS.—The President's Year 2000 Council (referred to in this section as the ''Council'') may establish and terminate working groups composed of Federal employees who will engage outside organizations in discussions to address the year 2000 problems identified in section 2(a)(1) to share information related to year 2000 readiness, and otherwise to serve the purposes of this Act.

(2) LIST OF GROUPS.—The Council shall maintain and make available to the public a printed and electronic list of the working groups, the members of each working group, and a point of contact, together with an address, telephone number, and electronic mail address for the point of contact, for each working group created under this section.

(3) BALANCE.—The Council shall seek to achieve a balance of participation and representation among the working groups.

(4) ATTENDANCE.—The Council shall maintain and make available to the public a printed and electronic list of working group members who attend each meeting of a working group as well as any other individuals or organizations participating in each meeting.

(5) MEETINGS.—Each meeting of a working group shall be announced in advance in accordance with procedures established by the Council. The Council shall encourage working groups to hold meetings open to the public to the extent feasible and consistent with the activities of the Council and the purposes of this Act.

(b) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working groups established under this section.

(c) PRIVATE RIGHT OF ACTION.—This section creates no private right of action to sue for enforcement of the provisions of this section.

(d) EXPIRATION.—The authority conferred by this section shall expire on December 31, 2000.

SEC. 9. NATIONAL INFORMATION CLEARINGHOUSE AND WEBSITE.

(a) NATIONAL WEBSITE.—

(1) IN GENERAL.—The Administrator of General Services shall create and maintain until July 14, 2002, a national year 2000 website, and promote its availability, designed to assist consumers, small business, and local governments in obtaining information from other governmental websites, hotlines, or information clearinghouses about year 2000 Processing of computers, systems, products and services, including websites maintained by independent agencies and other departments.

(2) CONSULTATION.—In creating the national year 2000 website, the Administrator of General Services shall consult with—

(A) the Director of the Office of Management and Budget;

(B) the Administrator of the Small Business Administration;

(C) the Consumer Product Safety Commission;

(D) officials of State and local governments;

(E) the Director of the National Institute of Standards and Technology;

(F) representatives of consumer and industry groups; and

(G) representatives of other entities, as determined appropriate.

(b) REPORT.—The Administrator of General Services shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives not later than 60 days after the date of enactment of this Act regarding planning to comply with the requirements of this section.

The title was amended so as to read: ''To encourage the disclosure and exchange of information about computer processing problems, solutions, test practices and test results, and related matters in connection with the transition to the year 2000.''

MEASURE READ THE FIRST TIME—H.R. 4579

Mr. ROBERTS. Mr. President, I understand that H.R. 4579 has arrived from the House and is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4579) to provide tax relief for individuals, families, and farming and other small businesses, to provide tax incentives for education, to extend certain expiring provisions, to amend the Social Security Act to establish the Protect Social Security Account into which the Secretary of the Treasury shall deposit budget surpluses until a reform measure is enacted to ensure the long-term solvency of the OASDI trust funds, and for other purposes.

Mr. ROBERTS. I now ask 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.

CONVICTED PERSONS BENEFITS CORRECTION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 534, H.R. 3096.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3096) to correct a provision relating to termination of benefits for convicted persons.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. ROBERTS. Mr. President, I ask unanimous consent that the bill be considered read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 3096) was considered read the third time, and passed.

ORDERS FOR TUESDAY, SEPTEMBER 29, 1998

Mr. ROBERTS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Tuesday, September 30. I further ask that when the Senate reconvenes on Tuesday, immediately following the prayer, the Journal of the proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired, and the time for the two leaders be reserved.

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

Mr. ROBERTS. Mr. President, I further ask consent that the Senate stand in recess from 12:30 to 2:15 p.m. to allow the weekly party caucuses to meet.

PROGRAM

Mr. ROBERTS. Mr. President, for the information of all Senators, when the Senate reconvenes on Tuesday at 10 a.m., there will be a period of debate until approximately 10:40 a.m. in relation to the Higher Education and Department of Defense conference reports. At the conclusion of that debate time, the Senate will proceed to three stacked votes, the first on adoption of the Higher Education conference report, followed by a vote on adoption of the Defense Appropriations conference report, followed by a cloture vote on the motion to proceed to the Internet tax bill. Following those votes, the Senate will begin a period of morning business until 12:30 p.m. and then recess until 2:15 p.m. to allow the weekly party caucuses to meet. After the caucus meetings, the Senate will resume morning business until 3:15 p.m., at which time the Senate could consider any legislative or executive items cleared for action. The leader would like to remind all Members that there will be no votes on Tuesday afternoon and all day Wednesday in observance of the Jewish holiday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERTS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Tuesday, September 29, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 28, 1998:

THE JUDICIARY

ALEX R. MUNSON, OF THE NORTHERN MARIANA ISLANDS, TO BE JUDGE FOR THE DISTRICT COURT FOR THE NORTHERN MARIANA ISLANDS FOR A TERM OF TEN YEARS. (REAPPOINTMENT)

EDWARD J. DAMICH, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR TERM OF FIFTEEN YEARS, VICE JAMES F. MEROW, TERM EXPIRED.

NANCY B. FIRESTONE, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE MOODY R. TIDWELL III, TERM EXPIRED.

EMILY CLARK HEWITT, OF MASSACHUSETTS, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE ROBERT J. YOCK, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 28, 1998:

DEPARTMENT OF STATE

STEVEN ROBERT MANN, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKMENISTAN.

ELIZABETH DAVENPORT MCKUNE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

MELISSA FOELSCH WELLS, OF CONNECTICUT, 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 REPUBLIC OF ESTONIA.

RICHARD E. HECKLINGER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THAILAND.

THEODORE H. KATTOUF, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED ARAB EMIRATES.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ROBERT M. WALKER, OF TENNESSEE, TO BE DEPUTY DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

CARL J. BARBIER, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.

GERALD BRUCE LEE, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.

PATRICIA A. SEITZ, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

WILLIAM B. TRAXLER, JR., OF SOUTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

EXTENSIONS OF REMARKS

END-USE MONITORING AND HUMAN RIGHTS IN COLOMBIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. HAMILTON. Mr. Speaker, I call my colleagues' attention to the attached letters regarding human rights in Colombia. As is detailed in the letters, the Administration and U.S. Southern Command maintain strict end-use monitoring of U.S. provided security assistance and have taken some preliminary steps to develop an intrusive vetting procedure for participants in U.S.-provided military training. There is a long way to go before we can be sure that all U.S. assistance and U.S. training are used properly and for their stated purpose. In the meantime, however, the Administration and U.S. Southern Command are taking a series of positive steps.

DEPARTMENT OF DEFENSE, UNITED STATES SOUTHERN COMMAND, OFFICE OF THE COMMANDER IN CHIEF,
Miami, FL, August 24, 1998.

Hon. LEE H. HAMILTON,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN HAMILTON: Again, I want to express my appreciation for your continued interest in our region. In response to your 5 August 1998 letter, I will explain our individual selection and vetting procedure for U.S. sponsored training, comment on collective vetting procedures and provide my observation of the Colombian military's progress regarding human rights.

The five-step individual vetting procedure is intended to be helpful in scrutinizing nominees for human rights abuses, drug trafficking, corruption, criminal activities, and other behavior inconsistent with U.S. foreign policy goals. if an individual's reputable character cannot be validated they will not be selected for training regardless of the training location.

Step one begins when the U.S. Military Group/security assistance office announces course availability and requests the host government to submit nominees. Per established agreement, by submitting specific nominees, the host government verifies they have conducted an internal background investigation concluding the nominees are of reputable character. This completes step two. During step three, relevant U.S. Embassy agencies conduct respective background checks of the nominees. Fourth, the Military Group interviews each nominee for suitability and as a fifth step generates an invitational travel order for the approved nominee. Records are maintained for a minimum of 10 years.

As you know, we offer collective training and assistance for counternarcotics purposes to individuals and units in the Colombian security forces. However, the current unit vetting procedures and legal requirements for each type of collective training (to include Joint Combined Exchange Training) require further clarification and development. We are working diligently with the Military Group, the State Department and the Colombian Military to make the unit vetting procedures as standardized and specific as those already in existence for individuals. We believe it is vitally important to continue to train the Colombian military within the letter and spirit of applicable law to ensure that respect for individual human rights is a fundamental consideration of every soldier in uniform.

I am encouraged by the trends of Colombian military leaders regarding human rights. As General Tapias and his command assume their leadership roles, I confidently predict continued progress. As you know, five years ago the Colombian security forces were charged with over 60 percent of the human rights violations—today that figure is closer to seven percent. Some 150 human rights offices now provide effective training at all levels and commanders are involved. The Pastrana administration's early change in military leadership will potentially reinforce this favorable trend and provide us an opportunity to engage new leaders receptive to institutional reform.

Colombian military leaders recently requested assistance in refining a military justice system that comports fully with domestic and international law. We will soon dispatch a team of legal and human rights experts to discuss strategies for improving a Colombian military legal corps whose members will advise field commanders regarding compliance with law, emphasize individual human rights, expedite the fair administration of justice and help determine appropriate penalties for violators. Shifts in attitude precede policy changes. Our engagement of the Colombian military is changing their attitude and consequently their policies toward human rights.

Once again, I embrace your support as we continue to foster greater security in Colombia and further hemispheric stability.

Very Respectfully,
C.E. WILHELM,
General, U.S. Marine Corps, Commander in Chief, U.S. Southern Command.

COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,
Washington, DC, August 5, 1998.

General C.E. Wilhelm,
Commander in Chief, United States Southern Command, Miami, FL.

DEAR GENERAL WILHELM: I write in reply to your letter of July 15, 1998. Like your testimony before our Committee earlier this spring, your letter was responsive, straightforward and very helpful. I appreciated receiving it.

I would like to ask you to elaborate on the last paragraph of your July 15th letter. You wrote that U.S. SOUTHCOM has developed procedures to select and vet individuals in Columbia's security forces who receive U.S. training, that you provide collective training for units involved in counter-narcotics activities, and that you coordinate training with the Department of Defense and with the Department of State.

As you know, training programs in Columbia have come under considerable scrutiny. Recent reports on training programs do not mention the elaborate selection, vetting and coordination procedures to which you referred in your letter. I hope, therefore, that you will explain these procedures in greater detail:

1. What exactly are the procedures you have established to select individual students from the Colombian security forces for participation in U.S. training exercises? Do you vet such individuals for human rights abuse? What are the vetting procedures?

2. When you provide collective training to Colombian units, do you vet each individual member of that unit for records of gross violations of human rights?

3. Do these established procedures for selecting and vetting participants in training operations apply to missions in Columbia undertaken by the US Special Forces Command? Do the procedures apply also to Joint Combined Exchange Training (JCET)?

Lastly, I would also appreciate hearing your assessment of the respect for human rights among the Colombian security forces. Are you concerned, for example, about reports of ties between the Colombian Army and the irregular paramilitary forces that have committed human rights atrocities over the last several months? Do you have reason to believe that the Colombian military tolerates association between its soldiers and paramilitary units?

Thank you in advance for the consideration of this letter. I look forward to your response, which I intend to share with my colleagues in the Congressional Record.

With best wishes,
Sincerely,
LEE H. HAMILTON,
Ranking Democratic Member.

DEPARTMENT OF DEFENSE, UNITED STATES SOUTHERN COMMAND, OFFICE OF THE COMMANDER IN CHIEF,
Miami, FL, July 15, 1998.

Hon. LEE H. HAMILTON,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN HAMILTON: During a recent meeting at the National Security Council, I was pleased to learn of your interest in Colombia and the implementation of the August 1997 end-use monitoring agreement. I agree that violence in Colombia is escalating and that we bear a responsibility to assist the Colombian government consistent with both the letter and spirit of our own laws. The United States Southern Command is living up to that responsibility.

We are convinced, just as you are, that our counternarcotics goals and objectives cannot be realized in Colombia unless the military actively supports the National Police and Justice officials. With support from their administration, the Colombian military must develop a strategic plan that will rebuild their security forces, eliminate para-military violence, support the peace initiatives of the new administration, promote economic development and engrain a genuine respect for human rights. Respect for human rights will occur with institutional change, commander involvement, military legal reform and non-government agency cooperation.

The August 1997 end-use monitoring agreement stipulates geographical restrictions on U.S. assistance to areas ''characterized by the highest concentration of counternarcotics activity.'' An addendum to that agreement allows for redesignation of the areas over time; experience has taught us these criminals will take the path of least resistance. The intent of my comment to the

New York Times was to suggest that there are no safe havens—because narcotraffickers operate outside a designated area does not guarantee them impunity.

Finally, our training activities in Colombia are vetted. We have established procedures to select individual students, provide collective training for units and focus counternaroctic assistance where it is most needed. We coordinate training and assistance within the Department of Defense, with the Department of State for sensitive training and always with the approval of the Ambassador. I assure you that we comply with both the letter and spirit of the end-use monitoring agreement as we strive to train a professional Colombian military supportive of our counternarcotics goals and sensitive to human rights.

Very Respectfully,

C.E. WILHELM,
General, U.S. Marine Corps, Commander in Chief, U.S. Southern Command.

COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,
Washington, DC, June 11, 1998.

Hon. SAMUEL BERGER,
National Security Adviser, The White House, Washington, DC.

DEAR SANDY: I write to you in regards to U.S. policy toward Colombia, and to seek your assurance about implementation of the end-use monitoring agreement that the U.S. reached with the Colombian Army in August 1997.

Violence in Colombia is escalating. There are some 25,000 murders each year in that country, a great many of them politically motivated. While many of those murders are perpetrated by irregular paramilitary organizations, it is increasingly clear that these paramilitary organizations maintain ties with at least some parts of the Colombian Army.

I commend the strong steps the Administration has taken in defense of human rights in Colombia, particularly given this growing alliance between the military and irregular paramilitary organizations. You were right, for example, to suspend the visa of the Inspector General of the Colombian military, an individual with ties to the paramilitary organizations. I am especially supportive of the agreement the Administration reached in August 1997 with the Colombian Army on end-use monitoring of U.S.-provided assistance. The agreement calls for units that use U.S.-provided assistance to be vetted for human rights abuse. It also goes a step further and restricts the area within which U.S. assistance can be utilized to the region of the country where drug cultivation and production takes place. These are two important conditions that help ensure that U.S. assistance is used properly and for its stated purpose.

I am, however, concerned about recent statements in the press from high ranking U.S. personnel regarding these important end-use monitoring requirements. In a recent New York Times article, for example, the Commander in Chief of U.S. Southern Command was quoted as saying, ''In terms of geograph, the use of resources, I'm personally not aware of any restrictions.'' I hope that this quotation is only a misunderstanding, and I look forward to your assurance that U.S. policy on end-use is being fully implemented.

Thank you in advance for your consideration of my letter. I look forward to hearing from you.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

CONGRATULATIONS TO OUTSTANDING ST. PAUL FAMILY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. VENTO. Mr. Speaker, I would like to submit for the record the following article from the Sunday, August 23, 1998 edition of the St. Paul Pioneer Press in recognition of the Crutchfield family of St. Paul, for their outstanding and tireless efforts in community service. My congratulations to the Crutchfields and their many admirable achievements.

This recognition is well deserved and is a small reward for the service that Dr. Charles Crutchfield and his wonderful wife, Pat Crutchfield, have performed. They have remained in a community of modest means, while actively involved in their church, educational and social life, attempting to help give back to their community their love and labor to make St. Paul a better place to extend hope and the opportunity to grow to succeed to make a difference. Through their example and sacrifice, they have walked the walk. The Crutchfields' reward has been the great success of their children and the extended family and community they have embraced and their payment our love, affection and heartfelt thanks.

Thanks to the Crutchfields of St. Paul. They make us proud—very proud.

[From the St. Paul Pioneer Press, Aug. 23, 1998]

AN OUTSTANDING FAMILY

(By Pat Burson)

In St. Paul, the Crutchfield name is synonymous with family, education, community and success.

Those attributes made the family of Dr. Charles E. Crutchfield, a nationally recognized obstetrician and gynecologist, and his wife of 22 years, Pat, a tireless community fund-raiser and volunteer, a natural choice to receive the 1998 Family of the Year award from the St. Paul Urban League, said president Willie Mae Wilson.

''It's an outstanding family,'' she said.

Pat Crutchfield said she was shocked and humbled to learn that her family had been selected.

''I was embarrassed,'' she added. ''I never look at what we do, getting recognized for it. You just do it. I just feel like I'm doing what I'm supposed to do. Not anything special.''

They're just being modest, said neighbor Dick Mangram, who has known the Crutchfields for about 30 years.

Mangram, executive director of Hallie Q. Brown/Martin Luther King Community Center, also served on the St. Paul Urban League's board with Pat Crutchfield from 1982 to 1987.

''They're not the kind of people that will go around and toot their own horn,'' he said. ''They're just good people. What you see is what you get. They're really proud to be right here in the city.''

Charles Crutchfield was the first private black obstetrician/gynecologist in Minnesota. He entered private practice with his mentor, Dr. Joseph Goldsmith, in 1969. In addition to having a main office in the Fort Road Medical Center on West Seventh Street near downtown St. Paul, he and his partner, Dr. Rainer Rocheleau, also have offices in Apple Valley, Inver Grove Heights and White Bear Lake. Crutchfield has performed more than 3,000 operations and delivered almost 6,000 babies.

One of those deliveries earned him national media attention in December 1982, after he walked three miles in a blizzard to deliver a baby by emergency Caesarean section.

Crutchfield was honored in January by the Washington-based National Medical Association for his numerous contributions to the organization. He also has served as president of the Minnesota Association of Black Physicians.

In addition to the other medical and community organizations he is involved with, Crutchfield also is a physician and safety official for amateur boxing in Minnesota. He's an avid softball player and has even had his own team that his wife calls the ''Crutchbangers.''

A Chicago native, Pat Wilson Crutchfield moved with her family to the Twin Cities at age 4. Community service is part of the wellknown family's legacy. Her youngest brother, Steve Wilson, is president of Rondo Ave. Inc., which puts on the annual Rondo Days Parade. She had a Catholic education, attending St. Peter Claver Elementary School, Archbishop Murray High School and the College of St. Catherine.

Through United Hospital's ''First Steps'' program, Pat Crutchfield has helped many teen mothers cope with the challenges and the uncertainties they face. She wrote a popular weekly social column, ''Pat's Tidbits,'' for the St. Paul Recorder and the Minneapolis Spokesman from 1990 to 1996. The column chronicled the births, deaths, reunions, club events, parties and other activities of Twin Cities African-Americans.

The couple met in June 1974 at Model Cities Health Center, a community clinic at 430 N. Dale St., where both were volunteers. She was 29 and single, a business services instructor and communications specialist at Northwestern Bell Telephone Co., now US West. He was six years her senior, separated and the father of three young sons. They were married Jan. 30, 1976.

On their honeymoon, the couple sketched a design of their dream home. The result is the three-story house on Aurora Avenue in St. Paul's Summit-University neighborhood, where they still live.

Their longevity in the area endears them to many who know them, including Steve Wilson.

''A lot of doctors, when they make it, the first thing they do is move to the suburbs,'' he said. ''People ask (Crutchfield), 'Why do you stay?' And his answer has always been, 'Why would I leave?' ''

The front yard is decorated with Pat Crutchfield's flower beds of canna lilies, peonies, pansies, roses and day lilies. Out back is Charles Crutchfield's pride and joy: his vegetable garden, with its assortment of greens, from collard to ruffled kale. He also has an orchard of apple, cherry, plum, pear and peach trees, wild strawberries and vines bearing seedless grapes

Things haven't always been rosy. In 1983, a jury found Charles Crutchfield was not at fault for the cerebral palsy of a child he delivered. The girls' parents had brought a civil lawsuit against Crutchfield for malpractice.

In 1984, Crutchfield was accused of rape in a civil lawsuit brought by Renee Reed, a woman he treated at a free clinic years before. She was seeking monetary damages for a 1982 sexual encounter the doctor said was consensual, part of a three-year affair. He, in turn, sued Reed's father and her spiritual adviser, claiming the men were attempting to extort money from him with the rape allegation. Reed was awarded $21,500 by the judge in the case. Her father won $5,000 when the extortion claim was denied.

Charles Crutchfield said his attorney told him the only reason he had to pay anything

was because the judge felt he should at least cover part of the court costs and because he had admitted having the affair.

''This was strictly civil and had no criminal implications,'' Crutchfield added. ''I was hurt, but my wife and I moved on with our lives, our family and our service to the community.''

Added Pat Crutchfield: ''It was one of our storms that we weathered, and it did bring us closer. It strengthened our marriage, our relationship.''

Now they are facing a serious challenge involving the health of the family matriarch. Pat Crutchfield was diagnosed in 1992 with scleroderma, a fairly rare disease affecting the blood vessels and connective tissue. She has changed her hairstyle and wears long-sleeved blouses to cover areas where her skin has become hardened, a symptom of the disease.

The condition dramatically altered her role as family caretaker.

''I've never had a health problem. I've always been the doer for my family,'' she explained. ''The biggest thing is that my family has had to care for me.

''They've had to take more responsibility, which has probably been good. It has changed us around as far as commitments that we make. We've had a couple of trips that we've had to cancel, or I've just stayed home. I just wasn't able.

''It beats me down,'' she conceded, though she refuses to allow it overtake her. ''I stay down for a while, and then I jump up and keep stepping.''

The Crutchfields say her illness has forced family members to rethink and reorder some of their priorities.

''The disease has made us appreciate what is important and what is not important,'' Charles Crutchfield said. ''And all I do is support her and tell her she's the best.''

And its effect on the family?

''It disrupted the family,'' he conceded. ''It cracked it. It didn't break it.''

Those who know Pat Crutchfield say the disease has left its mark on her body but cannot quench her spirit. One of them is childhood friend Dee Dee Ray. The women have known one another since grade school.

''Pat has such faith, and she always looks on the bright side,'' Ray said, ''She's a very religious person. I've seen her make many, many novenas.... She doesn't give up hope. She just keeps going.''

Even with their busy schedules and numerous commitments, the Crutchfields still have time for each other, whether it's visiting, talking on the phone or during harvesting, canning, preserving and freezing the home-grown bounty from their vegetable gardens and orchards.

Sunday dinners, birthdays and holidays are special times in their home, as is fight night, when about 40 to 50 of their closest friends come over to watch boxing and eat Charles Crutchfield's famous chili.

He learned about growing food while growing up in Jasper, Ala., a small, segregated coal-mining town. His father was a barber whose business was the oldest owned by an African-American in that town. Wanting their son to have a chance to fulfill his dream of becoming a doctor, his parents sent him to live with an aunt in Minneapolis in 1955. He is a graduate of North High School and the University of Minnesota School of Medicine.

The Crutchfields have instilled their value of education in their children. Since their children were small, they have always told them to ''work hard, get good grades and always do your best.''

It appears to have sunk in. Crutchfield's three sons with former wife, Dr. Susan Crutchfield-Mitsch, a family physician, are all in either the legal or medical profession. Charles III, 37, is a dermatologist, Carleton, 33 is an attorney and Chris, 28, also is an attorney and a staff assistant to state Rep. Andy Dawkins of St. Paul. Charles and Pat Crutchfields' daughter Raushana, 21, is a junior and psychology major at Virginia Union University in Richmond, Va., and son Rashad, 18, will be a senior at Concordia Academy in Roseville.

Rashad said he knows he's part of a very special family.

When asked if he'll be the next Crutchfield doctor or lawyer, he smiled. No, he said. Right now, he's leaning toward attending a college that specializes in film, theater arts or graphic design.

''I'm not that much for blood and guts, except in slasher films,'' he said.

'''Crutchfield.' I do see power in that name,'' he said proudly. ''We're an African-American family that's just trying to find a way through life, trying to succeed.''

TAX DEDUCTIONS FOR HEALTH INSURANCE DON'T HELP THE UNINSURED—WE NEED TAX CREDITS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. STARK. Mr. Speaker, in the $80 billion tax bill the House voted last week, the Republicans proposed to provide immediate, 100% deductibility for the self-employed (but not their workers!) to purchase health insurance. The issue is now before the Senate.

Democrats have proposed this type of tax relief before, but have tried to ensure it includes both the boss and the worker. It would be a little step toward helping people meet the costs of health insurance—but it would do almost zilch to reduce the number of America's 43 million uninsured.

Most uninsured either don't file tax returns, are in the zero tax bracket or, at most, the 15% bracket. We should admit that deductions will do little or nothing to make affordable individual health insurance policies bought at retail.

Today, the law allows a 45% deduction—scheduled to increase to 100% by 2007—for the self-employed (but not their workers) who buy health insurance. An immediate deduction for the purchase of insurance will help folks in the 36% and 39.6% bracket and make insurance more affordable for them—but these are taxpayers with incomes above $121,300 ($147,700 if a family) who almost certainly already have health insurance.

In June, the U.S. General Accounting Office issued a report showing how useless tax deductions are for helping the overwhelming number of uninsured.

First, the GAO pointed out that a tax deduction is good only if you itemize your deductions. But in 1995, only 29% of all tax filers itemized. Lower income people, of course, are less likely to itemize. Only 5% of those with adjusted gross incomes of less than $20,000 itemized that year.

Second, deductions are useful only if you pay taxes. Yet of the uninsured, about 13 million—more than the population of Virginia, Maryland and Delaware combined—were in the zero tax bracket and six million others didn't even have to file a return. A deduction is totally meaningless for them.

Third, deductions don't do much for the lower income—and it doesn't take a Sherlock Holmes to figure out that the lower income are the people who are uninsured. Twenty-plus million uninsured were in the 15% bracket and would be helped if they itemized—but not much. This tax bracket is for those individuals with taxable incomes of $24,000 or less, or if married and filing a joint return, $40,100 or less. As the GAO points out, ''The value to a single tax filer in the 15-percent bracket who had paid $2,100 in premiums for single coverage would have been about $315 while the value to an individual in the highest bracket could have been $832 for this same premium amount. For a $5,664 premium for a family of four, the value to a family in the 15-percent bracket could have been about $850 compared to $2,243 for a family in the highest tax bracket.''

Think of it: a family with taxable income below $40,100 is going to spend $4,832 out-of-pocket for health insurance, because they got a tax deduction of $850? I sincerely doubt it. The Congressional Joint Committee on Taxation has estimated that the benefits of a similar Senate bill would go 95% to the already insured; only 5% would go to benefit people previously uninsured.

Tax deductions will make little difference for those in need, but will provide additional savings for the already-insured upper income.

What we really need are tax credits—including refundable credits—that would be equal for all individuals and families to buy into reasonably priced, ''wholesale'' health insurance plans—plans that would be group health plans, such as Medicare or the Federal Employee Health plans.

Because credits would actually do something to help the 43 million uninsured, they will be expensive. We will need to talk about tobacco taxes and other revenue sources to pay for them. It will be tough. But if America want to really do something about the uninsured, let's be honest: Deductions won't do it. Credits will.

RECIPROCAL TRADE AGREEMENT AUTHORITIES ACT OF 1997

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 25, 1998

Mr. STOKES. Mr. Speaker, I rise in strong opposition to H.R. 2621, the Reciprocal Trade Agreement Authorities Act, more commonly known as ''Fast Track.'' The measure was pulled last year when it appeared that it would be defeated. Fast Track was a bad bill for hard-working families then, and it is a bad bill for them now.

The ''Fast Track'' debate is not simply a matter of whether we want to expand trade, more importantly, the question regarding free trade agreements is ''how we go about pursuing negotiations and effectively addressing the subsequent effects of these pacts.''

If the Congress delegates its negotiating authority to the President through Fast Track, this action would remove directly-elected Representatives from having any meaningful input

into the negotiations of an agreement. This action could potentially have a profound impact, and negative implications on the economic future of all Americans, and all countries involved. What we need is ''fair trade.''

Mr. Speaker, we were sent here to represent the people of our respective districts—and—to delegate our authority, accountability, and responsibility for trade agreements would be blatantly negligent. The cost of this degree of irresponsibility is too great for companies and hard-working families to bear. The long-term cost is too high, the burden is too great, and the provisions are too unfair. Our country has paid too high a price already for free trade—what we need is ''fair trade.''

I have remained concerned for some time about the nature of the international trade agreements that our Government negotiates. They have not been fair to, nor appropriate for the American people.

It is for these reasons that I, in fact, opposed both the North American Free Trade Agreement (NAFTA) and the General Agreement on Tariffs and Trade (GATT). The lack of attention to fundamental labor rights, and environmental protections is blatantly irresponsible.

We should be passing trade measures that effectively strengthen the U.S. economy, and well-being of the American people, not those that jeopardize it. There are serious economic, social, environmental and political consequences that must be addressed in any trade agreement. Individual workers' rights, decent standards of living, and environmentally safe working and living conditions are fundamental to any workable trade agreement.

Mr. Speaker, the continuing pattern of deemphasizing the importance of internationally recognized labor rights in free trade treaties is dooming American workers to constant, unending pressure—to lower wages and benefits—under the disguise of improving our Nation's economic competitiveness internationally.

Ignoring environmental protections in trade agreements further leads to a diminished standard of living for generations to come.

Mr. Speaker, ''Fast Track'' is not a right, and the American people must not be held hostage to this ''unfair trade agreement process.'' I strongly urge my colleagues to join me in voting no to ''Fast Track.'' Vote ''no'' to H.R. 2621.

PROTECT SOCIAL SECURITY ACCOUNT

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 25, 1998

Mr. KOLBE. Mr. Speaker, I rise in strong support of H.R. 4578, the Republican plan to preserve 90 percent of the budget surplus for Social Security reform.

In supporting this bill, Republicans demonstrate our commitment to the 44 million people currently receiving Social Security benefits and the 82 million beneficiaries who will retire and begin collecting Social Security three decades from now. This bill sets aside $1.4 trillion dollars for Social Security—funds that will be used to strengthen a system that keeps millions of seniors out of poverty. Students of history will note this is $1.4 trillion dollars more than the Democrats set aside during their 40-year control of this chamber.

In supporting this bill, Republicans demonstrate that we are pro-active problem-solvers. Although the Social Security Trust Fund currently is running a surplus, we know that changing demographics—including the retirement of baby boomers like me—will threaten the long-term viability of the program. By setting aside $1.4 trillion, we guarantee that Congress will have the resources needed to implement a reform plan and preserve Social Security in perpetuity.

As Chairman ARCHER said earlier today, Republicans are committed to preserving Social Security and giving middle Americans much needed tax relief. Despite what the Democrats believe, these two are not mutually exclusive activities. The health of today's economy and a balanced budget generated from the prudent fiscal policies of GOP leadership give us the opportunity to do both.

Mr. Speaker, I take exception with the rhetoric coming from the other side of the aisle on this topic. The Democrats accuse Republicans of raiding the Trust Fund, yet these same members sat in a Ways and Means Committee hearing last week and heard Judy Chesser, Deputy Commissioner of the Social Security Administration say that wouldn't happen with a tax cut. When Ms. Chesser was asked whether this bill would affect the OASDI Trust Fund, she replied simply and clearly, ''No.''

The smear campaign Democrats are waging against this bill is irresponsible and absolutely false. America is fed up with lying; to set the record straight: This bill ''steals'' nothing—it ''saves'' money for Social Security. This bill ''robs'' from no one, it ''gives'' $1.4 trillion to our senior citizens.

PERSONAL EXPLANATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. SAXTON. Mr. Speaker, due to the wedding of my son in Pennsylvania, I was unable to make rollcall votes 466, 467, 468, and 469. Had I been present I would have voted ''aye'' on rollcall vote 466, ''yea'' on rollcall vote 467, ''no'' on rollcall vote 468, and ''aye'' on rollcall vote 469.

TAXPAYER RELIEF ACT OF 1998

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 26, 1998

Mr. STOKES. Mr. Speaker, I rise in strong opposition to the Taxpayer Relief Act of 1998, H.R. 4579, and in support of the Democratic substitute—which contains all of the tax cuts included in H.R. 4579. The Democratic substitute is a sound and responsible alternative as the tax cuts take effect only after Congress has enacted legislation to ensure the long-term solvency of Social Security.

At first glance, H.R. 4579 appears to be okay. In fact, it includes provisions that: Increase the standard deduction for married couples; provide the self-employed with a deduction for health insurance costs; and allow families, which take the $500 per child tax credit and the Hope Scholarship Credit, to apply such Credits against the alternative minimum tax. Each of these tax provisions are borrowed ideas that were originally proposed and sponsored by Democratic Members of Congress.

Mr. Speaker, the fact of the matter is that the Republican leadership wants to spend money that it does not have, and that's just irresponsible. This tax bill waives the Budget Act, which requires that all tax cuts be offset and paid for in full.

H.R. 4579 takes $177 billion away from Social Security over the next then years, and diverts it to tax cuts. The projected surplus is based solely on the Social Security Trust Fund. In fact, if it was not for the Social Security Trust Fund, we would not even show a budget surplus. The budget surplus is comprised of investments that American workers have made in Social Security. These funds have already been committed to the trust fund.

This is the wrong pot of money to tap. It will be several more years before the non-Social Security portion of the budget is in surplus. By raiding the trust fund, H.R. 4579 places the long-term solvency of Social Security in danger. This measure depletes critical resources necessary to ensure that we can provide retirement benefits to future generations of Social Security recipients.

Mr. Speaker, we must save Social Security first. With the Nation enjoying a record budget surplus, we promised the American people—that if they would help us to control spending, and help us to balance the budget—and that if we could yield a budget surplus—we would use those funds to protect Social Security. To act otherwise, would be to renege on that critical promise.

While I have always supported responsible tax cuts that are paid for out of the budget, I reject fiscally irresponsible and short-sighted efforts such as this. The American people do not want us to jeopardize their Social Security benefits. We must preserve the surplus for Social Security, strengthen the system and ensure that all Americans will be able to enjoy the retirement income security that is provided by Social Security well into the next century.

It is for these reasons that I urge my colleagues to join me in opposing H.R. 4579 and in supporting the Democratic substitute.

A TRIBUTE TO THOMAS M. BARRY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. CLAY. Mr. Speaker, I rise today in tribute to an outstanding American and citizen from my home State of Missouri, Mr. Thomas M. Barry, on the occasion of his appointment as President of SBC International's Telkom South Africa operations.

Tom Barry represents the finest attributes of corporate service—his is a true American success story. For over 30 years he progressed

through a number of assignments in Southwestern Bell's Missouri division before his appointment as assistant vice-president for external affairs in 1985. The following year Tom was named vice-president for public affairs for the company's five-State operating area. In 1990, he became the president and CEO of Metromedia Paging Services, then an SBC Communications, Inc. subsidiary. He became senior vice president for strategic planning for SBC in 1991 and the following year Tom Barry was designated senior vice president for Federal relations.

In all of his business before Congress and with my office, I have known Tom to be highly qualified to address the complex issues emerging in the telecommunications field. When Congress debated the Telecommunications Act of 1996, Tom demonstrated a unique understanding of the importance of balancing competing concerns, from his company's interest in competitive equities in the telecommunications industry to the importance of preserving universal telephone service and the need for ''e-rate'' discounts and telecommunications services for schools and libraries and rural health care centers.

I was pleased to learn that Tom will now turn his talents to addressing the telecommunications needs of the people of South Africa. I have been informed that the telephone penetration level in South Africa is only 10 percent among historically disadvantaged households, a group that represents 87 percent of the population.

SBC's Telkom South Africa operations, in conjunction with their partners, have promised to implement an aggressive plan to modernize the existing communications network and expand telecommunications services throughout the country for the benefit of all citizens. Tom Barry's next mission is to bring telecommunications services to more than 20,000 priority customers—including hospitals, schools, and community centers—throughout South Africa.

I am happy to join Tom's many friends and colleagues in congratulating him on a job well done in Washington and wishing him every continued success in his new undertaking as President of SBC International's Telkom South Africa office.

IN HONOR OF THE 125TH ANNIVERSARY OF ST. STANISLAUS CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. KUCINICH. Mr. Speaker, I rise today in the midst of a year long celebration, to honor Saint Stanislaus Church on its 125th anniversary.

Located in Cleveland, Ohio's Historic Slavic Village, St. Stanislaus Church, a Victorian Gothic structure, originated to serve the Polish immigrants who worked in the steel mills in the 1870's. In 1877, under the leadership of Father F.A. Marshall, the rapidly growing community assumed the name of St. Stanislaus, a saint of the 11th century who was cherished by the Poles because of his valor to stand up to a corrupt king. in 1883, Father Anton Kolaszewski was initiated as the new pastor of St. Stanislaus church. As the congregation grew, so did the need for a larger church. In 1886 developments began and, six years later, a church that was built by the hands of its community was dedicated. Upon its completion, St. Stanislaus was considered the second-largest Gothic church in the United States.

Throughout the 1920's, 30's, and 40's the St. Stanislaus Parish, through the leadership of Fr. Protase Kuberek and Sir Sigismund Masalski, was known for its talented marching band and professional dramatic presentations in the Polish language. These social events provided by the church kept the city in harmony and the parish gratified of its heritage and religion. On September 19, 1969, a historic moment in St. Stanislaus chronicle occurred. The Archbishop of Krakow, Poland, Karol Cardinal Wojyla, presently Pope John Paul II, celebrated mass at the church in appreciation of the assistance the Polish Americans of Cleveland gave to Poland.

Today, under the leadership of Father William Gulas and through the dedication of its parishioners and help throughout the community, Saint Stanislaus Church is continuing to undergo a massive restoration and improvement project. The walls, columns and ceilings will be repainted to reveal original artwork and colors, scrolling and trimming. In addition, the floors, electrical systems, sound and heating systems and water-damaged plaster will all be repaired. Already hailed as the most extensive and complete restoration of any church in the United States, this 107 year old building will finally reveal its original beauty and elegance that once shined nearly 100 years ago.

My fellow colleagues, please join me in celebrating the 125th anniversary of Saint Stanislaus Church, a parish that has warmed the hearts it has touched and enhanced those who have witnessed its significance.

TRIBUTE TO NICK CANGIOLOSI

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to Nick Cangiolosi of Garfield, New Jersey, a man who embodies the American dream.

Having arrived in America a the age of fifteen from Palermo, Italy, Nick came to this country with nothing but hope in his heart and a determination to succeed. Like many Italian immigrants coming to America in the 20th century, Nick was a success story waiting to happen. With a remarkable work ethic, soon after his arrival in America, Nick gained the experience and resources to start a business with his brothers. To this day, the firm Nick began, Vinyl Building Products, enjoys a high degree of success.

Parallel with Nick's commercial success, he has established a track-record as model citizen. In the vibrant Italian-American community in New Jersey, Nick's history of volunteerism is legendary. He is also well-known throughout the entire state of New Jersey for his outstanding volunteerism and philanthropic efforts in support of a number of worthwhile causes and institutions. I know that among his many efforts, Nick is deeply involved as a member of the Board of Governors of the Hackensack University Medical Center, an outstanding hospital that serves the needs of thousands of New Jersey residents. Nick is also a distinguished member of the Steering Committee for Felician College in Lodi. New Jersey and a dedicated member of the St. Ciro Society.

Mr. Speaker, given all that Nick Cangiolosi has accomplished in his life, it comes as no surprise that he is to be honored on October 2, 1998, by the Bergen County Chapter of Boys' Towns of Italy. At this event, the Right Reverend Monsignor J. Patrick Carroll-Abbing, who is the founder of Boys' Town, will present Nick with his organization's prestigious Humanitarian Award. This honor rightly serve to recognizes NIck's selfless efforts on behalf of needy people throughout the world.

I would like to join Boys' Towns saluting Nick and the goodness and kindness he represents. The world is a better place because of the efforts of to Boy's Towns chapters around the world and the work of individuals like Nick Congiolosi. He is, simply put, an inspiration to the people of the Ninth Congressional District in New Jersey and to our Nation.

NUCLEAR THREATS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I recently received correspondence from Ms. Jennie B. Smith, of Ft. Collins, CO, in response to an article by Mr. Joseph C. Anselmo (''Defector Details Plan to Plant Nukes in U.S.'') in Aviation Week & Space Technology on August 17, 1998. The referenced article details testimony by a former Russian intelligence agent concerning plans by the Soviet military to smuggle portable nuclear devices into the U.S. for use in the event of an all-out nuclear war. I hereby submit Ms. Smith's comments for the RECORD.

While we at Citizens for a Strong America (CFSA) cannot further substantiate or dispute the claims made by the high ranking Russian defector who spoke before the House panel, we would urge Congress to not minimize the possible truth in his claims. We agree with his warning that Russia ''remains a serious threat to U.S. national security because of its proliferation of weapons for profit to nations such as Iran and Libya.'' However, we add that the breakup of the Soviet Union creates insecurity with their existing ICBMS in the hands of Russian states, unrest and near collapse of the Russian government, not to mention that Start II treaties are yet to be signed. Arms control has never deterred proliferation of weapons of mass destruction. Neither is it prudent on our part to ignore Alexander Lebed's own concerns of ''scores'' of unaccounted for Russian nuclear suitcases as merely an accounting system flaw, as Thomas Cochran suggests. While he reports that even the U.S. has had accounting problems with its own nuclear weapons, we would place more confidence in our accounting measures than Russia's. There are far too numerous accounts of the loose and dangerous lack of control within Russian military of their nuclear weapons and equipment. Clearly not an apple-to-apple comparison, and worrisome for the type of naiveté that keeps us undefended.

As a peaceful nation, we as Americans struggle with the possibility of the unthinkable, however, the threat of terrorism on our

soil is a ''clear and present danger''. The primary mission of CSFA has been the deployment of a ballistic missile defense program for the U.S. and its allies as soon as possible. We believe a nuclear explosion on a large scale would be far more devastating and is a real and credible threat. Common sense, however, dictates that the United States government must counter both threats, a ballistic missile attack and ''suitcase terrorism''. At the current level of nuclear, biological, and chemical weapon proliferation among countries not bound by a policy of deterrence, we cannot afford to wait on either.

We, therefore, urge Congress to implement a dual-prong strategy to address terrorist threats, whether from ICBMs or suitcase weapons from any source: Deploy ballistic missile defense as soon as technologically possible; Increase funding for the development of nuclear, biological, and chemical weapon detection systems (Wide Area Tracking System); Increase the security of our borders from smugglers of weapons of mass destruction who could use similar modes as drug smugglers, e.g. cars, speedboats, small planes and hidden runways; and, Increase the security in our cities to reduce the threat of terrorist incidences from occurring, whether in planes, trains, buses, cars, subways, ships, buildings, airports.

Unrelated to the article, however, of note, the Clinton Administration's plan for missile defense is based on a purposefully incomplete assessment of the threat of missile attack on American soil, and is a senseless policy of intentional vulnerability, while cutting funding for R & D and deployment to a subsistence level. While the Administration and the Chairman of the Joint Chiefs of Staff, Gen. Hugh Shelton rely on the Intelligence Community to provide the necessary warning of the development and deployment by a rogue state of an ICBM threat to the U.S., the Rumsfeld Commission pointed out in their recent report 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 were obviously underwarned about India and Pakistan's nuclear testing capabilities. (Inhofe News Release and Heritage Foundation Executive Memo 543 attached.)

Also of note, China produced 6 new CSS–4 ICBMs in the first 4 months of this year and will produce 2 more before relocating its production plant, increasing its nuclear arsenal by one-third, according to Pentagon intelligence officials. All were targeting the United States. The Rumsfeld Commission report stated: ''China also poses a threat to the United States ''as a significant proliferator of ballistic missiles, weapons of mass destruction and enabling technologies,'' citing extensive transfers to Iran, Pakistan and Saudi Arabia. The report also assesses that China is unlikely to reduce its transfers of technologies and experts to nations seeking missiles.

We support the Heritage Foundation's Missile Defense Study Team (Team B) solutions for Congress in acquiring missile defense: Ignore the ABM Treaty, ''legally it is dead''. (Heritage Foundation Executive Memo No. 543.) Establish a policy for deploying a national missile defense system as soon as technologically possible. (Unfortunately, Senate bill defeated 9/9/98 by one vote.) ''Upgrade the Navy's fleet of Aegis cruisers; cost $3 billion, deployable the fiscal year 2002.

Follow up with deployment of space-based interceptors and space-based lasers.'' Stop the delay; we do not have 10 years.

Mr. Speaker, these observations are representative of the growing concerns held by the many Americans paying attention to the topic of national security and terrorism.

Hearings held during the 105th Congress on the topics of ballistic missile defense and small-munitions terrorism have raised legitimate questions which must be resolved by this House. In pursuing such solutions, I commend Ms. Smith's comments to our colleagues. Thank you Mr. Speaker.

IN HONOR OF THE SEVENTY-FIFTH ANNIVERSARY OF THE TWENTY-NINTH STREET UNITED METHODIST CHURCH

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. GEKAS. Mr. Speaker, I would like to bring to the attention of my colleagues a church in my congressional district, the Twenty-Ninth Street United Methodist Church in Harrisburg, Pennsylvania. I am pleased to announce that this year the Twenty-Ninth Street Church celebrates the great achievement of its seventy-fifth anniversary.

The church was started as a Mission Church in 1924 by the Derry Street United Methodist Church. At its beginning, the Twenty-Ninth Street Church had sixty-nine members, one of whom remains an active participant today. Miss Elizabeth Ulrich attends services every Sunday as well as all of the church's social functions.

The year-long anniversary celebration began on February 15, 1998 with a talk by the Reverend G. Edgar Hertzler, the ninety-one year-old Pastor Emeritus of the church. Various activities including choral and social functions, combined worship services with Derry Street Church, and Hobby and Talent Night all build up to a message from Bishop Neil Irons who is slated to conclude the celebration on February 21, 1999. The Twenty-Ninth Street Church chose as its anniversary slogan, ''1924—A Mission Church. 1999—A Church with a Mission.'' This slogan demonstrates the church's progress and development in the seventy-five years since its founding. It is evident to me that the members of the church recognize their strong ties to the past but also look ahead with a great eye to the future to ensure ongoing prosperity.

Let the record reflect that I am proud of the great accomplishments of the Twenty-Ninth Street United Methodist Church on its seventy-fifth anniversary, and that I believe the members of the church should also be proud of themselves. I wish the Twenty-Ninth Street Church continued success and good fortune.

HONORING TONY GALDI

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Ms. VELÁZQUEZ. Mr. Speaker, I submitted the following for the RECORD. Thank you, Major General Sinn for your invitation. Today, more than 53 years after his heroic deed, we present the Bronze Star for valor, one of this Nation's highest military honors, to Mr. Tony Galdi.

Our community is proud of Tony, a dedicated family man whose religious faith has given him strength and courage throughout his life. He retired a number of years ago from his family's import business. His days are spent playing chess with friends and pursuing his love of art. Like many who grew up in Brooklyn, Tony still misses the Dodgers but he enjoys watching his new adopted team, the Mets. He is joined today by his wife Delores, their family and close friends. We welcome them all.

Tony's story spans decades and continents, but across these divides friendship and loyalty have endured and have brought us to this moment. In 1943, he was inducted into the Army, trained to be an armored gunner and stationed in Scotland. During the summer of 1944, Corporal Galdi was sent to mainland Europe as part of the thousands of troops who were involved in the Normandy invasion. He spent the summer fighting in the French campaign with General Patton's Third Army. By the year's end, he joined the Ninth Army and had crossed into Germany. It was in Germany that Tony bravely earned today's honor.

It has been said that the ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stand during times of challenge. On a cold January day in 1945, Corporal Galdi stood poised on the edge of such a challenge and summoned all his mettle and his courage.

Two of Tony's comrades, First Sergeant Jim Hill and Corporal Louis Cristini, went into a mine field to recover a rifle dropped by a soldier killed in action. Minutes after entering the area one of the men triggered a mine, causing a massive explosion. Through the mist and smoke, Corporal Galdi could see that, while both men were still alive, Sergeant Hill's leg had been shattered by the explosion.

On that day in January, Corporal Galdi was alone, from family and home. He had to be scared; his friends were injured and dying. But he vanquished his fear and forged on, not for glory but for a cause larger then himself—the lives of his friends.

In the midst of this bloody chaos, Corporal Galdi took charge and bravely entered the mine field. Taking his life into his own hands, he sprinted 75 yards across a snow covered field that made detection of the mines impossible. He knew that with each step could lie the same fate as Sergeant Hill's or worse—death.

Upon reaching his friends, it was clear that Sergeant Hill was in dire straights. With the assistance of Corporal Cristini, they carried him back to the jeep and rushed him to the nearest field hospital. Sadly, Sergeant Hill died.

Because of who he is, Mr. Galdi never thought to tell this story and no one else thought to report it leaving this heroic act unrewarded. It was not until 1980, after the encouragement of his daughter, that he came forward.

Account after account by the men who served with Corporal Galdi praised his bravey. Sharp Stafford, Staff Sergeant for the battalion, upon recalling Tony's act years later called his deed''an act of heroism.'' On that day in January, no one doubted that Corporal Galdi deserved one of this nation's highest recognitions. We may all wonder why this has

taken so long, but we do know why he is here today—because his friends never forgot what he did for one of their own.

On that mine field so many years ago, Tony Galdi performed a truly heroic deed and asked nothing in return. At long last, it is time to honor his unselfish act of bravery.

Mr. Galdi, on behalf of all Americans, we thank you for your service, for your courage, for your determination and for your loyalty to your fellow soldiers and country. We are all proud to call you an American. And I am proud to see you receive the Bronze Star for valor.

IN HONOR OF THIRD FEDERAL SAVINGS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. KUCINICH. Mr. Speaker, I would like to extend my best wishes to the Third Federal Savings in celebrating 60 years of service to the city of Cleveland and its surrounding area. Since 1938, Third Federal has provided its customers with the best rates, service and value available.

Because they wanted to help their neighbors save money and purchase homes, Ben S. Stefanski and his wife and partner, Gerome, envisioned an opportunity to charter a savings and loan institution designed to provide the community with safe and stable financing for anyone who wanted to own a home. Third Federal grew quickly in the postwar years, earning a solid reputation as a ''good investment'' that allowed for its expansion. In 1958, it took its first steps toward that goal by merging with Lincoln Heights Savings and then quickly added eight other offices and assets totaling $150 million.

Such phenomenal growth could not have happened without Third Federal's commitment to its key principals. This institution has thrived on the values of personal respect, responsibility and trust. Because of the bank's strong sense of history, tradition of hard work, and its pursuit of a clearly defined business goals, it continually provides outstanding financial services to its customers.

Today, Third Federal Savings issues more home mortgages than any other lending institution in Northeast Ohio and has acquired assets exceeding $5.6 billion. It is an organization that is built on personal service, stability and sound financial management. It is continuing to enjoy solid growth by controlling costs and constantly searching for ways to improve service.

My fellow colleagues, please join me in celebrating the 60th anniversary of this outstanding lending institution. Third Federal Savings has accomplished great success by following a simple vision: to help its neighbors to save money and purchase homes in Northeast Ohio. This vision has stood the test of time to guide Third Federal in its journey to present success now and will continue to do so in the future.

TO HONOR LOUIS FRANCO, SR. FOR 50 YEARS OF CONTINUOUS SERVICE TO THE LODI FIRE DEPARTMENT

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. ROTHMAN. Mr. Speaker, I rise today to honor a man, Mr. Louis Franco, Sr., who has dedicated 50 years of his life to the Lodi, New Jersey Fire Department. This gentleman has tirelessly given to his community in serving the residents of Lodi, New Jersey. Mr. Franco began volunteering with Hose Company #2 as a young man. Year after year, he continued to serve the community of Lodi as a fireman. Such nobility, such commitment, such dedication, should be recognized and applauded at the highest levels. On behalf of the residents of Lodi, I commend Louis Franco, Sr. for his exemplary work.

Louis Franco, Sr. was born in Lodi on September 9, 1926. At the age of 22, Louis joined the Lodi Volunteer Fire Department. He has held many honorable positions during his 50 years of service. With time, his leadership evolved and he was elected to the offices of Lieutenant and Captain of Hose Company #2. Louis became Fire Chief in 1967, and he twice held the office of President. For the past thirty years, Louis has also been President of the Lodi Fireman's Relief Association. Additionally, he has been a lifetime member of the following organizations: the New Jersey State Fireman's Association, the New Jersey State Exempt Fireman's Association, the South Bergen Fire Chief's Mutual Aid Association, along with the New Jersey and New York Fireman's Association. He also holds a membership in the New Jersey State Fire Chief's Association and the Passaic-Bergen Firemen's League.

Louis has been married for 45 years to his lovely wife, Marie. He is also the proud father of three children: Emilia Franco-Duffy of Fair Lawn, Frank Salvatore of Virginia, and Louis Charles, a Lodi Police Officer. Louis and Marie are both proud grandparents to three grandchildren. Today, I also commend Louis for being a beloved husband, father, and grandfather.

I am proud to honor Mr. Louis Franco for his dedicated service to our community. Louis is a model citizen and I feel privileged to share these words about his steadfast dedication for 50 years in the Lodi Fire Department.

1998 ANNUAL ACHIEVEMENT AWARD

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. BERMAN. Mr. Speaker, my colleagues, Mr. SHERMAN and Mr. WAXMAN rise today to pay tribute to our close friend, Georgia Mercer, who is receiving the 1998 Annual Achievement Award from Action Democrats. We can think of no one who consistently over the years has done more for her community than Georgia. She has been devoted to an extraordinary number of organizations and important causes. Her dedication and compassion serve as an inspiration to us all.

It would be impossible in this short space to list all of Georgia's accomplishments. She is one of those special people who make every day count. Her zest for life is contagious. She is filled with ideas, suggestions and plans for improving the world.

Georgia's career has taken her from teaching fourth grade in the Los Angeles Unified School District to serving as a member of the Board of Directors of Valley Presbyterian Hospital. However, there are two causes that have consumed the bulk of her attention: women's rights and the Jewish community.

She served for 16 years with Women For, a non-partisan organization supporting issues and candidates; was a founding member of the Board of Directors of the Women's Campaign Fund; and spent many years on the staff of Planned Parenthood. Her involvement with the Jewish community includes membership on several committees of the Jewish Federation Council of Los Angeles and Founding President of the Board of Trustees of the New Reform Congregation.

In the past few months, Georgia received a prestigious appointment to the Board of the Los Angeles Community Colleges. The Board could not have made a better choice. For more than three decades Georgia has demonstrated her unshakable commitment to quality public education. We have no doubt that she will be an exceptional Trustee.

We ask our colleagues to join us in saluting Georgia Mercer, who has built a remarkable career around the idea of helping others. We are proud and honored to be her friends.

IN RECOGNITION OF UNIQUE PUBLIC-PRIVATE COOPERATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. FRANK of Massachusetts. Mr. Speaker, I was privileged last December to join with Vice President Gore and the Massachusetts Senators in a unique celebration to recognize an outstanding public-private partnership between Targeted Marketing Solutions Incorporated (TMSI) of Newton Upper Falls, Massachusetts and the United States Postal Service. At this ceremony, TMSI and the Postal Service were presented with the National Performance Review's Hammer Award, which honors civil servants and private groups that have implemented innovative programs that improve government efficiency and save the government money.

As we finish our work this Congress and look ahead to the turn of the century, I wanted to share with my colleagues part of the story of this innovative relationship, which I think exemplifies extremely well the power and potential of public sector-private sector cooperation. Indeed, I am hopeful that this model will serve to inspire other agencies and private groups to explore innovative ways to increase consumer satisfaction, in an efficient manner.

In 1993, TMSI approached the Postal Service with a way to help the Postal Service further their goals of reducing costs, using sound business principles to increase efficiency, while increasing customer satisfaction. In order to facilitate the process by which millions of Americans fill out a change of address card

in order to get their mail forwarded when they move, TMSI proposed that they would print and distribute the Change of Address cards, making them more user-friendly, including moving tips and public service information. Moreover, their concept included the recruitment of move-related advertisers in order to reduce costs. The Mover's Guide was launched in 1994 nationally and is now saving the Postal Service millions of dollars in direct costs, as well as mail forwarding and increased postage costs each year.

This success was followed by the launch of the Welcome Kit in 1997, which is now sent to every mover at their new address to confirm change of address information, as well as public service information on motor vehicle registration, voter registration, federal moving related information, tips on settling in, and savings offers from move-related advertisers. Here again, this is all accomplished while saving taxpayers millions of dollars annually.

I was proud to take part last year in the celebration of this unique business relationship, including visiting TSMI's headquarters, and to witness the enthusiasm the people of TMSI and the Postal Service bring to their work in this area. I congratulate TMSI and the Postal Service on their innovation and determination. I hope, as I've said, that other individuals, companies, and agencies will be able to draw strength and inspiration from this success story. I look forward to learning of many similarly effective public-private alliances, which will no doubt be forged in the coming months and years ahead.

SALUTING HUNTERS AND ANGLERS ON THE 27TH ANNUAL NATIONAL HUNTING AND FISHING DAY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to join in celebrating the 27th anniversary of the National Hunting & Fishing (NHF) Day. NHF Day is a nationwide tradition that introduces millions of Americans to outdoor sports. The theme for this year, ''A Natural Invitation to Step Outside,'' was chosen to encourage all Americans to head outside and share the values and fun the outdoors offers. According to Chris Chaffin, NHF Day Director, ''It is more important now than ever to introduce newcomers to hunting, shooting, fishing and other activities because those who participate in these outdoor sports gain a lifetime of enjoyment, embrace an American tradition and share the values of stewardship and resource conservation for our future.''

President Nixon and Congress established NHF Day in 1971 to recognize generations of hunters and anglers for the time and money that they have contributed to wildlife conservation efforts. To date, this totals more than $20 billion and uncounted hours of work on habitat improvement projects.

In fact, data from the U.S. Fish and Wildlife Service show hunters and anglers contributed nearly $1 billion to wildlife conservation for 1997. These revenues, raised through license sales, support state wildlife agencies and their conservation projects. This money is not general tax revenue, yet it benefits every American by promoting both a healthy environment and healthy wildlife. Moreover, these figures do not include the hundreds of millions of dollars raised through excise taxes on hunting and fishing equipment and donations to conservation organizations.

Of course, to hunters and anglers, this is nothing new. Over 100 years ago, they were the earliest and most vocal supporters of conservation and scientific wildlife management. They were the first to recognize that rapid development and the unregulated use of wildlife were seriously threatening the future of many species.

Led by President Theodore Roosevelt, these early conservationists called for the passage of the first laws to outlaw market hunting and provide funds to state wildlife agencies through sales of hunting and fishing licenses and taxes on sporting equipment. Hunters and anglers today provide more than 75% of the funding for these agencies. During the past century, sportsmen and sportswomen have worked countless hours to protect and improve millions of acres of vital wildlife habitat on lands available for the use and enjoyment of everyone.

In particular, I would like to highlight and praise the role of Colorado's hunters and anglers in wildlife conservation. According to 1997 figures, Colorado's sportsmen and sportswomen purchased over 1.4 million hunting and fishing licenses which generated almost $60 million for the Colorado Division of Wildlife. Projects such as the Greenback trout recovery, Frying Pan River trout stocking, Beaver Creek cutthroat trout restoration, Native Aquatic Species Restoration Facility in San Luis Valley (a first in the nation), and $300,000 for wetlands conservation in San Luis Valley, are all beneficiaries of these revenues.

In Colorado, as in the rest of the country, hunters and anglers, through license fees and excise taxes, have been the biggest single force behind the restoration of habitat and wildlife conservation. I, for one, would like to salute those hunters and anglers on this 27th observance of the National Hunting and Fishing Day.

IN HONOR OF DANIEL PENSIERO, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mr. Daniel Pensiero, Jr., a native of Cleveland, Ohio. Mr. Pensiero had a distinguished career in the food and travel industries. He was dedicated to his loving family and was involved in many community activities.

Daniel Pensiero, Jr. passed away on August 15, 1998 in Sun Valley, Idaho. Mr. Pensiero and his wife, Mildred, lived in Las Vegas, having moved from Chagrin Falls. He was born in Cleveland, Ohio. When he graduated from Baldwin-Wallace College in 1951, he went to work with his father, Daniel Webster, Sr., a food broker who owned the Carl Weber, Co. Mr. Pensiero became president of the company in 1971. After he merged it with another firm, it became Smith, Weber, & Swinton in 1986. He served as a chairman for 3 years. He then bought several travel agencies and merged them into the company A Ticket to Ride, which he operated for 8 years. At the time of his death, Mr. Pensiero was a consultant for Stanislaus Foods, a manufacturer of tomato products.

Mr. Pensiero studied classical music as a child and enjoyed playing the piano. He cooked meals for his friends and family and loved to travel. He was a good friend to many. In addition, he was very active in fund raising for local charities.

Mr. Pensiero is survived by his wife, Mildred, children Debbie, David and his wife Cynthia, Daniel III, Jeffery, and his brother Donald A. Pensiero, M.D. Daniel Pensiero, Jr. lived an admired and honorable life. I would like to extend my deepest sympathy and condolences to his family and friends. He will be greatly missed by all who knew him.

IN RECOGNITION OF OPPORTUNITY, INC.

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. PORTER. Mr. Speaker, I am pleased to rise today to recognize Opportunity, Inc., an outstanding organization located in Highland Park, IL. This is truly a remarkable enterprise and a magnificent example of the initiative needed to help people move from welfare to work and a better life.

Opportunity, Inc. is a unique, not-for-profit contract manufacturer that employs 150 persons, most of whom have developmental, physical and/or emotional disabilities. Founded in 1976 by local construction executive John Cornell, who still serves as an Emeritus member of the Board of Directors, the company will hold its annual Handicapable Leadership Award Dinner in Chicago on October 6th. The keynote speaker will be Ken Bode, PBS Senior Correspondent, moderator of Washington Week in Review and Dean of the Northwestern University Medill School of Journalism.

The company's mission is twofold: (1) to provide a mainstream plant environment in which handicapable people can work and earn a paycheck as well as the dignity that comes from being employed productively on a full-time basis; and (2) to provide its private sector customers with the best possible quality, price and service.

As everyone understands, budget constraints compel us to look for ways to effectively address important needs without government subsidies, and Opportunity, Inc. is leading the way in this regard. A model of community response and innovation, the company demonstrates how competitive and productive handicapable employees can be. Opportunity, Inc. built and continues to operate the nation's only not-for-profit, certified class 100,000 ''clean rooms'' for medical and surgical packaging.

When I visited Opportunity, Inc., however, I learned that its business success, while impressive, pales in significance to the positive contributions it has made to its employees' lives. I experienced firsthand how proud, dedicated and competitive they are. As one man

said to me, ''Congressman, all we need is a fair chance to compete. That's what we get there at Opportunity and just look at the results!'' Clearly, Opportunity, Inc. is an organization that lives up to its name.

Mr. Speaker, I am proud to represent a congressional district that includes enterprises of this caliber. It is my pleasure to salute the employees, management and directors of Opportunity, Inc. on the occasion of their annual dinner, and to extend my personal congratulations to Raymond J. Geraci, Mayor of Highland Park, Illinois, who is the recipient of this year's Handicapable Leadership Award for 20 years of service.

THE 50TH ANNIVERSARY OF THE FRAMINGHAM HEART STUDY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. MARKEY. Mr. Speaker, I submit the following address.

Good afternoon, everyone. Thank you for inviting me to this historic celebration—the commemoration of a 50 year milestone in the advancement of public health in the United States. No other community in America has ever contributed as much to the health of all Americans as the town of Framingham—a veritable medical mecca. We are here today to honor you and the gift of life you have given to our country.

I am pleased to be among so many friends and so many experts in the fields of medicine and research. Framingham is blessed with the very best State House delegation in Massachusetts—State Senator Dave Magnani, and State Representatives John Stefanini and John Stasik. And what a great local government—represented today by Chairman of the Board of Selectmen Chris Petrini. Our Master of Ceremonies, Dr. Timothy Johnson, a modern day Marcus Welby—he's on ABC now, but he was dispensing his outstanding medical advice to all of us in Boston long before he made it really big—right here on Channel 5.

Jay Lander and the many other study participants and their families whom we congratulate and thank today.

The guardians of the Framingham Study—Doctors William Castelli, Aram Chobanian, and Daniel Levy. One of the federal government's top health experts, Dr. Claude Lenfant, Director of the National Heart, Lung, and Blood Institute at NIH.

And to this distinguished public health pantheon we welcome a world leader, America's Doctor, the Surgeon General of all of these United States, the Pied Piper of Prevention, Dr. David Satcher. There is no kinder, wiser, more conscientious or creative caregiver in the land, and we are grateful for, and honored by his presence and his willingness to devote his great talents to helping all of America's people lead healthier and more productive lives.

As I was preparing for today's event, it occurred to me that the willingness of the people of Framingham to volunteer for this monumentally important civic cause has proven to be as critical to the promotion of our nation's health as the Minutemen of Middlesex County were to the promotion of our democracy. It is extraordinary to think in 1948, in a town of only 28,000 people, nearly one out of five residents stepped forward to answer the call for participation in this long-term affair of the heart. They devoted their lives to a revolutionary undertaking, demonstrating the same deeply felt spirit of voluntarism as their forebearers who took up their flintlocks to beat back King George III.

When the history of Western Medicine is written, every one of those first 5,000 volunteers, and every one of the subsequent wave of 5,000 offspring and spouse volunteers, and every one of the more than five hundred Omni Study volunteers, will be listed in the history books under the heading of ''Public Health Patriots.'' Because for the past 50 years, you have opened your lives to save all of ours.

Make no mistake about it, the Framingham Heart Study has been revolutionary—changing the way our entire country thinks about medicine and revolutionizing our understanding of heart disease. Framingham has set the standard for the very best in medical research, bridging the gap between science and advocacy. It has made history as one of the first major health studies to include women who had long been neglected in the halls of public policy, in research studies, and in clinical practice. Fully 55 percent of the original cohort and 52 percent of the second generation ''Offspring Study'' were women. This fact is significant because heart disease was long believed to be only a man's disease—but thanks to Framingham we know that it is in fact the #1 killer of American women, that the symptiom presentation may be different in women than men, and that there are important steps that both women and men can take to protect themselves from the dangers of cardiovascular disease.

Research is medicine's ''field of dreams'' from which we harvest new findings about the causes, treatments, and prevention of disease. And we have harvested a great deal of knowledge about heart disease from our national investment in the Framingham Heart Study. In 1948, the United States Public Health Service wanted to know why the rates of heart disease were rising in America. Since then, the Study has been answering that question, and for the first time in history identified risk factors for heart disease. The federal government's total contribution to the Framingham Study has been just $43 million dollars—but that $43 million dollars has produced 50 years of data and over 1,000 scientific papers—the Holy Book for Healthy Hearts. I believe this is one of the best investments our government has ever made, because it has paid life-saving dividends: Since the time the study began, the death rate from heart disease has declined by 50 percent.

Perhaps the most long-lasting contribution of the Framingham Heart Study will be the way in which it turned the attention of medicine inexorably towards prevention as a strategy for reducing the ravages of disease and for improving the quality and quantity of our lives. Framingham has given us a public health model that extends well beyond the heart and challenges the mind as well. You see, we are finally waking up to the fact that only through lifestyle and behavioral changes will Americans achieve optimal health.

That is because at the turn of this century, in the year 1900, the average life expectancy in the United States was 48 years of age for women and 46 years for men. Americans died of infectious diseases, and for women, also from complications of childbirth. So, from the dawn of time to the year 1900, we had added just a few years to the lives of Americans. However, for a person born today, the average life expectancy is 79 years of age for women and 72 years for men. Over the last 98 years, through government sponsored public health interventions including better sanitation, immunization, and advances from our federal investment in medical research, we have added thirty bonus years to the lives of Americans.

Today, the major killers of people in the United States are chronic diseases—including heart disease, cancer, stroke, chronic lung disease and diabetes, for which over 50 percent of the cause are behavioral and lifestyle factors—smoking, poor diet, lack of physical activity, alcohol and illicit drug abuse, unsafe sexual practices, and not wearing a seatbelt.

As a result of the extraordinarily well-designed Framingham Heart Study, our nation learned about risk factors and adopted the prevention message that the Framingham Study put on the map. Healthy diet and exercise will help prevent heart disease, high blood pressure, diabetes, and some types of cancer. Conversely, cigarette smoking is the #1 preventable cause of death in America. It not only causes lung cancer and chronic lung disease, but it is a leading contributor to heart disease as well. Yet 1 in 4 Americans smokes, 1 in 3 high school seniors smoke, and one-third of them will die of their addiction. Furthermore, there is a growing epidemic of obesity and sedentary lifestyles in America.

But today we spend only one percent of a 1 trillion dollar health budget on prevention. I believe it is time to put prevention on the front burner of our nation's health care agenda where it belongs. Because more than any miracle drug we could discover, changing health-damaging behaviors and eliminating environmental health hazards could decrease premature death in America by one half, chronic disability by two-thirds, not to mention dramatically cut health care costs.

As we enter the 21st Century and adapt the Framingham Study to help us better understand all of the diseases that affect us today and into the future—diseases like Alzheimer's disease, diabetes, cancer, and the genetics of many other illnesses—the work of Framingham's Public Health Patriots will go on and on, and the rest of us will have even more reason to praise all of the volunteers gathered here this afternoon and the thousands of others who are with us in spirit.

In closing, I'd like to share an ancient proverb: ''He, let's also make that she—who has health has hope. And he who has hope has everything.'' That's what this landmark Framingham Heart Study and your important contributions are all about—providing hope for a healthier future for the citizens of Framingham, of Massachusetts and for all Americans.

I am proud to represent you, I salute you, and I thank you with all of my heart for opening your lives to science to save our lives and the lives of generations of Americans to come.

TRIBUTE TO COLONEL DENNIS K. OBERHELMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to Marine Corps Colonel Dennis K. Oberhelman, who is retiring from the military after 28 years of exceptional service to our nation.

From 1996 to 1998, Col. Oberhelman served as Commanding Officer, Marine Corps Support Activity, Kansas City, Missouri. During this period of time, his leadership, innovative concepts, and farsighted planning were manifested in the overall effectiveness of Support

Activity. He demonstrated outstanding skills in directing a quite diverse organization, from the command staff to the Marine Corps Regional Contracting Office, Family Services Center, and Housing Office. Col. Oberhelman ran a highly cohesive staff with a single focus on providing the best possible support to all Kansas City area military personnel as well as families living at Richards-Gebaur.

Col. Oberhelman has been at the forefront of every major military-related challenge in the Kansas City area. He helped to devise a five year plan for Richards-Gebaur, and worked toward bringing 300 additional Marines to the former Air Force facility. In addition, he worked toward the establishment of a TRICARE Prime Site there.

Col. Oberhelman has fostered good will within the Kansas City community, and he has developed a close working relationship with civic leaders and organizations. I am certain that Members of the House will join me in paying tribute to this outstanding American as he retires from active duty.

ADJUSTMENTS OF STATUS OF BANGLADESH NATIONALS, H.R. 4652

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. GILMAN. Mr. Speaker, it is with great pleasure that I rise to introduce H.R. 4652, a bill to provide for the adjustment of status of certain nationals of Bangladesh who have resided in the U.S. for over a decade. Despite attempts at promoting democracy and pluralism in Bangladesh, nearly half of that nation's population still lives below the poverty line. Per capita income is approximately $260 dollars per year making Bangladesh one of the poorest nations in the world.

The Monsoon's of 1998 have magnified Bangladesh's problems making it ever more difficult for the people of that nation to distribute the scarce resources available. With 830 people per square kilometer, Bangladesh is one of the world's most densely populated places. In 1992, nearly ⅔ of Bangladesh is one of the world's most densely populated places. In 1992, nearly ⅔ of Bangladeshi children suffered from severe malnutrition. The picture in Bangladesh remains exceedingly bleak.

The recent nuclear threats emanating from Bangladesh's larger neighbors have placed further burdens on a nation which has traveled so far in its quest for democracy yet remains precariously perched in a very dangerous neighborhood. Our colleagues should applaud Bangladesh for its efforts to reduce the problems associated with child labor over the last several years. We must, however, do more. We must do something vital and tangible to demonstrate our commitment to help a limited number of Bangladeshi people who have lived in this country for at least a decade, contributed to American society and in many cases, raised their American children.

The perils of living in poverty and climatic devastation in Bangladesh has forced some of these people to follow the same route of our own ancestors and seek refuge in the United States. Some of these people are suspended in a statute of permanent illegality, entangled in a labyrinth of changing, complex immigration laws. These people are not on our welfare roles and will not become wards of the state. They are good, hard working people with whom I have been proud to associate myself.

Mr. Speaker, let us do what is right, let us do what is just and let us do what is humane. Let us respect that role that immigrants have played in the cultural mosaic that is our United States. Accordingly, I invite my colleagues to join me in supporting this limited action to legalize those who truly are deserving of permanent residency in this great nation.

Mr. Speaker, I request that a copy of the bill be inserted into the RECORD following my remarks.

A bill to provide for adjustment of status for certain nationals of Bangladesh.

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

This Act may be cited as the ''Bangladeshi Adjustment Act''.

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS OF BANGLADESH.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before July 1, 2000; and

(B) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDER.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to deport voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General renders a final administrative decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The benefits provided by subsection (a) shall apply to any alien who is a national of Bangladesh and who has been physically present in the United States for a continuous period, beginning not earlier than the date the application for adjustment under such subsection is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

(2) PROOF OF COMMENCEMENT OF CONTINUOUS PRESENCE.—For purposes of establishing that the period of continuous physical presence referred to in paragraph (1) commenced not later than January 1, 1987, an alien—

(A) shall demonstrate that the alien, prior to January 1, 1987—

(i) performed service, or engaged in a trade or business, within the United States which is evidenced by records maintained by the Commissioner of Social Security; or

(ii) applied for any benefit under the Immigration and Nationality Act by means of an application establishing the alien's presence in the United States prior to January 1, 1987; or

(B) shall make such other demonstration of physical presence as the Attorney General may provide for by regulation.

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Attorney General shall provide by regulation for an alien subject to a final order of deportation or removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—The status of an alien shall be adjusted by the Attorney General to that of all alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Bangladesh;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that they have been physically present in the United States for a continuous period, beginning not later than January 1, 1987, and ending not earlier than the date the application for adjustment under this subsection is filed;

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed;

(D) the alien is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply; and

(E) applies for such adjustment before July 1, 2000.

(2) PROOF OF CONTINUOUS PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), and alien—

(A) shall demonstrate that such period commenced not later than January 1, 1987, in a manner consistent with submission (b)(2); and

(B) shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period in the aggregate not exceeding 180 days.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions continued in the Immigration and Nationality act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

WORKFORCE IMPROVEMENT AND PROTECTION ACT OF 1998

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1998

Mr. STOKES. Mr. Speaker, I rise in strong opposition to the ''Workforce Improvement and Protection Act of 1998,'' H.R. 3736, which is designed to increase the number of H–1B visas. This bill is especially detrimental to American workers in the computer programming, engineering and other skilled worker fields. This negative jobs bill takes critical jobs out of the hands of American workers and compromises the economic stability of American families.

High-tech companies complain they cannot find the numbers of technologically skilled employees that they need among the United States workforce. Yet, reports abound about widespread abuses where U.S. workers, in the information technology industry, have been laid off and replaced by nonimmigrant workers. These high-tech companies would rather bring in H–1B workers than invest in the American workforce.

While it is true that our Nation's workforce is experiencing critical skills gaps, the answer is not to take jobs out of the hands of our existing and future American work forces. Nor is it to ignore the fact that many of the 6.2 million—or 4.5 percent of the U.S. population—who remain unemployed need critical opportunities for job training and education. We cannot afford to abandon that segment of our population for short-sighted profit-making motives that put our Nation's long-term economic security at risk.

Mr. Speaker, we already know how this ends. Just consider what happened to our Nation's economy when we handed over our industrial-based jobs to the cheaper labor-force overseas. Many of our cities are still struggling to overcome the impact of that action.

While I am very concerned about ensuring that our Nation's high-tech industries have the most qualified workforce available in our labor market, I do not believe that simply raising the cap on H–1Bs will effectively address the long-term problem of the perceived labor shortage.

We must work together to increase U.S. enrollments in computer science and engineering programs. We must work together to ensure continuing education and training for U.S. workers as well as sustained efforts to prepare unskilled labor to compete in the technologically advanced workforce. And, we must work together to provide our Nation's current workforce with employment protections to ensure that they are not displaced by cheaper foreign workers. These are the components of a serious long-term strategy to address workforce shortages.

It is for these reasons that I urge my colleagues to join me in opposing H.R. 3736.

TRIBUTE TO THE HONORABLE VIC FAZIO

SPEECH OF

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1998

Mr. MATSUI. Mr. Speaker, I am pleased to rise before my colleagues today in support of this legislation that will help pay tribute to one of the most esteemed Members in this House. Contained in this legislation is a provision that will rename the Yolo Basin Wetlands in Yolo, CA in honor of Congressman VIC FAZIO.

Congressman FAZIO recognized the potential value of this area as a wetlands habitat long ago and has since played a significant role in turning what was once a dream into reality. The Wetlands represents the largest public/private restoration project in the West at more than 3,600 acres. The Yolo Basin Wetlands occupies a central location on the Pacific flyway and will benefit migratory and resident ducks, geese, swans, shorebirds, raptors and songbirds.

For more than a decade, VIC has worked tirelessly to guarantee the design and construction of the wetlands area. He has been involved every step of the way, making certain the project meets Army Corps of Engineers construction criteria and has remained the key figure in securing the federal funds needed for the Corps to build the project.

The gentleman from California is the first to recognize that the Yolo Basin Wetlands project truly is a cooperative venture—combining the efforts of local, State and Federal agencies as well as elected officials and private sector entities. In all, VIC FAZIO has become the centerpiece of more than 20 individual and agency partners involved in completing this effort.

Mr. Speaker, I would like to thank the conferees for their support of this provision and particularly appreciate the efforts of Chairman MCDADE to ensure that this language was included in the bill. As we say goodbye to one of the most beloved and well-respected Members of this governing body, I think it is important to remember the acts of dedication and generosity that define his career. I can think of no better way to recognize the more than 20 years of faithful public service my good friend from California has given to his community and his country than by renaming this beautiful wildlife area in his honor.

H. RES. 557 ON HOLOCAUST-ERA ASSETS AND THE FORTHCOMING WASHINGTON CONFERENCE ON HOLOCAUST ASSETS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. LANTOS. Mr. Speaker, I rise today to call the attention of my colleagues to House Resolution 557, which expresses support for U.S. government efforts to identify Holocaust-era assets and urging the restitution of individual and communal property. I introduced this resolution earlier today with my dear friend and our distinguished colleague, the Chairman of the International Relations Committee, Congressman BENJAMIN A. GILMAN.

Mr. Speaker, this resolution is a direct result of discussions which took place during a hearing of the International Relations Committee just during the first week of August. Stuart Eizenstat, our Undersecretary of State for Economic Affairs, testified before the Committee regarding the status of Holocaust restitution activities. During that hearing, he told our Committee that a resolution supporting the efforts of the Administration in its restitution activities and urging positive response from European governments would be helpful and positive action.

I want to call to the attention of our colleagues, Mr. Speaker, my profound respect and great admiration for the outstanding job that Mr. Eizenstat has done in dealing with issues related to Holocaust Restitution. Under his leadership, with the unswerving support of our exceptional Secretary of State, Madeleine Albright, the United States has set the example for other countries with the issue of Holocaust restitution.

In early December, Mr. Speaker, the United States will host the Washington Conference on Holocaust-era Assets, and this resolution emphasizes the importance of this conference in bringing about a resolution of matters related to restitution.

Mr. Speaker, a number of our distinguished colleagues are original cosponsors of this important resolution. In addition to the distinguished Chairman of the International Relations Committee, Mr. GILMAN of New York, the resolution has been cosponsored by the ranking Democratic member of the International Relations Committee, Mr. HAMILTON, and Mr. SMITH of New Jersey, Mrs. MALONEY of New York, Ms. WOOLSEY, Mr. FRANKS of New Jersey, Mr. ACKERMAN, Mr. BERMAN, Mr. BROWN of Ohio, Mr. BURTON, Mr. CHABOT, Mr. DEUTSCH, Mr. FALEOMAVAEGA, Mr. FOLEY, Mr. FOX, Mr. FROST, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. HORN, Mrs. LOWEY, Mr. MENENDEZ, Ms. ROS-LEHTINEN, Mr. SANDERS, Mr. SCHUMER, Mr. SHERMAN, Mr. SISISKY, Mr. WAXMAN, and Mr. WEXLER.

Mr. Speaker, I urge my colleagues to join us as cosponsors of this important resolution. I ask that the text of the resolution be included in the RECORD.

H. RES. 557

Expressing support of U.S. government efforts to identify Holocaust-era assets, urging

the restitution of individual and communal property, and for other purposes.

Whereas the Holocaust was one of the most tragic and complex horrors in this century, and survivors of that catastrophe are now reaching the end of their lives;

Whereas among the many atrocities committed by the Nazis was their systematic effort to confiscate property illegally and wrongfully from individuals, institutions, and communities solely because of religion or ethnicity;

Whereas the Nazi regime used foreign financial institutions to launder and hold property illegally confiscated from Holocaust victims, and some foreign financial institutions violated their fiduciary duty to their customers by converting to their own use financial assets belonging to Holocaust victims and denying heirs of these victims access to these assets through restrictive regulations and unreasonable interpretation of those regulations;

Whereas in the post-Communist period of transition many of the countries of Central and Eastern Europe have begun to enact legal procedures for the restitution of property confiscated or stolen from victims of the Holocaust to communities and to individual survivors of the Holocaust and their heirs;

Whereas, despite the enactment of legislation and the establishment of institutions to restore confiscated property in a number of countries, progress has been slow, difficult, and painful, and some countries have established restrictions which require those whose properties have been wrongfully plundered to reside in or be a current citizen of the country from which they now seek restitution or compensation;

Whereas the Tripartite Gold Commission has now concluded its activities, and under the leadership of the United States established an international Nazi Persecutees' Relief Fund, reached agreement with most of the countries which had gold on deposit with the Tripartite Gold Commission to donate their shares to this Persecutees' Fund, and the United States has pledged to contribute $25 million to this Fund;

Whereas two significant agreements have recently been reached, the first between Holocaust survivors and private Swiss banks and the second between Holocaust survivors and European insurance companies, which represent significant first steps in the international effort to provide belated justice to survivors and victims of the Holocaust and their heirs;

Whereas the Department of State and the United States Holocaust Memorial Museum will co-host the Washington Conference on Holocaust-Era Assets later this year in order to review current efforts, share research across national borders, renew efforts to open Nazi-era archives, and spur greater progress on the restitution of Holocaust-era assets; and

Whereas there is a growing international consensus and sense of urgency that, after a half century of indifference and inaction, justice must be obtained for victims and survivors of the Holocaust and their heirs; Now, therefore, be it

Resolved That the House of Representatives—

(1) recognizes the great responsibility which the United States has to Holocaust survivors and their families, many of whom are American citizens, to continue to treat the issue of Holocaust-era assets as a high priority and to encourage other governments to do the same;

(2) commends the agencies of the United States government for their untiring efforts and for the example they have set, including the publication of the May 1997 and June 1998 reports on U.S. and Allied Efforts to Recover or Restore Gold and Other Assets Stolen or Hidden by Germany in World War II and the efforts to return such assets to their rightful owners;

(3) commends those organizations which have played a critical role in the effort to assure compensation and/or restitution for survivors of the Holocaust, and in particular to the World Jewish Congress and the World Jewish Restitution Organization;

(4) welcomes the convening of the Washington Conference on Holocaust-Era Assets later this year by the United States Holocaust Memorial Museum and the Department of State and expresses the hope that this conference will contribute to the sharing of information and will spur greater progress on the restitution of Holocaust-era assets;

(5) commends those countries which have instituted procedures for the restitution of individual and communal property confiscated from Holocaust victims, and urges those governments which have not established such procedures to adopt fair and transparent legislation and regulations necessary for such restitution;

(6) calls upon countries in transition in Central and Eastern Europe to remove certain citizenship or residency prerequisites for individual survivors of the Holocaust seeking restitution of confiscated property;

(7) notes that former Communist countries which seek to become members of the North Atlantic Alliance and other international organizations must recognize that a part of the process of international integration involves the enactment of laws which safeguard and protect property rights that are similar to those in democratic countries which do not require artificial citizenship and residency requirements for restitution or compensation;

(8) commends those countries which have established significant commissions, such as the Presidential Advisory Commission on Holocaust Assets in the United States, to conduct research into matters relating to Holocaust-era assets, to assure that information developed by these commissions is publicly available, to complete their major historical research efforts, and to contribute to the major funds established to benefit needy Holocaust survivors no later than December 31, 1999;

(9) commends those countries and organizations which have opened their archives and made public records and documents relating to the Nazi era, and urges all countries and organizations, including the United Nations, the Holy See, the International Committee of the Red Cross and national Red Cross organizations, to assure that all materials relating to that era are fully accessible to the public;

(10) urges all countries to develop and include as a part of their educational curriculum material on the Holocaust, the history of the Second World War, the evils of discrimination and persecution of racial, ethnic or religious minorities, and the consequences of the failure to respect human rights;

(11) appreciates the efforts of the government of Germany for successfully concluding an agreement with the Conference on Material Claims Against Germany on matters concerning restitution for Holocaust survivors from Central and Eastern Europe who have not yet received restitution, and urges the government of Germany to continue to negotiate with the Claims Conference to expand the eligibility criteria to ensure that all needy Holocaust survivors receive restitution;

(12) urges all countries to continue aggressive investigation and prosecution of individuals who may have been involved in Nazi-era war crimes, such as the Government of Germany which should investigate Dr. Hans Joachim Sewering for war crimes of active euthanasia and crimes against humanity committed during World War II;

(13) urges countries, especially Israel, Russia, Poland, and other Central and East European nations, and organizations such as the International Committee of the Red Cross and Israel's Jewish Agency to coordinate efforts to help reunite family members separated during the Holocaust; and

(14) directs the Clerk of the House to transmit a copy of this resolution to the Secretary of State and requests that the Secretary transmit copies to all relevant parties.

RECIPROCAL TRADE AGREEMENT AUTHORITIES ACT OF 1997

SPEECH OF

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 25, 1998

Mr. EVANS. Mr. Speaker, I rise today in opposition to granting fast track trade negotiating authority. I oppose this legislation because of the adverse effects that the North American Free Trade Agreement (NAFTA), which was negotiated under ''fast track'' authority, has had upon working American families.

There is no question that NAFTA's track record has had an adverse effect on U.S. wages. This country has lost over a quarter of a million jobs. In my home state of Illinois, 23 companies have moved to Mexico as a result of NAFTA. Instead of the old, failed ''fast track'', we need a trade negotiating authority that gives the President the tools to negotiate trade agreements that reflect the wishes of most Americans—fair, responsible trade that protects the environment, working families and public health.

We have much to lose with this vote. U.S. taxpayers have invested billions to establish and maintain one of the safest food supplies in the world. Yet we undermine consumer protection by allowing food to be imported from countries where health and safety standards either do not exist or are not enforced. Under NAFTA, food imports from Mexico and Canada have dramatically overburdened the Food and Drug Administration's ability to adequately inspect food imports. More and more we hear of illnesses caused from foreign foods. We need to make international bodies and foreign governments with weaker standards accountable if we are to protect the health of all Americans. Granting fast track authority will only threaten the safety of our food supply.

As a representative from the Corn Belt, I understand our farmers are struggling through tough times with commodity prices that are the lowest they've been in years. However, trade negotiations take years. Our farmers need immediate relief. We should be looking at ways to put money in their pockets where they most need it and ways to help our trading partners get back on their economic feet. Fast track is not the cure-all to the farm crisis, it is, at the moment, a distraction.

Without labor, food safety, and environmental provisions in the fast track legislation, we have no guarantee that these issues will ever be addressed. I am not willing to risk the health and safety of my constituents on an authority that cannot safeguard their well-being.

Lets fix the problems we have with unfair trade negotiations, lets not add to them. I urge all my colleagues to vote no on fast track.

PERSONAL EXPLANATION

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. HUTCHINSON. Mr. Speaker, during Roll Call Vote #466, I was unavoidably detained while engaged in Congressional duties. Had I been present, I would have voted Aye.

UNIFIED STRATEGY NEEDED TO FIGHT TERRORISM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. SKELTON. Mr. Speaker, the August 7 bombings outside U.S. embassies in Nairobi, Kenya, and Dar-es-Salaam, Tanzania, were the latest crimes to be added to a growing list of terrorists attacks where Americans died brutally, without warning, and unnecessarily. These bombings join a list which includes the World Trade Center in New York City, Khobar Towers in Saudi Arabia, and the Federal Building in Oklahoma City.

Our Nation did respond to the killing of 12 Americans and nearly 300 Kenyans and Tanzanians. Based on evidence that further attacks were planned, United States armed forces struck terrorist-related facilities in Afghanistan and Sudan, targeting one of the most active terrorist bases in the world and a factory involved in the production of materials for chemical weapons. Two suspects have been arrested and others are being pursued. But in this tragedy's aftermath, the U.S. must also learn from the incidents and take steps to ensure that our citizens and installations are protected in the future.

Since June of 1997, I have released four reports prepared by the General Accounting Office (GAO) detailing U.S. efforts to combat terrorism. The first report, entitled, ''Combating Terrorism: Status of DOD Efforts to Protect its Forces Overseas,'' dealt with anti-terrorism. It concluded that uniform security standards were necessary to ensure the safety of Americans around the world.

In September of 1997, GAO released a second report entitled, ''Combating Terrorism: Federal Agencies' Efforts to Implement National Security Policy and Strategy.'' This report focused on counter terrorism—those offensive measures for deterring, resolving, and managing terrorist acts. It outlined specific roles and responsibilities of the 40 Federal departments, agencies, and bureaus involved in counter terrorism, as well as their respective capabilities.

''Combating Terrorism: Spending on Governmentwide Programs Requires Better Management and Coordination'' was released in December of 1997. This third GAO report focused on total government-wide spending levels to combat terrorism. While it revealed that a significant amount of resources—more than $7 billion a year—were committed annually to combat terrorism, there were some deficiencies, including the absence of regular government-wide priorities, and the lack of an assessment process to coordinate and focus government efforts. Moreover, the report found that no government office or entity maintained the authority to enforce coordination.

In its fourth report, ''Combating Terrorism: Threat and Risk Assessments Can Help Prioritize and Target Program Investments,'' GAO reviewed the implementation of the 1996 Defense Against Weapons of Mass Destruction Act, popularly known as the Defense Department's Nunn-Lugar-Domenici program. It recommended the adoption of a formal threat and risk assessment process to enhance state and local capabilities and suggested that the FBI lead this effort.

These GAO reports marked the first attempt by any government agency to take a comprehensive look at federal activities to fight terrorism. While we learned a great deal from these reports, we still have a long way to go. As the work of the GAO has helped us discover, our approach may be fundamentally flawed: Too many different federal agencies and local governments possess existing or emerging capabilities for responding to a terrorist attack; there are uneven and nearly incompatible levels of expertise; and our efforts are complicated by duplication and poor communication. To put it simply, with so many agencies involved, the left hand may not know what the right hand is doing. We must have a unified strategy to fight terrorism—we cannot have agencies fighting turf battles.

There has been some movement in the right direction to respond to the threat of terrorism. In May, the Administration announced the formation of ten regional rapid assessment teams. These teams are part of the Defense Department's overall effort to support local, state, and federal civil authorities in the event of an incident involving the use of weapons of mass destruction. Congress has included money in the Fiscal Year 1999 DOD Authorized bill for this program, which is coordinated through the National Guard. The Missouri National Guard will play a leading role as host to one of the ten regional terrorism response teams.

The recent bombings are a terrible reminder that we must take the threat of terrorism seriously. We must realize that the struggle against terrorism will be protracted, and moreover, we must resist complacency—we must not too quickly forget the death and destruction that can be wreaked by fanatical extremists committed to waging war on the United States.

America has battled terrorism for many years. We have acted to bring terrorists to justice, to penetrate their organizations, to disrupt their plans, and to isolate their sponsors. Nevertheless, it is a virtual certainty that American citizens and American facilities will be attacked again, and not just in the traditional terrorist ways. To a distressing extent, the information and components necessary to build nuclear, chemical, or biological weapons of mass destruction are increasingly and readily accessible. In addition, the dependence of our military services and critical civilian infrastructures on information technology has made us vulnerable to information warfare. This vulnerability requires vigilance and the development of protective and redundant systems so that we can maintain our decisive technological edge.

If Congress and the Administration are willing to develop a unified strategy and commit adequate resources, we can prepare an effective defense against terrorism. First, we must give careful scrutiny to the United States counter-terrorism and anti-terrorism programs and policies. In addition, we must insist that our military, law enforcement, intelligence, and diplomatic forces are effectively arrayed, equipped, and trained, and that they are given the authority to take action against terrorists. Finally, we must ensure that both anti-terrorism and counter-terrorism efforts are comprehensive and efficient.

ENCOURAGING ATTENTION TO CONFERENCE ON ENVIRONMENTAL POLLUTANTS

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. ENSIGN. Mr. Speaker, I would like to draw your attention to some important information that all members of Congress and governors will be receiving over the next couple of days. It relates to a critical environmental issue I have spoken about before—control of oxides of nitrogen (NO_x) emissions that threaten human health, agriculture and our natural environment.

Back in July, I told you about the $RENO_x$ 1998 conference being held in my home State. The purpose of this conference was to examine the consequences of NO_x pollution and to recommend strategies for reducing the millions of tons of NO_x produced each year by diesel trucks and buses and power generation boilers and furnaces.

This week, The Gunnerman Foundation, the lead sponsor of $RENO_x$ 1998, issued its report on the findings and recommendations of this international conference, which attracted some of the best minds from government, industry, academia and the scientific community to tackle the NO_x issue. Collectively, this group broadened our public knowledge of the NO_x issue and identified specific strategies for making meaningful reductions in this dangerous pollutant. I would encourage you to consider the group's recommendations. This information may serve very useful for us, as policy makers, to begin to address this environmental issue that affects everyone on this planet.

Rudolf Gunnerman, the Chairman of The Gunnerman Foundation whom I have spoken about before as an environmental technology pioneer, would like to work with Members of Congress to develop solutions that quickly and comprehensively address NO_x pollution. The urgency of this issue is obvious, because NO_x is a danger not only in the lower atmosphere but is a precursor to ozone depletion in the upper atmosphere. It is important to address this problem before there are serious consequences.

In that light, I hope that you will give this matter some serious thought and attention, so that we can begin to address this important issue after our fall recess.

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 Tuesday, September 29, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 30

9:15 a.m.
Indian Affairs
Business meeting, to consider pending calendar business; to be followed by hearings on S. 2010, to provide for business development and trade promotion for Native Americans.
SR–485

OCTOBER 1

9:30 a.m.
Armed Services
To hold hearings on issues regarding plans for Department of Energy national security programs.
SR–222

Commerce, Science, and Transportation
To hold hearings on S. 2494, to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems.
SR–253

Energy and Natural Resources
To hold hearings on the nominations of Eljay B. Bowron, of Michigan, to be Inspector General, Department of the Interior, and Rose Eilene Gottemoeller, of Virginia, to be Assistant Secretary for Non-Proliferation and National Security, and David Michaels, of New York, to be Assistant Secretary for Environment, Safety and Health, both of the Department of Energy.
SD–366

Judiciary
Business meeting, to consider pending calendar business.
SD–226

10:00 a.m.
Foreign Relations
To hold hearings to examine the United States response to international parental abduction issues.
SD–419

Select on Intelligence
Closed business meeting, to consider pending business.
SH–219

10:30 a.m.
Rules and Administration
To resume hearings in open and closed sessions to examine United States Capitol security issues.
SR–301

2:00 p.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings to examine the state of current scientific understanding regarding the effects of mercury pollution on humans, and the Environmental Protection Agency's progress toward developing a rule to address the problem of regional haze within National Park areas.
SD–406

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold oversight hearings to examine United States Postal Service activities.
SD–342

Conferees
Closed, on H.R. 3694, to authorize funds for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.
S–407, Capitol

2:30 p.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 2513, to transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon, S. 2413, to provide for the development of a management plan for the Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona reflecting the current use of the tract as a public park, and S. 2402, to direct the Secretary of Agriculture to convey certain lands in San Juan County, New Mexico, to San Juan College.
SD–366

3:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

OCTOBER 2

9:00 a.m.
Governmental Affairs
To hold hearings on the nominations of John U. Sepulveda, of New York, to be Deputy Director of the Office of Personnel Management, and Joseph Swerdzewski, of Colorado, to be General Counsel of the Federal Labor Relations Authority.
SD–342

9:30 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD–406

Special on SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM
To hold hearings to examine general government emergency preparedness.
SD–192

Joint Economic
To hold hearings on the employment-unemployment situation for September.
1334 Longworth Building

10:00 a.m.
Armed Services
To hold hearings on ballistic missile defense programs, policies, and related issues.
SH–216

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine the status of international antitrust cooperation.
SD–226

2:00 p.m.
Foreign Relations
To hold hearings on the nomination of Frank E. Loy, of the District of Columbia, to be Under Secretary of State for Global Affairs.
SD–419

OCTOBER 6

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

OCTOBER 7

10:00 a.m.
Joint Economic
To hold hearings on proposals to stabilize the international economy.
311 Cannon Building

CANCELLATIONS

OCTOBER 1

2:30 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

POSTPONEMENTS

SEPTEMBER 29

11:00 a.m.
Foreign Relations
Closed briefing to discuss fiscal year 1998 emergency supplemental funding for anti-terrorism programs and embassy security.
S–116, Capitol

2:00 p.m.
Judiciary
To hold hearings on the implementation of the Radiation Exposure Compensation Act.
SD–226

Monday, September 28, 1998

Daily Digest

HIGHLIGHTS

The House agreed to Defense Appropriations Conference Report.

The House agreed to Energy and Water Development Conference Report.

Senate

Chamber Action

Routine Proceedings, pages S11007–S11068

Measures Introduced: Four bills were introduced, as follows: S. 2521–2524. **Page S11042**

Measures Reported: Reports were made as follows:

H.R. 700, to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians, with an amendment in the nature of a substitute. (S. Rept. No. 105–349)

S. 2351, to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System, with an amendment. (S. Rept. No. 105–350)

S. 2469, to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, with amendments. (S. Rept. No. 105–351)

S. 2470, to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System, with an amendment in the nature of a substitute. (S. Rept. No. 105–352)

S. 2474, to direct the Secretary of the Interior to make corrections to certain maps relating to the Coastal Barrier Resources System, with an amendment. (S. Rept. No. 105–353)

S. 2505, to direct the Secretary of the Interior to convey title to the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, to the University of Idaho, with an amendment. (S. Rept. No. 105–354)

H.R. 8, to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicles emissions. (S. Rept. No. 105–355) **Page S11042**

Measures Passed:

Year 2000 Information Disclosure Act: Senate passed S. 2392, to encourage the disclosure and exchange of information about computer processing problems, solutions, test practices and test results, and related matters in connection with the transition to the year 2000, after agreeing to the following amendments proposed thereto: **Pages S11062–68**

Roberts (for Hatch/Leahy/Kyl) Amendment No. 3669, in the nature of a substitute. **Pages S11064–65**

Roberts (for Thompson) Amendment No. 3670 (to Amendment No. 3669), to provide for the establishment of working groups as a part of the President's Year 2000 Council. **Pages S11064–65**

Convicted Persons Benefits: Senate passed H.R. 3096, to correct a provision relating to termination of benefits for convicted persons, clearing the measure for the President. **Page S11068**

Internet Tax Freedom Act: Senate considered the motion to proceed to consideration of S. 442, to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet. **Page S11039**

Senate will vote on the motion to close further debate on the bill on Tuesday, September 29, 1998.

Federal Vacancies Reform Act—Cloture Vote: By 53 yeas to 38 nays (Vote No. 289), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate failed to agree to close further debate on S. 2176, to amend sections

3345 through 3349 of title 5, United States Code (commonly referred to as the ''Vacancies Act'') to clarify statutory requirements relating to vacancies in and appointments to certain Federal offices.

Pages S11021–39

Higher Education Authorizations Conference Report—Agreement: A unanimous-consent time-agreement was reached providing for the consideration of the conference report on H.R. 6, to extend the authorization of programs under the Higher Education Act of 1965, on Tuesday, September 29, 1998, with a vote to occur thereon. **Page S11039**

Defense Appropriations Conference Report-Agreement: A unanimous-consent time-agreement was reached providing for the consideration of the conference report on H.R. 4103, making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, on Tuesday, September 29, 1998, with a vote to occur thereon

Page S11039

Treaty Approved: The following treaty having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolution of ratification was agreed to, with one declaration and two provisos:

Montreal Protocol No. 4 (formerly Treaty Doc. Ex. B, 95–1) **Pages S11059–62**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting the annual report of the Railroad Retirement Board for fiscal year 1997; referred to the Committee on Labor and Human Resources. (PM–160). **Page S11041**

Nominations Confirmed: Senate confirmed the following nominations:

Carl J. Barbier, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Gerald Bruce Lee, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Patricia A. Seitz, of Florida, to be United States District Judge for the Southern District of Florida.

Steven Robert Mann, of Pennsylvania, to be Ambassador to the Republic of Turkmenistan.

Elizabeth Davenport McKune, of Virginia, to be Ambassador to the State of Qatar.

Melissa Foelsch Wells, of Connecticut, to be Ambassador to the Republic of Estonia.

Richard E. Hecklinger, of Virginia, to be Ambassador to the Kingdom of Thailand.

Theodore H. Kattouf, of Maryland, to be Ambassador to the United Arab Emirates.

William B. Traxler, Jr., of South Carolina, to be United States Circuit Judge for the Fourth Circuit.

Robert M. Walker, of Tennessee, to be Deputy Director of the Federal Emergency Management Agency. **Pages S11059, S11068**

Nominations Received: Senate received the following nominations:

Alex R. Munson, of the Northern Mariana Islands, to be Judge for the District Court for the Northern Mariana Islands for a term of ten years.

Edward J. Damich, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Nancy B. Firestone, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Emily Clark Hewitt, of Massachusetts, to be a Judge of the United States Court of Federal Claims for a term of fifteen years. **Page S11068**

Messages From the President: **Page S11041**

Messages From the House: **Page S11041**

Measures Read First Time: **Page S11068**

Communications: **Pages S11041–42**

Statements on Introduced Bills: **Pages S11042–51**

Additional Cosponsors: **Pages S11051–52**

Amendments Submitted: **Pages S11052–56**

Notices of Hearings: **Page S11056**

Authority for Committees: **Page S11056**

Additional Statements: **Pages S11056–59**

Record Votes: One record vote was taken today (Total—289) **Page S11039**

Adjournment: Senate convened at 12 noon, and adjourned at 6:49 p.m., until 10 a.m., on Tuesday, September 29, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11068.)

Committee Meetings

(Committees not listed did not meet)

DEFENSE FINANCE CONTROLS

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded oversight hearings to examine the effectiveness of financial controls at the Department of Defense, focusing on recent internal fraudulent activities, after receiving testimony from Sharon A. Brown, Joseph A. Wise, and Otas J. Horn, each a Systems Accountant, Air Force Material Command, Wendell L. Jones, Auditor, Air Force Audit Agency, Jeffrey C. Steinhoff, Director of Planning and Reporting, and

Gayle L. Fischer, Assistant Director of Defense Audits, both of the Accounting and Information Management Division, General Accounting Office, John S. Nabil, Director, Defense Finance and Accounting Service, and A. Ernest Fitzgerald, Management Systems Deputy, Office of the Assistant Secretary of the Air Force, all of the Department of Defense.

WENDELL H. FORD GOVERNMENT PUBLICATIONS REFORM ACT

Committee on Rules and Administration: Committee ordered favorably reported S. 2288, to provide for the reform and continuing legislative oversight of the production, procurement, dissemination, and permanent public access of the Government's publications, with an amendment in the nature of a substitute.

House of Representatives

Chamber Action

Bills Introduced: 5 public bills, H.R. 4650–4654, and 3 resolutions, H. Res. 557–559, were introduced. **Page H9178**

Reports Filed: Reports were filed today as follows:

H. Res. 494, to amend the Internal Revenue Code of 1986 with respect to the treatment of crops destroyed by casualty (H. Rept. 105–751);

H.R. 2943, to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor (H. Rept. 105–752);

H.R. 1608, to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have died in foreign conflicts other than declared wars (H. Rept. 105–753); and

H. Res. 558, waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 105–754); and

H.R. 633, to amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers (H. Rept. 105–755 part 1). **Page H9178**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Petri to act as Speaker pro tempore for today. **Page H9085**

Recess: The House recessed at 11:12 a.m. and reconvened at 12 noon. **Page H9090**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Nutria Eradication and Control Pilot Program: H.R. 4337, to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria; **Pages H9092–93**

Migratory Bird Hunting and Conservation Stamp Promotion Act: H.R. 4248, amended, to authorize the use of receipts from the sale of the Migratory Bird Hunting and Conservation Stamps to promote additional stamp purchases; **Pages H9094–95**

Energy Conservation Reauthorization Act: H.R. 4017, amended, to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002. Subsequently, S. 417 was passed in lieu after being amended to contain the text of H.R. 4017. Agreed to amend the title. H.R. 4017 was laid upon the table; **Pages H9096–H9104**

Hydroelectric Project in Arkansas: H.R. 4081, to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas; **Pages H9104–05**

Africa: Seeds of Hope Act: H.R. 4283, to support sustainable and road-based agricultural and rural development in sub-Saharan Africa; **Pages H9105–10**

Designating Sidney R. Yates Federal Building: H.R. 4595, amended, to redesignate a Federal building located in Washington, D.C., as the ''Sidney R. Yates Federal Building''. Agreed to amend the title; **Pages H9117–18**

Designating Richard C. White Federal Building: H.R. 3598, to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the ''Richard C. White Federal Building''; **Pages H9118–19**

Designating Jere Cooper Federal Building: H.R. 2730, to designate the Federal building located at 309 North Church Street in Dyersburg, Tennessee, as the ''Jere Cooper Federal Building''; **Pages H9119–20**

Designating Thurgood Marshall United States Courthouse: H.R. 2187, to designate the United

States Courthouse located at 40 Foley Square in New York, New York, as the ''Thurgood Marshall United States Courthouse''; **Pages H9120–21**

Regarding Youth Performing Work with Wood Products: H.R. 4257, amended, to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; **Pages H9121–24**

Drive for Teen Employment Act: H.R. 2327, amended, to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors between 16 and 18 years of age who engage in the operation of automobiles and trucks. Agreed to amend the title. **Pages H9124–27**

Suspensions—Failed: The House failed to pass H.R. 3891, amended, to amend the Trademark Act of 1946 to prohibit the unauthorized destruction, modification, or alteration of product identification codes (failed by a yea and nay vote of 245 yeas to 167 nays with ⅔ required for passage, Roll No. 470). **Pages H9110–17, H9148**

Defense Appropriations Conference Report: The House agreed to the conference report on H.R. 4103, making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, by a yea and nay vote of 369 yeas to 43 nays, Roll No. 471. **Pages H9127–34, H9148–49**

Energy and Water Development Conference Report: The House agreed to the conference report on H.R. 4060, making appropriations for energy and water development for the fiscal year ending September 30, 1999, by a yea and nay vote of 389 yeas to 25 nays, Roll No. 472. **Pages H9134–40, H9149–50**

Bankruptcy Reform Act: The House disagreed to the Senate amendment to H.R. 3150, to amend title 11 of the United States Code, and agreed to a conference. Appointed as conferees from the Committee on the Judiciary for consideration of the House bill, the Senate amendment, and modifications committed to conference: Representatives Hyde, McCollum, Gekas, Goodlatte, Bryant, Chabot, Conyers, Nadler, Boucher, and Jackson-Lee of Texas. **Pages H9140–47, H9150**

Agreed to the Nadler motion to instruct conferees to agree to section 405 of the Senate amendment that prohibits creditors from terminating or refusing to renew an extension of credit because the consumer did not incur finance charges (agreed to by a recorded vote of 295 ayes to 119 noes, Roll No. 473). **Pages H9140–47, H9150**

Resolution Regarding Jacob Chestnut and John Gibson: The House agreed to H. Con. Res. 317, expressing the sense of Congress that Members of Congress should follow the examples of self-sacrifice and devotion to character displayed by Jacob Chestnut and John Gibson of the United States Capitol Police. **Pages H9150–51**

Higher Education Amendments: The House agreed to the conference report on H.R. 6, to extend the authorization of programs under the Higher Education Act of 1965, by voice vote. **Pages H9151–62**

Extending Quarterly Financial Report Program: The House passed S. 2071, to extend a quarterly financial report program administered by the Secretary of Commerce—clearing the measure for the President. **Pages H9162–63**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10:00 a.m. on Tuesday, September 29. **Page H9163**

Presidential Message—Railroad Retirement Board: Read a message from the President wherein he submitted his annual report of the Railroad Retirement Board for fiscal year 1997—referred to the Committees on Transportation and Infrastructure and Ways and Means. **Page H9163**

Senate Messages: Message received from the Senate today appears on page H9090.

Referral: S. 2511, to authorize the Secretary of Agriculture to pay employees of the Food Safety and Inspection Service working in establishments subject to the Federal Meat Inspection Act and the Poultry Products Inspection Act for overtime and holiday work performed by the employees, was referred to the Committees on Agriculture and Transportation and Infrastructure. **Page H9177**

Quorum Calls—Votes: Three yea and nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H9148, H9148–49, H9149–50, and H9150. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 8:44 p.m.

Committee Meetings

PROTECTING CONSUMERS AGAINST CRAMMING AND SPAMMING

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on Protecting Consumers Against Cramming and Spamming. Testimony was heard from Eileen Harrington, Associate Director Marketing Practices, Bureau of Consumer Protection, FTC;

Lawrence E. Strickling, Deputy Bureau Chief, Common Carrier Bureau, FCC; Paula Selis, Senior Counsel, Office of Attorney General, State of Washington; and public witnesses.

AMERICAN WORKER PROJECT

Committee on Education and the Workforce: Subcommittee on Oversight and Investigations held a hearing on American Worker Project: Department of Labor—Financial Analysis and Management Accountability. Testimony was heard from the following officials of the Department of Labor: James McMullen, Deputy Assistant Secretary, Office of the Assistant Secretary, Administration and Management; Kenneth M. Bresnahan, Deputy Financial Officer, Office of the Chief Financial Officer; Bryan T. Keilty, Administrator, Office of Financial and Administrative Management; David C. Zeigler, Director, Administrative Programs (OSHA); and Patricia A. Dalton, Deputy Inspector General; and Carlotta C. Joyner, Director, Education and Employment Issues, GAO.

MISCELLANEOUS MEASURES

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology approved for full Committee action amended the following bills: H.R. 4620, the Statistical Consolidation Act of 1998; H.R. 2635, Human Rights Information Act; and H.R. 4614, to provide for the conveyance of Federal land in New Castle, New Hampshire, to the Town of New Castle, New Hampshire, and to require the release of certain restrictions with respect to land in such town.

CAMBODIA: WHERE DO WE GO FROM HERE?

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on Cambodia: Where Do We Go From Here? Testimony was heard from Ralph L. Boyce, Deputy Assistant Secretary, East Asian and Pacific Affairs, Department of State; and public witnesses.

HUMAN RIGHTS IN BURMA

Committee on International Relations: Subcommittee on International Operations and Human Rights and the Subcommittee on Asia and the Pacific held a joint hearing on Human Rights in Burma. Testimony was heard from the following officials of the Department of State: Gare Smith, Principal Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor; and Ralph Boyce, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs; and public witnesses.

THEODORE ROOSEVELT—MEDAL OF HONOR

Committee on National Security: Subcommittee on Military Personnel held a hearing on awarding the Medal of Honor to Theodore Roosevelt. Testimony was heard from Representatives McHale and Lazio; and public witnesses.

OVERSIGHT—GAO'S STUDY ON FOREST HEALTH

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on GAO's Office Study on Forest Health. Testimony was heard from Barry Hill, Associate Director, Energy, Resources and Science Issues, GAO; Janice McDougal, Associate Deputy Chief, State and Private Forestry, Forest Service, USDA; and public witnesses.

WAIVING TWO-THIRDS VOTE RULE

Committee on Rules: Granted, by voice vote, a rule waiving clause 4(b) of rule XI (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to a special rule reported on October 1, 1998, or October 2, 1998, providing for consideration or disposition of a conference report to accompany a bill or joint resolution making general appropriations for the fiscal year ending September 30, 1999, or any amendment reported in disagreement from a conference thereon.

REMOTE SENSING APPLICATIONS

Committee on Science: Subcommittee on Basic Research held a hearing on Remote Sensing Applications as a Research and Management Tool. Testimony was heard from Rita R. Colwell, Director, NSF; and public witnesses.

Joint Meetings

APPROPRIATIONS—AGRICULTURE

Conferees continued in evening session to resolve the differences between the Senate- and House-passed versions of H.R. 4101, making appropriations for Agriculture, Rural Development, and related agencies for the fiscal year ending September 30, 1999.

APPROPRIATIONS—TREASURY/POSTAL SERVICE

Conferees continued in evening session to resolve the differences between the Senate- and House-passed versions of H.R. 4104, 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.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1039)*

H.J. Res.128, making continuing appropriations for the fiscal year 1999. Signed September 25, 1998. (P.L. 105–240)

COMMITTEE MEETINGS FOR TUESDAY, SEPTEMBER 29, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services, to hold hearings to examine the status of United States military forces and their ability to successfully execute the National Military Strategy, 9 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs, Subcommittee on International Finance, to hold hearings to examine the Trade Promotion Coordinating Committee's annual report and the National Export Strategy, 10 a.m., SD–538.

Committee on Environment and Public Works, to hold hearings on H.R. 2863, to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, and to facilitate acquisition of migratory bird habitats, 10 a.m., SD–406.

Committee on Foreign Relations, to hold hearings on the nominations of R. Rand Beers, of the District of Columbia, to be Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, and Simon Ferro, of Florida, to be Ambassador to the Republic of Panama, 10 a.m., SD–419.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see page E1844 in today's Record.

House

Committee on Commerce, Subcommittee on Finance and Hazardous Materials, hearing on Improving Price Competition for Mutual Funds and Bonds, 9:30 a.m., 2123 Rayburn.

Subcommittee on Health and Environment, hearing on H.R. 4431, the HIV Partner Protection Act, 10 a.m., 2322 Rayburn.

Committee on Education and the Workforce, Subcommittee on Oversight and Investigations, hearing on Correcting Corruption: An Update on the Re-run of the 1996 Teamsters Election, 9 a.m., 2175 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on research in National Marine Sanctuaries, 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, oversight hearing on Garrison Unit Reformulation; to be followed by a hearing on H.R. 1213, Perkins County Rural Water System Act of 1997, 2 p.m., 1324 Longworth.

Committee on Science, Subcommittee on Space and Aeronautics, the Subcommittee on Military Research and Development and the Subcommittee on Military Procurement, of the Committee on National Security, joint hearing on U.S. Spacepower in the 21st Century, 9 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, and the Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform and Oversight and the Subcommittee on Technology of the Committee on Science, joint hearing to review Aviation Issues related to the Year 2000 Computer Problem Y2K: Will We Get There on Time?, 9:30 a.m., 2167 Rayburn.

Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on the Overview of the U.S. Coast Guard's Drug Interdiction Strategy, 10 a.m., 2253 Rayburn.

Joint Meetings

Conferees, on S. 2206, to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, 11 a.m., H–137, Capitol.

Next Meeting of the SENATE

10 a.m., Tuesday, September 29

Senate Chamber

Program for Tuesday: Senate will consider the conference report on H.R. 6, Higher Education Authorizations, and the conference report on H.R. 4103, DOD Appropriations, 1999, with votes to occur thereon, and consider the motion to proceed to consideration of S. 442, Internet Tax Freedom Act, with a cloture vote to occur thereon.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Tuesday, September 29

House Chamber

Program for Tuesday: Pro Forma Session.

Extensions of Remarks, as inserted in this issue

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