SENATE—*Friday, March 21, 1997*

The Senate met at 11:59 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of creation, You have written Your signature in the bursting beauty of this magnificent spring morning in our Nation's Capital. The breathtaking splendor of the cherry blossoms are about to blanket the city with fairyland wonder. The daffodils and crocuses have opened to express Your glory. Now Lord, tune our hearts to join with all of nature in singing Your praise.

We thank You for the rebirth of hope that comes with this season of renewal and resurrection. You remind us, "Behold I make all things new." As the seeds and bulbs have germinated in the earth, so You have prepared us to burst forth in newness of life. We forget the former things and claim Your new beginnings for us. Help us to accept Your forgiveness and become giving and forgiving people. Clean out the hurting memories of our hearts so that we may be open channels for Your vibrant, creative spirit as we tackle problems and grasp the possibilities of this day.

Lord, we want to live this day in the flow of Your grace. We put You and truth first, our Nation and its future second, and our party third. Help us not to reverse the order. For the sake of the future of our beloved Nation and by Your power, through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. I thank the Chair.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that the routine requests through the morning hour be granted.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period of morning business.

The PRESIDENT pro tempore. 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 appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 1122. An act to amend title 18, United States Code, to ban partial-birth abortions.

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. KYL:

S. 512. A bill to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes; to the Committee on the Judiciary.

By Mr. MACK (for himself, Mr. D'AMATO, Mr. BOND, and Mr. BENNETT):

S. 513. A bill to reform the multifamily rental assisted housing programs of the Federal Government, maintain the affordability and availability of low-income housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL:

S. 512. A bill to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

THE IDENTITY THEFT AND ASSUMPTION DETERRENCE ACT OF 1997

Mr. KYL. Mr. President, with increasing frequency, criminals are using the Social Security numbers and other personal information of law-abiding citizens to assume their identity and take their money. Identity fraud can be more serious than a criminal picking someone's pocket and lifting cash or a credit card. Identity theft involves criminals—who may have ties with international criminal syndicates—obtaining enough information on another person that they can open up new credit card accounts in the law-abiding person's name. Some call identity theft high-technology bank robbery. But law-enforcement officials say committing identity fraud is easier than robbing a bank.

Identity fraud is one of the fastest growing financial crimes. An alarming 2,000 cases occur each week. Credit-card fraud losses—the major financial loss in personal-identity thefts—may amount to as much as $2 billion a year.

The statistics don't reveal the hardship these crimes can cause. Imagine the anxiety of knowing that a criminal has been able to gain hold of your most personal identification information to open credit cards or apply for loans in your name. Even when fraudulent charges are cleared from a victim's financial records, he or she cannot be sure that the perpetrator of the crime won't strike again. Moreover, thousands can be spent to repair a tarnished credit rating. As the victim attempts to untangle the mess caused by an identity thief, phone service may be disconnected or a victim may face difficulty in securing a mortgage.

I would like to discuss the case of a constituent, Bob Hartle, who has spent many hours working with my staff on the identity-theft proposal. Mr. Hartle served as the inspiration for an Arizona State law which, like the bill I am introducing, makes it a felony to steal another person's identity. I thank Mr. Hartle for all of his help.

Bob Hartle's experience with an identity thief illustrates the seriousness of these crimes. The man who victimized Mr. Hartle was sentenced to 17 months in Federal prison for using false names—not Mr. Hartle's; the criminal had misappropriated other law-abiding citizens' names—in order to buy a gun and open up a credit card account. The criminal possessed enough information to have a driver's license and credit cards issued in Mr. Hartle's name. With these credit cards, the criminal made purchases under Mr. Hartle's name that exceeded $100,000. While trashing Mr. Hartle's credit, and carrying a license as Mr. Hartle in his wallet, the identity thief was busy committing serious crimes. Mr. Hartle has spent over $10,000 trying to clear his good name and credit. He did not receive a restitution payment. The assistant U.S. attorney who prosecuted the case was quoted in a 1995 news story as saying that, "Hartle may never get his full share from the courts. * * * All we can do is prosecute this under the powers given to us by law."

Restitution was not available to him because, although many of the actions attendant upon identity theft do violate Federal law—that is, credit card fraud, using false names—the actual

assumption of another's identity does not. Consequently, individual victims of these offenses are not entitled to restitution.

The criminal who ripped off Mr. Hartle's identity committed several such crimes throughout the United States before he was finally apprehended. Acting alone, he caused great damage and hardship. But a new breed of identity-fraud criminal has emerged that poses an even greater threat to citizens. Sophisticated international criminal syndicates, some of which have penetrated the Social Security Administration and other agencies or companies with access to private personal information, are engaging in identity-fraud scams of a magnitude unimaginable a few years ago.

For example, the New York Post reported on December 29 that "A brazen city-based ring of con artists has been lifting personal information about hundreds of New Yorkers and using it to get credit cards and run up huge bills." This ring of Nigerian nationals applies for credit cards with banks "after snatching identifying data about unsuspecting victims." Identity-fraud syndicates such as these obtain Social Security numbers and other personal information to perpetrate their scams in myriad ways: stealing mail; collecting credit-card receipts; running license plates through DMV records; posing as a loan officer and ordering a credit report; purchasing information from corrupt governmental and private employees with access to personal information.

One of the reasons I elected to chair the Senate Judiciary Committee's Subcommittee on Technology, Terrorism, and Government Information was to ensure that the law keep pace with technology. The Secret Service, which is responsible for investigating financial fraud crimes, believes Federal fraud laws could be improved, to better protect people like Mr. Hartle, and I thank the agency for all of its help in drafting the bill. Rather than amend the Federal fraud laws, my proposal creates a separate statute for identity-fraud offenses, which I am told will make this crime easier to investigate and prosecute. When the fraud laws were drafted, the law-enforcement community was contending with counterfeiters who manufactured, distributed, and used ID's that were pieces of paper. Identity-fraud schemes were not nearly as prevalent in that pre-electronic era as they are today.

As mentioned above, individual victims of fraud offenses—who, like Mr. Hartle, are generally not eligible for restitution under current law—could receive restitution under my proposal. Additionally, the act allows law enforcement to seize equipment—contraband—used to produce false documents. Penalties are scaled to reflect the number of victims, not just the dollar amount of the fraud.

Moreover, the proposal requires the Secret Service to collect statistics on identity fraud offenses. Statistics on identity fraud are rough; we need to know more about the extent of the problem.

And finally, the bill directs the Secretary of the Treasury and the Chairman of the Federal Trade Commission to conduct a comprehensive study of: the nature, extent, and causes of identity fraud; the threat posed by identity fraud to financial institutions and payment systems; and the threat to consumer safety and privacy. The results of the study will be submitted to Congress with specific recommendations for legislation to address the problem of identity theft. This study is very important. Access to confidential information facilitates credit-card identity assumption scams. With identity fraud rising, we must continually reevaluate statutes regulating consumer privacy.

This is the other side of the coin when it comes to deterring this kind of fraud. We need to go after criminal activity when it occurs, but we also must prevent the careless circulation of personal information to begin with.

In fact, action has already been taken by Congress to better protect private identity information. In September, the Driver's Privacy Protection Act of 1994 goes into effect to restrict release and use of certain personal information from State motor vehicle records. Other efforts are underway. In August, the FTC—responding to suggestions that Social Security numbers were easily available on the Internet—held a staff meeting to exchange information on consumer identity fraud, and following the meeting suggested that Congress consider legislation to tighten restrictions on the release of private identity information.

The bill I am introducing today is targeted at the criminals: those who perpetrate identity theft crimes. Congress will need to consider other measures seeking the assistance of the custodians of personal identity information to make identity theft crimes more difficult to commit. I believe that my bill represents a solid first effort to combat identity theft, and I request that my colleagues support the Identity Theft and Assumption Deterrence Act.

By Mr. MACK (for himself, Mr. D'AMATO, Mr. BOND, and Mr. BENNETT):

S. 513. A bill to reform the multifamily rental assisted housing programs of the Federal Government, maintain the affordability and availability of low-income housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE MULTIFAMILY ASSISTED HOUSING REFORM AND AFFORDABILITY ACT OF 1997

Mr. MACK. Mr. President, I am pleased to introduce, on behalf of Senators D'AMATO, BOND, and BENNETT, the Multifamily Assisted Housing Reform and Affordability Act of 1997. This bill is a serious effort to reform the Nation's assisted and insured multifamily housing portfolio in a responsible manner that balances both fiscal and public policy goals. This legislation will save scarce Federal subsidy dollars while preserving the affordability and availability of decent and safe rental housing for lower income households.

About 20 years ago, the Federal Government encouraged private developers to construct affordable rental housing by providing mortgage insurance through the Federal Housing Administration [FHA] and rental housing assistance through the Department of Housing and Urban Development's [HUD] project-based section 8 program. In addition, tax incentives for the development of low-income housing were provided through the Tax Code until 1986.

This combination of financial incentives resulted in the creation of thousands of decent, safe, and affordable housing properties. However, flaws in the section 8 rental assistance program allowed owners to receive more Federal dollars in rental subsidy than were necessary to maintain the properties as decent and affordable rental housing, and we are beginning to pay the price for excessive rental subsidies. A recent HUD study found that almost two-thirds of assisted properties have comparable rents greater than comparable market rents, in some cases almost 200 percent of area market rents.

In addition, like the severely distressed public housing stock, some of these section 8 projects have become targets and havens for crime and drug activities. Thus, in some cases, taxpayers are paying costly subsidies for inferior housing. We believe that a policy that pays excessive rental subsidies for housing is not fair to the American taxpayer, nor can it be sustained in the current budget climate.

It is widely understood that there is a funding crisis in the renewal of HUD's expiring section 8 rental assistance contracts. Indeed, HUD Secretary Cuomo has called the section 8 contract renewal problem "the greatest crisis HUD has ever faced." The contract renewal problem involves all of HUD's section 8 inventory, both project-based and tenant-based—in all more than 3 million units of low-income housing. The new budget authority needed to renew expiring contracts at current levels will grow from $3.6 billion in the current fiscal year to almost $10 billion in fiscal year 1998 to an estimated $18 billion in fiscal year 2002.

Over the next several years, a majority of the section 8 contracts on the 8,500 FHA-insured properties will expire. If contracts continue to be renewed at existing levels, the cost of renewing these contracts will grow from

about $2 billion in fiscal year 1998 to $5.2 billion in fiscal year 2002 and more than $7.7 billion 10 years from now. Thus, the project-based section 8 inventory, which is addressed in this legislation, is a significant part of the overall section 8 renewal problem.

The implications of not renewing project-based section 8 contracts are potentially devastating. Without renewals, most of the FHA-insured and section 8-assisted multifamily mortgages—with an unpaid principal balance of $18 billion—will default and result in claims on the FHA insurance funds. This could lead to more severe actions, such as foreclosure, which will adversely affect residents and communities.

Federally assisted and insured housing serves almost 1.6 million families with an average annual income of $7,000. About half of the households are elderly or contain persons with disabilities. Many of these developments are located in rural areas where no other rental housing exists. Some of these properties serve as anchors of neighborhoods where the economic stability of the neighborhood is dependent on the vitality of these properties.

The Multifamily Assisted Housing Reform and Affordability Act addresses the problem of expiring section 8 project-based assistance contracts through a new, comprehensive structure that provides a wide variety of tools to address the spiraling costs of section 8 assistance without harming residents or communities. The bill will reduce the long-term ongoing costs of Federal subsidies by reducing rents to a level that more closely approximates market area rents and restructuring the underlying debt insured by the FHA. The bill also contains a provision that will minimize the potential adverse tax consequences to owners that result from debt restructuring.

The bill also recognizes that HUD lacks the staffing capacity and expertise to oversee effectively its portfolio of multifamily housing properties or to administer a debt restructuring program. Indeed, one of the principal problems with developing a portfolio restructuring proposal has been the lack of good information on the characteristics or the condition of the properties in FHA's multifamily mortgage portfolio. Accordingly, the bill would transfer the functions and responsibilities of the restructuring program to capable State and local housing finance agencies, who would act as participating administrative entities in managing this program.

The bill provides incentives to administering entities to ensure that the American taxpayer is paying the least amount of money required to provide decent, safe, and affordable housing. Any amount of incentives provided to State and local entities would only be used for low-income housing purposes.

Owners who clearly violate housing quality standards would no longer be tolerated. The bill screens out bad owners and managers and nonviable projects from the inventory and provides tougher and more effective enforcement tools that will minimize fraud and abuse of FHA insurance and assisted housing programs.

Last, the bill provides tools to recapitalize the assisted stock that suffers from deferred maintenance. It provides the opportunity for tenants, local governments, and the community in which the project is located to participate in the restructuring process in a meaningful way. Residents would also be empowered through opportunities to purchase properties.

Mr. President, I would like to emphasize how important it is to address this issue this year. Delays will only harm the assisted housing stock, its residents and communities, and the financial stability of the FHA insurance funds. I would add that, as we face an explosion in the cost of section 8 contract renewals, we cannot afford to pay more than is reasonable to renew expiring contracts. There is strong support on both sides of the aisle to renew all expiring section 8 contracts next year. But to an extent, the future credibility of the section 8 program, which is so important to 3 million families, depends on our ability to control costs today.

This legislation will protect the Federal Government's investment in assisted housing and ensure that participating administrative entities are held accountable for their activities. It is also our goal that this process will ensure the long-term viability of these projects with minimal Federal involvement. It is a sincere effort to reduce the cost to the Federal Government while recognizing the needs of low-income families and communities throughout the Nation.

In closing, I also want to express my hope that the administration will begin to play an active and constructive role in dealing with this section 8 issue. For the last 2 years, we have waited for a concrete administration proposal for portfolio restructuring, but we have received nothing but a series of concept papers and statements of principles. We cannot wait much longer for the administration to come to the table with a serious proposal to deal with a critical budget problem that could affect all of HUD's programs.

Mr. President, I ask unanimous consent that the text of the bill and summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 513

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 "Multifamily Assisted Housing Reform and Affordability Act of 1997".

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

TITLE I—FHA-INSURED MULTIFAMILY HOUSING MORTGAGE AND HOUSING ASSISTANCE RESTRUCTURING

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) there exists throughout the Nation a need for decent, safe, and affordable housing;

(2) as of the date of enactment of this Act, it is estimated that—

(A) the insured multifamily housing portfolio of the Federal Housing Administration consists of 14,000 rental properties, with an aggregate unpaid principal mortgage balance of $38,000,000,000; and

(B) approximately 10,000 of these properties contain housing units that are assisted with project-based rental assistance under section 8 of the United States Housing Act of 1937;

(3) FHA-insured multifamily rental properties are a major Federal investment, providing affordable rental housing to an estimated 2,000,000 low- and very low-income families;

(4) approximately 1,600,000 of these families live in dwelling units that are assisted with project-based rental assistance under section 8 of the United States Housing Act of 1937;

(5) a substantial number of housing units receiving project-based assistance have rents

that are higher than the rents of comparable, unassisted rental units in the same housing rental market;

(6) many of the contracts for project-based assistance will expire during the several years following the date of enactment of this Act;

(7) it is estimated that—

(A) if no changes in the terms and conditions of the contracts for project-based assistance are made before fiscal year 2000, the cost of renewing all expiring rental assistance contracts under section 8 of the United States Housing Act of 1937 for both project-based and tenant-based rental assistance will increase from approximately $3,600,000,000 in fiscal year 1997 to over $14,300,000,000 by fiscal year 2000 and some $22,400,000,000 in fiscal year 2006;

(B) of those renewal amounts, the cost of renewing project-based assistance will increase from $1,200,000,000 in fiscal year 1997 to almost $7,400,000,000 by fiscal year 2006; and

(C) without changes in the manner in which project-based rental assistance is provided, renewals of expiring contracts for project-based rental assistance will require an increasingly larger portion of the discretionary budget authority of the Department of Housing and Urban Development in each subsequent fiscal year for the foreseeable future;

(8) absent new budget authority for the renewal of expiring rental contracts for project-based assistance, many of the FHA-insured multifamily housing projects that are assisted with project-based assistance will likely default on their FHA-insured mortgage payments, resulting in substantial claims to the FHA General Insurance Fund and Special Risk Insurance Funds;

(9) more than 15 percent of federally assisted multifamily housing projects are physically or financially distressed, including a number which suffer from mismanagement;

(10) due to Federal budget constraints, the downsizing of the Department of Housing and Urban Development, and diminished administrative capacity, the Department lacks the ability to ensure the continued economic and physical well-being of the stock of federally insured and assisted multifamily housing projects; and

(11) the economic, physical, and management problems facing the stock of federally insured and assisted multifamily housing projects will be best served by reforms that—

(A) reduce the cost of Federal rental assistance, including project-based assistance, to these projects by reducing the debt service and operating costs of these projects while retaining the low-income affordability and availability of this housing;

(B) address physical and economic distress of this housing and the failure of some project managers and owners of projects to comply with management and ownership rules and requirements; and

(C) transfer and share many of the loan and contract administration functions and responsibilities of the Secretary with capable State, local, and other entities.

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

(1) to preserve low-income rental housing affordability and availability while reducing the long-term costs of project-based assistance;

(2) to reform the design and operation of Federal rental housing assistance programs, administered by the Secretary, to promote greater multifamily housing project operating and cost efficiencies;

(3) to encourage owners of eligible multifamily housing projects to restructure their FHA-insured mortgages and project-based assistance contracts in a manner which is consistent with this title before the year in which the contract expires;

(4) to streamline and improve federally insured and assisted multifamily housing project oversight and administration;

(5) to resolve the problems affecting financially and physically troubled federally insured and assisted multifamily housing projects through cooperation with residents, owners, State and local governments, and other interested entities and individuals; and

(6) to grant additional enforcement tools to use against those who violate agreements and program requirements, in order to ensure that the public interest is safeguarded and that Federal multifamily housing programs serve their intended purposes.

SEC. 102. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) COMPARABLE PROPERTIES.—The term "comparable properties" means properties that are—

(A) similar to the eligible multifamily housing project in neighborhood (including risk of crime), location, access, street appeal, age, property size, apartment mix, physical configuration, property and unit amenities, and utilities;

(B) unregulated by contractual encumbrances or local rent-control laws; and

(C) occupied predominantly by renters who receive no rent supplements or rental assistance.

(2) ELIGIBLE MULTIFAMILY HOUSING PROJECT.—The term "eligible multifamily housing project" means a property consisting of more than 4 dwelling units—

(A) with rents which, on an average per unit or per room basis, exceed the rent of comparable properties in the same market area, as determined by the Secretary;

(B) that is covered in whole or in part by a contract for project-based assistance under—

(i) the new construction and substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983);

(ii) the property disposition program under section 8(b) of the United States Housing Act of 1937;

(iii) the moderate rehabilitation program under section 8(e)(2) of the United States Housing Act of 1937;

(iv) the project-based certificate program under section 8 of the United States Housing Act of 1937;

(v) section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975);

(vi) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965; or

(vii) section 8 of the United States Housing Act of 1937, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965; and

(C) financed by a mortgage insured under the National Housing Act.

(3) EXPIRING CONTRACT.—The term "expiring contract" means a project-based assistance contract attached to an eligible multifamily housing project which, under the terms of the contract, will expire.

(4) EXPIRATION DATE.—The term "expiration date" means the date on which an expiring contract expires.

(5) FAIR MARKET RENT.—The term "fair market rent" means the fair market rental established under section 8(c) of the United States Housing Act of 1937.

(6) KNOWING OR KNOWINGLY.—The term "knowing" or "knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard.

(7) LOW-INCOME FAMILIES.—The term "low-income families" has the same meaning as provided under section 3(b)(2) of the United States Housing Act of 1937.

(8) PORTFOLIO RESTRUCTURING AGREEMENT.—The term "Portfolio restructuring agreement" means the agreement entered into between the Secretary and a participating administrative entity, as provided under section 103 of the title.

(9) PARTICIPATING ADMINISTRATIVE ENTITY.—The term "participating administrative entity" means a public agency, including a State housing finance agency or local housing agency, which meets the requirements under section 103(b).

(10) PROJECT-BASED ASSISTANCE.—The term "project-based assistance" means rental assistance under section 8 of the United States Housing Act of 1937 that is attached to a multifamily housing project.

(11) RENEWAL.—The term "renewal" means the replacement of an expiring Federal rental contract with a new contract under section 8 of the United States Housing Act of 1937, consistent with the requirements of this title.

(12) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(13) STATE.—The term "State" has the same meaning as in section 104 of the Cranston-Gonzalez National Affordable Housing Act.

(14) TENANT-BASED ASSISTANCE.—The term "tenant-based assistance" has the same meaning as in section 8(f) of the United States Housing Act of 1937.

(15) UNIT OF GENERAL LOCAL GOVERNMENT.—The term "unit of general local government" has the same meaning as in section 104 of the Cranston-Gonzalez National Affordable Housing Act.

(16) VERY LOW-INCOME FAMILY.—The term "very low-income family" has the same meaning as in section 3(b) of the United States Housing Act of 1937.

SEC. 103. AUTHORITY OF PARTICIPATING ADMINISTRATIVE ENTITIES.

(a) PARTICIPATING ADMINISTRATIVE ENTITIES.—

(1) IN GENERAL.—The Secretary shall enter into portfolio restructuring agreements with participating administrative entities for the implementation of mortgage restructuring and rental assistance sufficiency plans to restructure FHA-insured multifamily housing mortgages, in order to—

(A) reduce the costs of current and expiring contracts for assistance under section 8 of the United States Housing Act of 1937;

(B) address financially and physically troubled projects; and

(C) correct management and ownership deficiencies.

(2) PORTFOLIO RESTRUCTURING AGREEMENTS.—Each portfolio restructuring agreement entered into under this subsection shall—

(A) be a cooperative agreement to establish the obligations and requirements between the Secretary and the participating administrative entity;

(B) identify the eligible multifamily housing projects or groups of projects for which the participating administrative entity is responsible for assisting in developing and implementing approved mortgage restructuring

and rental assistance sufficiency plans under section 104;

(C) require the participating administrative entity to review and certify to the accuracy and completeness of a comprehensive needs assessment submitted by the owner of an eligible multifamily housing project, in accordance with the information and data requirements of section 403 of the Housing and Community Development Act of 1992, including such other data, information, and requirements as the Secretary may require to be included as part of the comprehensive needs assessment;

(D) identify the responsibilities of both the participating administrative entity and the Secretary in implementing a mortgage restructuring and rental assistance sufficiency plan, including any actions proposed to be taken under section 106 or 107;

(E) require each mortgage restructuring and rental assistance sufficiency plan to be prepared in accordance with the requirements of section 104 for each eligible multifamily housing project;

(F) indemnify the participating administrative entity against lawsuits and penalties for actions taken pursuant to the agreement, excluding actions involving gross negligence or willful misconduct; and

(G) include compensation for all reasonable expenses incurred by the participating administrative entity necessary to perform its duties under this Act, including such incentives as may be authorized under section 108.

(b) SELECTION OF PARTICIPATING ADMINISTRATIVE ENTITY.—

(1) SELECTION CRITERIA.—The Secretary shall select a participating administrative entity based on the following criteria—

(A) is located in the State or local jurisdiction in which the eligible multifamily housing project or projects are located;

(B) has demonstrated expertise in the development or management of low-income affordable rental housing;

(C) has a history of stable, financially sound, and responsible administrative performance;

(D) has demonstrated financial strength in terms of asset quality, capital adequacy, and liquidity; and

(E) is otherwise qualified, as determined by the Secretary, to carry out the requirements of this title.

(2) SELECTION OF MORTGAGE RISK-SHARING ENTITIES.—Any State housing finance agency or local housing agency which is designated as a qualified participating entity under section 542 of the Housing and Community Development Act of 1992 shall automatically qualify as a participating administrative entity under this section.

(3) ALTERNATIVE ADMINISTRATORS.—With respect to any eligible multifamily housing project that is located in a State or local jurisdiction in which the Secretary determines that a participating administrative entity is not located, is unavailable, or does not qualify, the Secretary shall either—

(A) carry out the requirements of this title with respect to that eligible multifamily housing project; or

(B) contract with other qualified entities that meet the requirements of subsection (b), with the exception of subsection (b)(1)(A), the authority to carry out all or a portion of the requirements of this title with respect to that eligible multifamily housing project.

(4) PREFERENCE FOR STATE HOUSING FINANCE AGENCIES AS PARTICIPATING ADMINISTRATIVE ENTITIES.—For each State in which eligible multifamily housing projects are located, the Secretary shall give preference to the housing finance agency of that State or, if a State housing finance agency is unqualified or has declined to participate, a local housing agency to act as the participating administrative entity for that State or for the jurisdiction in which the agency located.

(5) STATE PORTFOLIO REQUIREMENTS.—

(A) IN GENERAL.—If the housing finance agency of a State is selected as the participating administrative entity, that agency shall be responsible for all eligible multifamily housing projects in that State, except that a local housing agency selected as a participating administrative entity shall be responsible for all eligible multifamily housing projects in the jurisdiction of the agency.

(B) DELEGATION.—A participating administrative entity may delegate or transfer responsibilities and functions under this title to one or more interested and qualified public entities.

(C) WAIVER.—A State housing finance agency or local housing agency may request a waiver from the Secretary from the requirements of this paragraph for good cause.

SEC. 104. MORTGAGE RESTRUCTURING AND RENTAL ASSISTANCE SUFFICIENCY PLAN.

(a) IN GENERAL.—

(1) DEVELOPMENT OF PROCEDURES AND REQUIREMENTS.—The Secretary shall develop procedures and requirements for the submission of a mortgage restructuring and rental assistance sufficiency plan for each eligible multifamily housing project with an expiring contract.

(2) TERMS AND CONDITIONS.—Each mortgage restructuring and rental assistance sufficiency plan submitted under this subsection shall be developed at the initiative of an owner of an eligible multifamily housing project with a participating administrative entity, under such terms and conditions as the Secretary shall require.

(3) CONSOLIDATION.—Mortgage restructuring and rental assistance sufficiency plans submitted under this subsection may be consolidated as part of an overall strategy for more than one property.

(b) NOTICE REQUIREMENTS.—The Secretary shall establish notice procedures and hearing requirements for tenants and owners concerning the dates for the expiration of project-based assistance contracts for any eligible multifamily housing project.

(c) EXTENSION OF CONTRACT TERM.—Subject to agreement by a project owner, the Secretary may extend the term of any expiring contract or provide a section 8 contract with rent levels set in accordance with subsection (g) for a period sufficient to facilitate the implementation of a mortgage restructuring and rental assistance sufficiency plan, as determined by the Secretary.

(d) TENANT RENT PROTECTION.—If the owner of a project with an expiring Federal rental assistance contract does not agree to extend the contract, the Secretary shall make tenant-based assistance available to tenants residing in units assisted under the expiring contract at the time of expiration.

(e) MORTGAGE RESTRUCTURING AND RENTAL ASSISTANCE SUFFICIENCY PLAN.—Each mortgage restructuring and rental assistance sufficiency plan shall—

(1) except as otherwise provided, restructure the project-based assistance rents for the eligible multifamily housing project in a manner consistent with subsection (g);

(2) require the owner or purchaser of an eligible multifamily housing project with an expiring contract to submit to the participating administrative entity a comprehensive needs assessment, in accordance with the information and data requirements of section 403 of the Housing and Community Development Act of 1992, including such other data, information, and requirements as the Secretary may require to be included as part of the comprehensive needs assessment;

(3) require the owner or purchaser of the project to provide or contract for competent management of the project;

(4) require the owner or purchaser of the project to take such actions as may be necessary to rehabilitate, maintain adequate reserves, and to maintain the project in decent and safe condition, based on housing quality standards established by—

(A) the Secretary; or

(B) local housing codes or codes adopted by public housing agencies that—

(i) meet or exceed housing quality standards established by the Secretary; and

(ii) do not severely restrict housing choice;

(5) require the owner or purchaser of the project to maintain affordability and use restrictions for 20 years, as the participating administrative entity determines to be appropriate, which restrictions shall be consistent with the long-term physical and financial viability character of the project as affordable housing;

(6) meet subsidy layering requirements under guidelines established by the Secretary; and

(7) require the owner or purchaser of the project to meet such other requirements as the Secretary determines to be appropriate.

(f) TENANT AND COMMUNITY PARTICIPATION AND CAPACITY BUILDING.—

(1) PROCEDURES.—

(A) IN GENERAL.—The Secretary shall establish procedures to provide an opportunity for tenants of the project and other affected parties, including local government and the community in which the project is located, to participate effectively in the restructuring process established by this title.

(B) CRITERIA.—These procedures shall include—

(i) the rights to timely and adequate written notice of the proposed decisions of the owner or the Secretary or participating administrative entity;

(ii) timely access to all relevant information (except for information determined to be proprietary under standards established by the Secretary);

(iii) an adequate period to analyze this information and provide comments to the Secretary or participating administrative entity (which comments shall be taken into consideration by the participating administrative entity); and

(iv) if requested, a meeting with a representative of the participating administrative entity and other affected parties.

(2) PROCEDURES REQUIRED.—The procedures established under paragraph (1) shall permit tenant, local government, and community participation in at least the following decisions or plans specified in this title:

(A) The Portfolio Restructuring Agreement.

(B) Any proposed expiration of the section 8 contract.

(C) The project's eligibility for restructuring pursuant to section 106 and the mortgage restructuring and rental assistance sufficiency plan pursuant to section 104.

(D) Physical inspections.

(E) Capital needs and management assessments, whether before or after restructuring.

(F) Any proposed transfer of the project.

(3) FUNDING.—

(A) IN GENERAL.—The Secretary may provide not more than $10,000,000 annually in

funding to tenant groups, nonprofit organizations, and public entities for building the capacity of tenant organizations, for technical assistance in furthering any of the purposes of this title (including transfer of developments to new owners) and for tenant services, from those amounts made available under appropriations Acts for implementing this title.

(B) ALLOCATION.—The Secretary may allocate any funds made available under subparagraph (A) through existing technical assistance programs and procedures developed pursuant to any other Federal law, including the Low-Income Housing Preservation and Resident Homeownership Act of 1990 and the Multifamily Property Disposition Reform Act of 1994.

(C) PROHIBITION.—None of the funds made available under subparagraph (A) may be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by the Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation.

(g) RENT LEVELS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each mortgage restructuring and rental assistance sufficiency plan pursuant to the terms, conditions, and requirements of this title shall establish for units assisted with project-based assistance in eligible multifamily housing projects adjusted rent levels that—

(A) are equivalent to rents derived from comparable properties, if—

(i) the participating administrative entity makes the rent determination not later than 120 days after the owner submits a mortgage restructuring and rental assistance sufficiency plan; and

(ii) the market rent determination is based on not less than 2 comparable properties; or

(B) if those rents cannot be determined, are equal to 90 percent of the fair market rents for the relevant market area.

(2) EXCEPTIONS.—

(A) IN GENERAL.—A contract under this section may include rent levels that exceed the rent level described in paragraph (1) at rent levels that do not exceed 120 percent of the local fair market rent if the participating administrative entity—

(i) determines, that the housing needs of the tenants and the community cannot be adequately addressed through implementation of the rent limitation required to be established through a mortgage restructuring and rental assistance sufficiency plan under paragraph (1); and

(ii) follows the procedures under paragraph (3).

(B) EXCEPTION RENTS.—In any fiscal year, a participating administrative entity may approve exception rents on not more than 20 percent of all units in the geographic jurisdiction of the entity with expiring contracts in that fiscal year, except that the Secretary may waive this ceiling upon a finding of special need in the geographic area served by the participating administrative entity.

(3) RENT LEVELS FOR EXCEPTION PROJECTS.—For purposes of this section, a project eligible for an exception rent shall receive a rent calculation on the actual and projected costs of operating the project, at a level that provides income sufficient to support a budget-based rent that consists of—

(A) the debt service of the project;

(B) the operating expenses of the project, as determined by the participating administrative entity, including—

(i) contributions to adequate reserves;

(ii) the costs of maintenance and necessary rehabilitation; and

(iii) other eligible costs permitted under section 8 of the United States Housing Act of 1937;

(C) an adequate allowance for potential operating losses due to vacancies and failure to collect rents, as determined by the participating administrative entity;

(D) an allowance for a reasonable rate of return to the owner or purchaser of the project, as determined by the participating administrative entity, which may be established to provide incentives for owners or purchasers to meet benchmarks of quality for management and housing quality; and

(E) other expenses determined by the participating administrative entity to be necessary for the operation of the project.

(h) EXEMPTIONS FROM RESTRUCTURING.—Subject to section 106, the Secretary shall renew project-based assistance sufficiency contracts at existing rents if—

(1) the project was financed through obligations such that the implementation of a mortgage restructuring and rental assistance sufficiency plan under this section is inconsistent with applicable law or agreements governing such financing;

(2) in the determination of the Secretary or the participating administrative entity, the restructuring would not result in significant savings to the Secretary; or

(3) the project has an expiring contract under section 8 of the United States Housing Act of 1937 but does not qualify as an eligible multifamily housing project pursuant to section 102(2) of this title.

SEC. 105. SECTION 8 RENEWALS AND LONG-TERM AFFORDABILITY COMMITMENT BY OWNER OF PROJECT.

(a) SECTION 8 RENEWALS OF RESTRUCTURED PROJECTS.—Subject to the availability of amounts provided in advance in appropriations Acts, the Secretary shall enter into contracts with participating administrative entities pursuant to which the participating administrative entity shall offer to renew or extend an expiring section 8 contract on an eligible multifamily housing project, and the owner of the project shall accept the offer, provided the initial renewal is in accordance with the terms and conditions specified in the mortgage restructuring and rental assistance sufficiency plan.

(b) REQUIRED COMMITMENT.—After the initial renewal of a section 8 contract pursuant to this section, the owner shall accept each offer made pursuant to subsection (a) to renew the contract, for a period of 20 years from the date of the initial renewal, if the offer to renew is on terms and conditions specified in the mortgage restructuring and rental assistance sufficiency plan.

SEC. 106. PROHIBITION ON RESTRUCTURING.

(a) PROHIBITION ON RESTRUCTURING.—The Secretary shall not consider any mortgage restructuring and rental assistance sufficiency plan or request for contract renewal if the participating administrative entity determines that—

(1) the owner or purchaser of the project has engaged in material adverse financial or managerial actions or omissions with regard to this project (or with regard to other similar projects if the Secretary determines that those actions or omissions constitute a pattern of mismanagement that would warrant suspension or debarment by the Secretary), including—

(A) knowingly and materially violating any Federal, State, or local law or regulation with regard to this project or any other federally assisted project;

(B) knowingly and materially breaching a contract for assistance under section 8 of the United States Housing Act of 1937;

(C) knowingly and materially violating any applicable regulatory or other agreement with the Secretary or a participating administrative entity;

(D) repeatedly failing to make mortgage payments at times when project income was sufficient to maintain and operate the property;

(E) materially failing to maintain the property according to housing quality standards after receipt of notice and a reasonable opportunity to cure; or

(F) committing any actions or omissions that would warrant suspension or debarment by the Secretary;

(2) the owner or purchaser of the property materially failed to follow the procedures and requirements of this title, after receipt of notice and an opportunity to cure; or

(3) the poor condition of the project cannot be remedied in a cost effective manner, as determined by the participating administrative entity.

(b) OPPORTUNITY TO DISPUTE FINDINGS.—

(1) IN GENERAL.—During the 30-day period beginning on the date on which the owner or purchaser of an eligible multifamily housing project receives notice of a rejection under subsection (a) or of a mortgage restructuring and rental assistance sufficiency plan under section 104, the Secretary or participating administrative entity shall provide that owner or purchaser with an opportunity to dispute the basis for the rejection and an opportunity to cure.

(2) AFFIRMATION, MODIFICATION, OR REVERSAL.—

(A) IN GENERAL.—After providing an opportunity to dispute under paragraph (1), the Secretary or the participating administrative entity may affirm, modify, or reverse any rejection under subsection (a) or rejection of a mortgage restructuring and rental assistance sufficiency plan under section 104.

(B) REASONS FOR DECISION.—The Secretary or the participating administrative entity, as applicable, shall identify the reasons for any final decision under this paragraph.

(C) REVIEW PROCESS.—The Secretary shall establish an administrative review process to appeal any final decision under this paragraph.

(c) FINAL DETERMINATION.—Any final determination under this section shall not be subject to judicial review.

(d) DISPLACED TENANTS.—Subject to the availability of amounts provided in advance in appropriations Acts, for any low-income tenant that is residing in a project or receiving assistance under section 8 of the United States Housing Act of 1937 at the time of rejection under this section, that tenant shall be provided with tenant-based assistance and reasonable moving expenses, as determined by the Secretary.

(e) TRANSFER OF PROPERTY.—For properties disqualified from the consideration of a mortgage restructuring and rental assistance sufficiency plan under this section because of actions by an owner or purchaser in accordance with paragraph (1) or (2) of subsection (a), the Secretary shall establish procedures to facilitate the voluntary sale or transfer of a property as part of a mortgage restructuring and rental assistance sufficiency plan, with a preference for tenant organizations and tenant-endorsed community-

based nonprofit and public agency purchasers meeting such reasonable qualifications as may be established by the Secretary.

SEC. 107. RESTRUCTURING TOOLS.

(a) RESTRUCTURING TOOLS.—For purposes of this title, and to the extent these actions are consistent with this section, an approved mortgage restructuring and rental assistance sufficiency plan may include one or more of the following:

(1) FULL OR PARTIAL PAYMENT OF CLAIM.—Making a full payment of claim or partial payment of claim under section 541(b) of the National Housing Act. Any payment under this paragraph shall not require the approval of a mortgage.

(2) REFINANCING OF DEBT.—Refinancing of all or part of the debt on a project, if the refinancing would result in significant subsidy savings under section 8 of the United States Housing Act of 1937.

(3) MORTGAGE INSURANCE.—Providing FHA multifamily mortgage insurance, reinsurance or other credit enhancement alternatives, including multifamily risk-sharing mortgage programs, as provided under section 542 of the Housing and Community Development Act of 1992. Any limitations on the number of units available for mortgage insurance under section 542 shall not apply to eligible multifamily housing projects. Any credit subsidy costs of providing mortgage insurance shall be paid from the General Insurance Fund and the Special Risk Insurance Fund.

(4) CREDIT ENHANCEMENT.—Any additional State or local mortgage credit enhancements and risk-sharing arrangements may be established with State or local housing finance agencies, the Federal Housing Finance Board, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation, to a modified first mortgage.

(5) COMPENSATION OF THIRD PARTIES.—Entering into agreements, incurring costs, or making payments, as may be reasonably necessary, to compensate the participation of participating administrative entities and other parties in undertaking actions authorized by this title. Upon request, participating administrative entities shall be considered to be contract administrators under section 8 of the United States Housing Act of 1937 for purposes of any contracts entered into as part of an approved mortgage restructuring and rental assistance sufficiency plan.

(6) RESIDUAL RECEIPTS.—Applying any acquired residual receipts to maintain the long-term affordability and physical condition of the property. The participating administrative entity may expedite the acquisition of residual receipts by entering into agreements with owners of housing covered by an expiring contract to provide an owner with a share of the receipts, not to exceed 10 percent.

(7) REHABILITATION NEEDS.—Assisting in addressing the necessary rehabilitation needs of the project, except that assistance under this paragraph shall not exceed the equivalent of $5,000 per unit for those units covered with project-based assistance. Rehabilitation may be paid from the provision of grants from residual receipts or, as provided in appropriations Acts, from budget authority provided for increases in the budget authority for assistance contracts under section 8 of the United States Housing Act of 1937, or through the debt restructuring transaction. Each owner that receives rehabilitation assistance shall contribute not less than 25 percent of the amount of rehabilitation assistance received.

(8) MORTGAGE RESTRUCTURING.—Restructuring mortgages to provide a structured first mortgage to cover rents at levels that are established in section 104(g) and a second mortgage equal to the difference between the restructured first mortgage and the mortgage balance of the eligible multifamily housing project at the time of restructuring. The second mortgage shall bear interest at a rate not to exceed the applicable Federal rate for a term not to exceed 50 years. If the first mortgage remains outstanding, payments of interest and principal on the second mortgage shall be made from all excess project income only after the payment of all reasonable and necessary operating expenses (including deposits in a reserve for replacement), debt service on the first mortgage, and such other expenditures as may be approved by the Secretary. During the period in which the first mortgage remains outstanding, no payments of interest or principal shall be required on the second mortgage. The second mortgage shall be assumable by any subsequent purchaser of any multifamily housing project, pursuant to guidelines established by the Secretary. The principal and accrued interest due under the second mortgage shall be fully payable upon disposition of the property, unless the mortgage is assumed under the preceding sentence. The owner shall begin repayment of the second mortgage upon full payment of the first mortgage in equal monthly installments in an amount equal to the monthly principal and interest payments formerly paid under the first mortgage. The principal and interest of a second mortgage shall be immediately due and payable upon a finding by the Secretary that an owner has failed to materially comply with this title or any requirements of the United States Housing Act of 1937 as those requirements apply to the applicable project, after receipt of notice of such failure and a reasonable opportunity to cure such failure. The second mortgage may be a direct obligation of the Secretary or a loan financed through a lender, other than the Secretary. Any credit subsidy costs of providing a second mortgage shall be paid from the General Insurance Fund and the Special Risk Insurance Fund.

(b) ROLE OF FNMA AND FHLMC.—Section 1335 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) paragraph (4), by striking the period at the end and inserting "; and";

(3) by striking "To meet" and inserting the following:

"(a) IN GENERAL.—To meet"; and

(4) by adding at the end the following:

"(5) assist in maintaining the affordability of assisted units in eligible multifamily housing projects with expiring contracts, as defined under the Multifamily Assisted Housing Reform and Affordability Act of 1996.

"(b) AFFORDABLE HOUSING GOALS.—Actions taken under subsection (a)(5) shall constitute part of the contribution of each entity in meeting their affordable housing goals under sections 1332, 1333, and 1334 for any fiscal year, as determined by the Secretary.".

(c) PROHIBITION ON EQUITY SHARING BY THE SECRETARY.—The Secretary is prohibited from participating in any equity agreement or profit-sharing agreement in conjunction with any eligible multifamily housing project.

SEC. 108. SHARED SAVINGS INCENTIVE.

(a) IN GENERAL.—At the time a participating administrative entity is designated, the Secretary shall negotiate an incentive agreement with the participating administrative entity, which agreement may provide such entity with a share of savings from any restructured mortgage and reduced subsidies resulting from actions under section 107. The Secretary shall negotiate with participating administrative entities a savings incentive formula that provides for periodic payments over a 5-year period, which is allocated as incentives to participating administrative entities.

(b) USE OF SAVINGS.—Notwithstanding any other provision of law, the incentive agreement under subsection (a) shall require any savings provided to a participating administrative entity under that agreement to be used only for providing decent, safe, and affordable housing for very low-income families and persons with a priority for eligible multifamily housing projects.

SEC. 109. MANAGEMENT STANDARDS.

Each participating administrative entity shall establish and implement management standards, including requirements governing conflicts of interest between owners, managers, contractors with an identity of interest, pursuant to guidelines established by the Secretary and consistent with industry standards.

SEC. 110. MONITORING OF COMPLIANCE.

(a) COMPLIANCE AGREEMENTS.—Pursuant to regulations issued by the Secretary after public notice and comment, each participating administrative entity, through binding contractual agreements with owners and otherwise, shall ensure long-term compliance with the provisions of this title. Each agreements shall, at a minimum, provide for—

(1) enforcement of the provisions of this title; and

(2) remedies for the breach of those provisions.

(b) PERIODIC MONITORING.—

(1) IN GENERAL.—Not less than annually, each participating administrative entity shall review the status of all multifamily housing projects for which a mortgage restructuring and rental assistance sufficiency plan has been implemented.

(2) INSPECTIONS.—Each review under this subsection shall include onsite inspection to determine compliance with housing codes and other requirements as provided in this title and the portfolio restructuring agreements.

(c) AUDIT BY THE SECRETARY.—The Comptroller General of the United States, the Secretary, and the Inspector General of the Department of Housing and Urban Development may conduct an audit at any time of any multifamily housing project for which a mortgage restructuring and rental assistance sufficiency plan has been implemented.

SEC. 111. REVIEW.

(a) ANNUAL REVIEW.—In order to ensure compliance with this title, the Secretary shall conduct an annual review and report to the Congress on actions taken under this title and the status of eligible multifamily housing projects.

(b) SUBSIDY LAYERING REVIEW.—The participating administrative entity shall certify, pursuant to guidelines issued by the Secretary, that the requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 are satisfied so that the combination of assistance provided in connection with a property for which a mortgage is to be restructured

shall not be any greater than is necessary to provide affordable housing.

SEC. 112. GAO AUDIT AND REVIEW.

(a) INITIAL AUDIT.—Not later than 18 months after the effective date of interim or final regulations promulgated under this title, the Comptroller General of the United States shall conduct an audit to evaluate a representative sample of all eligible multifamily housing projects and the implementation of all mortgage restructuring and rental assistance sufficiency plans.

(b) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the audit conducted under subsection (a), the Comptroller General of the United States shall submit to the Congress a report on the status of all eligible multifamily housing projects and the implementation of all mortgage restructuring and rental assistance sufficiency plans.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a description of the initial audit conducted under subsection (a); and

(B) recommendations for any legislative action to increase the financial savings to the Federal Government of the restructuring of eligible multifamily housing projects balanced with the continued availability of the maximum number of affordable low-income housing units.

SEC. 113. REGULATIONS.

(a) RULEMAKING AND IMPLEMENTATION.—The Secretary shall issue interim regulations necessary to implement this title not later than the expiration of the 6-month period beginning on the date of enactment of this Act. Not later than 1 year after the date of enactment of this Act, in accordance with the negotiated rulemaking procedures set forth in subchapter III of chapter 5 of title 5, United States Code, the Secretary shall implement final regulations implementing this title.

(b) REPEAL OF FHA MULTIFAMILY HOUSING DEMONSTRATION AUTHORITY.—

(1) IN GENERAL.—Beginning upon the expiration of the 6-month period beginning on the date of enactment of this Act, the Secretary may not exercise any authority or take any action under section 210 of the Balanced Budget Down Payment Act, II.

(2) UNUSED BUDGET AUTHORITY.—Any unused budget authority under section 210(f) of the Balanced Budget Down Payment Act, II, shall be available for taking actions under the requirements established through regulations issued under subsection (a).

SEC. 114. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CALCULATION OF LIMIT ON PROJECT-BASED ASSISTANCE.—Section 8(d) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)) is amended by adding at the end the following new paragraph:

"(5) CALCULATION OF LIMIT.—Any contract entered into under section 104 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 shall be excluded in computing the limit on project-based assistance under this subsection.".

(b) PARTIAL PAYMENT OF CLAIMS ON MULTIFAMILY HOUSING PROJECTS.—Section 541 of the National Housing Act (12 U.S.C. 1735f-19) is amended—

(1) in subsection (a), in the subsection heading, by striking "AUTHORITY" and inserting "DEFAULTED MORTGAGES";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

"(b) EXISTING MORTGAGES.—Notwithstanding any other provision of law, the Secretary, in connection with a mortgage restructuring under section 104 of the Multifamily Assisted Housing Reform and Affordability Act of 1997, may make a one time, nondefault partial payment of the claim under the mortgage insurance contract, which shall include a determination by the Secretary or the participating administrative entity, in accordance with the Multifamily Assisted Housing Reform and Affordability Act of 1997, of the market value of the project and a restructuring of the mortgage, under such terms and conditions as the Secretary may establish.".

SEC. 115. TERMINATION OF AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (b), this title is repealed effective October 1, 2002.

(b) EXCEPTION.—The repeal under this section does not apply with respect to projects and programs for which binding commitments have been entered into before October 1, 2002.

TITLE II—ENFORCEMENT PROVISIONS

SEC. 201. IMPLEMENTATION.

(a) ISSUANCE OF NECESSARY REGULATIONS.—Notwithstanding section 7(o) of the Department of Housing and Urban Development Act or part 10 of title 24, Code of Federal Regulations (as in existence on the date of enactment of this Act), the Secretary shall issue such regulations as the Secretary determines to be necessary to implement this title and the amendments made by this title in accordance with section 552 or 553 of title 5, United States Code, as determined by the Secretary.

(b) USE OF EXISTING REGULATIONS.—In implementing any provision of this title, the Secretary may, in the discretion of the Secretary, provide for the use of existing regulations to the extent appropriate, without rulemaking.

Subtitle A—FHA Single Family and Multifamily Housing

SEC. 211. AUTHORIZATION TO IMMEDIATELY SUSPEND MORTGAGEES.

Section 202(c)(3)(C) of the National Housing Act (12 U.S.C. 1708(c)(3)(C)) is amended by inserting after the first sentence the following new sentence: "Notwithstanding paragraph (4)(A), a suspension shall be effective upon issuance by the Board if the Board determines that there exists adequate evidence that immediate action is required to protect the financial interests of the Department or the public.".

SEC. 212. EXTENSION OF EQUITY SKIMMING TO OTHER SINGLE FAMILY AND MULTIFAMILY HOUSING PROGRAMS.

Section 254 of the National Housing Act (12 U.S.C. 1715z-19) is amended to read as follows:

"SEC. 254. EQUITY SKIMMING PENALTY.

"(a) IN GENERAL.—Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of a multifamily project or a 1- to 4-family residence that is security for a mortgage note that is described in subsection (b), willfully uses or authorizes the use of any part of the rents, assets, proceeds, income, or other funds derived from property covered by that mortgage note for any purpose other than to meet reasonable and necessary expenses that include expenses approved by the Secretary if such approval is required, in a period during which the mortgage note is in default or the project is in a nonsurplus cash position, as defined by the regulatory agreement covering the property, or the mortgagor has failed to comply with the provisions of such other form of regulatory control imposed by the Secretary, shall be fined not more than $500,000, imprisoned not more than 5 years, or both.

"(b) MORTGAGE NOTES DESCRIBED.—For purposes of subsection (a), a mortgage note is described in this subsection if it—

"(1) is insured, acquired, or held by the Secretary pursuant to this Act;

"(2) is made pursuant to section 202 of the Housing Act of 1959 (including property still subject to section 202 program requirements that existed before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act); or

"(3) is insured or held pursuant to section 542 of the Housing and Community Development Act of 1992, but is not reinsured under section 542 of the Housing and Community Development Act of 1992.".

SEC. 213. CIVIL MONEY PENALTIES AGAINST MORTGAGEES, LENDERS, AND OTHER PARTICIPANTS IN FHA PROGRAMS.

(a) CHANGE TO SECTION TITLE.—Section 536 of the National Housing Act (12 U.S.C. 1735f-14) is amended by striking the section heading and the section designation and inserting the following:

"SEC. 536. CIVIL MONEY PENALTIES AGAINST MORTGAGEES, LENDERS, AND OTHER PARTICIPANTS IN FHA PROGRAMS.".

(b) EXPANSION OF PERSONS ELIGIBLE FOR PENALTY.—Section 536(a) of the National Housing Act (12 U.S.C. 1735f-14(a)) is amended—

(1) in paragraph (1), by striking the first sentence and inserting the following: "If a mortgagee approved under the Act, a lender holding a contract of insurance under title I of this Act, or a principal, officer, or employee of such mortgagee or lender, or other person or entity participating in either an insured mortgage or title I loan transaction under this Act or providing assistance to the borrower in connection with any such loan, including sellers of the real estate involved, borrowers, closing agents, title companies, real estate agents, mortgage brokers, appraisers, loan correspondents and dealers, knowingly and materially violates any applicable provision of subsection (b), the Secretary may impose a civil money penalty on the mortgagee or lender, or such other person or entity, in accordance with this section. The penalty under this paragraph shall be in addition to any other available civil remedy or any available criminal penalty, and may be imposed whether or not the Secretary imposes other administrative sanctions."; and

(2) in paragraph (2)—

(A) in the first sentence, by inserting "or such other person or entity" after "lender"; and

(B) in the second sentence, by striking "provision" and inserting "the provisions".

(c) ADDITIONAL VIOLATIONS FOR MORTGAGEES, LENDERS, AND OTHER PARTICIPANTS IN FHA PROGRAMS.—Section 536(b) of the National Housing Act (12 U.S.C. 1735f-14(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph:

"(2) The Secretary may impose a civil money penalty under subsection (a) for any knowing and material violation by a principal, officer, or employee of a mortgagee or lender, or other participants in either an insured mortgage or title I loan transaction under this Act or provision of assistance to the borrower in connection with any such

loan, including sellers of the real estate involved, borrowers, closing agents, title companies, real estate agents, mortgage brokers, appraisers, loan correspondents, and dealers for—

"(A) submission to the Secretary of information that was false, in connection with any mortgage insured under this Act, or any loan that is covered by a contract of insurance under title I of this Act;

"(B) falsely certifying to the Secretary or submitting to the Secretary a false certification by another person or entity; or

"(C) failure by a loan correspondent or dealer to submit to the Secretary information which is required by regulations or directives in connection with any loan that is covered by a contract of insurance under title I of this Act."; and

(3) in paragraph (3), as redesignated, by striking "or paragraph (1)(F)" and inserting "or (F), or paragraph (2)(A), (B), or (C)".

(d) CONFORMING AND TECHNICAL AMENDMENTS.—Section 536 of the National Housing Act (12 U.S.C. 1735f-14) is amended—

(1) in subsection (c)(1)(B), by inserting after "lender" the following: "or such other person or entity";

(2) in subsection (d)(1)—

(A) by inserting "or such other person or entity" after "lender"; and

(B) by striking "part 25" and inserting "parts 24 and 25"; and

(3) in subsection (e), by inserting "or such other person or entity" after "lender" each place that term appears.

Subtitle B—FHA Multifamily

SEC. 220. CIVIL MONEY PENALTIES AGAINST GENERAL PARTNERS, OFFICERS, DIRECTORS, AND CERTAIN MANAGING AGENTS OF MULTIFAMILY PROJECTS.

(a) CIVIL MONEY PENALTIES AGAINST MULTIFAMILY MORTGAGORS.—Section 537 of the National Housing Act (12 U.S.C. 1735f-15) is amended—

(1) in subsection (b)(1), by striking "on that mortgagor" and inserting the following: "on that mortgagor, on a general partner of a partnership mortgagor, or on any officer or director of a corporate mortgagor";

(2) in subsection (c)—

(A) by striking the subsection heading and inserting the following:

"(c) OTHER VIOLATIONS.—"; and

(B) in paragraph (1)—

(i) by striking "VIOLATIONS.—The Secretary may" and all that follows through the colon and inserting the following:

"(A) LIABLE PARTIES.—The Secretary may also impose a civil money penalty under this section on—

"(i) any mortgagor of a property that includes five or more living units and that has a mortgage insured, coinsured, or held pursuant to this Act;

"(ii) any general partner of a partnership mortgagor of such property;

"(iii) any officer or director of a corporate mortgagor;

"(iv) any agent employed to manage the property that has an identity of interest with the mortgagor, with the general partner of a partnership mortgagor, or with any officer or director of a corporate mortgagor of such property; or

"(v) any member of a limited liability company that is the mortgagor of such property or is the general partner of a limited partnership mortgagor or is a partner of a general partnership mortgagor.

"(B) VIOLATIONS.—A penalty may be imposed under this section upon any liable party under subparagraph (A) that knowingly and materially takes any of the following actions:";

(ii) in subparagraph (B), as designated by clause (i), by redesignating the subparagraph designations (A) through (L) as clauses (i) through (xii), respectively;

(iii) by adding after clause (xii), as redesignated by clause (ii), the following new clauses:

"(xiii) Failure to maintain the premises, accommodations, any living unit in the project, and the grounds and equipment appurtenant thereto in good repair and condition in accordance with regulations and requirements of the Secretary, except that nothing in this clause shall have the effect of altering the provisions of an existing regulatory agreement or federally insured mortgage on the property.

"(xiv) Failure, by a mortgagor, a general partner of a partnership mortgagor, or an officer or director of a corporate mortgagor, to provide management for the project that is acceptable to the Secretary pursuant to regulations and requirements of the Secretary."; and

(iv) in the last sentence, by deleting "of such agreement" and inserting "of this subsection";

(3) in subsection (d)—

(A) in paragraph (1)(B), by inserting after "mortgagor" the following: ", general partner of a partnership mortgagor, officer or director of a corporate mortgagor, or identity of interest agent employed to manage the property"; and

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

"(5) PAYMENT OF PENALTY.—No payment of a civil money penalty levied under this section shall be payable out of project income.";

(4) in subsection (e)(1), by deleting "a mortgagor" and inserting "an entity or person";

(5) in subsection (f), by inserting after "mortgagor" each place such term appears the following: ", general partner of a partnership mortgagor, officer or director of a corporate mortgagor, or identity of interest agent employed to manage the property";

(6) by striking the heading of subsection (f) and inserting the following: "CIVIL MONEY PENALTIES AGAINST MULTIFAMILY MORTGAGORS, GENERAL PARTNERS OF PARTNERSHIP MORTGAGORS, OFFICERS AND DIRECTORS OF CORPORATE MORTGAGORS, AND CERTAIN MANAGING AGENTS"; and

(7) by adding at the end the following new subsection:

"(k) IDENTITY OF INTEREST MANAGING AGENT.—For purposes of this section, the terms 'agent employed to manage the property that has an identity of interest' and 'identity of interest agent' mean an entity—

"(1) that has management responsibility for a project;

"(2) in which the ownership entity, including its general partner or partners (if applicable) and its officers or directors (if applicable), has an ownership interest; and

"(3) over which the ownership entity exerts effective control.".

(b) IMPLEMENTATION.—

(1) PUBLIC COMMENT.—The Secretary shall implement the amendments made by this section by regulation issued after notice and opportunity for public comment. The notice shall seek comments primarily as to the definitions of the terms "ownership interest in" and "effective control", as those terms are used in the definition of the terms "agent employed to manage the property that has an identity of interest" and "identity of interest agent".

(2) TIMING.—A proposed rule implementing the amendments made by this section shall be published not later than one year after the date of enactment of this Act.

(c) APPLICABILITY OF AMENDMENTS.—The amendments made by subsection (a) shall apply only with respect to—

(1) violations that occur on or after the effective date of the final regulations implementing the amendments made by this section; and

(2) in the case of a continuing violation (as determined by the Secretary of Housing and Urban Development), any portion of a violation that occurs on or after that date.

SEC. 221. CIVIL MONEY PENALTIES FOR NONCOMPLIANCE WITH SECTION 8 HAP CONTRACTS.

(a) BASIC AUTHORITY.—Title I of the United States Housing Act of 1937 is amended by adding at the end the following new section:

"SEC. 27. CIVIL MONEY PENALTIES AGAINST SECTION 8 OWNERS.

"(a) IN GENERAL.—

"(1) EFFECT ON OTHER REMEDIES.—The penalties set forth in this section shall be in addition to any other available civil remedy or any available criminal penalty, and may be imposed regardless of whether the Secretary imposes other administrative sanctions.

"(2) FAILURE OF SECRETARY.—The Secretary may not impose penalties under this section for a violation, if a material cause of the violation is the failure of the Secretary, an agent of the Secretary, or a public housing agency to comply with an existing agreement.

"(b) VIOLATIONS OF HOUSING ASSISTANCE PAYMENT CONTRACTS FOR WHICH PENALTY MAY BE IMPOSED.—

"(1) LIABLE PARTIES.—The Secretary may impose a civil money penalty under this section on—

"(A) any owner of a property receiving project-based assistance under section 8;

"(B) any general partner of a partnership owner of that property; and

"(C) any agent employed to manage the property that has an identity of interest with the owner or the general partner of a partnership owner of the property.

"(2) VIOLATIONS.—A penalty may be imposed under this section for a knowing and material breach of a housing assistance payments contract, including the following—

"(A) failure to provide decent, safe, and sanitary housing pursuant to section 8; or

"(B) knowing or willful submission of false, fictitious, or fraudulent statements or requests for housing assistance payments to the Secretary or to any department or agency of the United States.

"(3) AMOUNT OF PENALTY.—The amount of a penalty imposed for a violation under this subsection, as determined by the Secretary, may not exceed $25,000 per violation.

"(c) AGENCY PROCEDURES.—

"(1) ESTABLISHMENT.—The Secretary shall issue regulations establishing standards and procedures governing the imposition of civil money penalties under subsection (b). These standards and procedures—

"(A) shall provide for the Secretary or other department official to make the determination to impose the penalty;

"(B) shall provide for the imposition of a penalty only after the liable party has received notice and the opportunity for a hearing on the record; and

"(C) may provide for review by the Secretary of any determination or order, or interlocutory ruling, arising from a hearing and judicial review, as provided under subsection (d).

"(2) FINAL ORDERS.—

"(A) IN GENERAL.—If a hearing is not requested before the expiration of the 15-day period beginning on the date on which the notice of opportunity for hearing is received, the imposition of a penalty under subsection (b) shall constitute a final and unappealable determination.

"(B) EFFECT OF REVIEW.—If the Secretary reviews the determination or order, the Secretary may affirm, modify, or reverse that determination or order.

"(C) FAILURE TO REVIEW.—If the Secretary does not review that determination or order before the expiration of the 90-day period beginning on the date on which the determination or order is issued, the determination or order shall be final.

"(3) FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of a penalty under subsection (b), the Secretary shall take into consideration—

"(A) the gravity of the offense;

"(B) any history of prior offenses by the violator (including offenses occurring before the enactment of this section);

"(C) the ability of the violator to pay the penalty;

"(D) any injury to tenants;

"(E) any injury to the public;

"(F) any benefits received by the violator as a result of the violation;

"(G) deterrence of future violations; and

"(H) such other factors as the Secretary may establish by regulation.

"(4) PAYMENT OF PENALTY.—No payment of a civil money penalty levied under this section shall be payable out of project income.

"(d) JUDICIAL REVIEW OF AGENCY DETERMINATION.—Judicial review of determinations made under this section shall be carried out in accordance with section 537(e) of the National Housing Act.

"(e) REMEDIES FOR NONCOMPLIANCE.—

"(1) JUDICIAL INTERVENTION.—

"(A) IN GENERAL.—If a person or entity fails to comply with the determination or order of the Secretary imposing a civil money penalty under subsection (b), after the determination or order is no longer subject to review as provided by subsections (c) and (d), the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against that person or entity and such other relief as may be available.

"(B) FEES AND EXPENSES.—Any monetary judgment awarded in an action brought under this paragraph may, in the discretion of the court, include the attorney's fees and other expenses incurred by the United States in connection with the action.

"(2) NONREVIEWABILITY OF DETERMINATION OR ORDER.—In an action under this subsection, the validity and appropriateness of the determination or order of the Secretary imposing the penalty shall not be subject to review.

"(f) SETTLEMENT BY SECRETARY.—The Secretary may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this section.

"(g) DEPOSIT OF PENALTIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, if the mortgage covering the property receiving assistance under section 8 is insured or formerly insured by the Secretary, the Secretary shall apply all civil money penalties collected under this section to the appropriate insurance fund or funds established under this Act, as determined by the Secretary.

"(2) EXCEPTION.—Notwithstanding any other provision of law, if the mortgage covering the property receiving assistance under section 8 is neither insured nor formerly insured by the Secretary, the Secretary shall make all civil money penalties collected under this section available for use by the appropriate office within the Department for administrative costs related to enforcement of the requirements of the various programs administered by the Secretary.

"(h) DEFINITIONS.—For the purposes of this section—

"(1) the term 'agent employed to manage the property that has an identity of interest' means an entity—

"(A) that has management responsibility for a project;

"(B) in which the ownership entity, including its general partner or partners (if applicable), has an ownership interest; and

"(C) over which such ownership entity exerts effective control; and

"(2) the term 'knowing' means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the prohibitions under this section.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply only with respect to—

(1) violations that occur on or after the effective date of final regulations implementing the amendments made by this section; and

(2) in the case of a continuing violation (as determined by the Secretary of Housing and Urban Development), any portion of a violation that occurs on or after such date.

(c) IMPLEMENTATION.—

(1) REGULATIONS.—

(A) IN GENERAL.—The Secretary shall implement the amendments made by this section by regulation issued after notice and opportunity for public comment.

(B) COMMENTS SOUGHT.—The notice under subparagraph (A) shall seek comments as to the definitions of the terms "ownership interest in" and "effective control", as such terms are used in the definition of the term "agent employed to manage such property that has an identity of interest".

(2) TIMING.—A proposed rule implementing the amendments made by this section shall be published not later than one year after the date of enactment of this Act.

SEC. 222. EXTENSION OF DOUBLE DAMAGES REMEDY.

Section 421 of the Housing and Community Development Act of 1987 (12 U.S.C. 1715z-4a) is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by striking "Act; or (B)" and inserting the following: "Act; (B) a regulatory agreement that applies to a multifamily project whose mortgage is insured or held by the Secretary under section 202 of the Housing Act of 1959 (including property subject to section 202 of such Act as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act of 1990); (C) a regulatory agreement or such other form of regulatory control as may be imposed by the Secretary that applies to mortgages insured or held by the Secretary under section 542 of the Housing and Community Development Act of 1992, but not reinsured under section 542 of the Housing and Community Development Act of 1992; or (D)"; and

(B) in the second sentence, by inserting after "agreement" the following: ", or such other form of regulatory control as may be imposed by the Secretary,";

(2) in subsection (a)(2), by inserting after "Act," the following: "under section 202 of the Housing Act of 1959 (including section 202 of such Act as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act of 1990) and under section 542 of the Housing and Community Development Act of 1992,";

(3) in subsection (b), by inserting after "agreement" the following: ", or such other form of regulatory control as may be imposed by the Secretary,";

(4) in subsection (c)—

(A) in the first sentence, by inserting after "agreement" the following: ", or such other form of regulatory control as may be imposed by the Secretary."; and

(B) in the second sentence, by inserting before the period the following: "or under the Housing Act of 1959, as appropriate"; and

(5) in subsection (d), by inserting after "agreement" the following: ", or such other form of regulatory control as may be imposed by the Secretary,".

SEC. 223. OBSTRUCTION OF FEDERAL AUDITS.

Section 1516(a) of title 18, United States Code, is amended by inserting after "under a contract or subcontract," the following: "or relating to any property that is security for a mortgage note that is insured, guaranteed, acquired, or held by the Secretary of Housing and Urban Development pursuant to any Act administered by the Secretary,".

SUMMARY OF THE MULTIFAMILY ASSISTED HOUSING REFORM AND AFFORDABILITY ACT OF 1997

PURPOSE

To preserve the affordability and availability of existing FHA-insured multifamily rental housing that is assisted with project-based Section 8 rental assistance, while reducing the long-term costs of the project-based assistance through restructuring of mortgages and project-based contracts.

BASIC PROVISIONS

Participating Administrative Entities (PAEs). Public intermediaries that have demonstrated expertise in affordable housing and responsible asset management would be selected to restructure the assisted projects through mortgage restructuring and rental assistance sufficiency plans. State housing finance agencies (or local housing finance agencies) would be given a priority to act as PAEs, assuming they have the appropriate expertise and are stable and financially sound.

Incentives would be negotiated by HUD with the PAEs to provide the PAE, in periodic payments, with a share of savings from the restructured mortgage and reduced subsidies resulting from the restructuring. Savings are to be used for providing decent, safe and affordable housing for very low-income people.

Mortgage restructuring and rental assistance plan. The plan is to be developed at the initiative of the owner and in conjunction with a PAE. If agreed upon by the owner, HUD may extend the contract term or provide section 8 contracts with rent levels set in accordance with the bill. If the owner does not agree to extend the contract, tenant-based assistance will be made available to tenants.

Each mortgage restructuring and rental assistance sufficiency plan is intended to: (1) restructure project-based rents; (2) require the owner to submit a housing needs assessment; (3) require the owner to provide or contract for competent management of the property; (4) require the owner to rehabilitate, maintain adequate reserves and to maintain the project in decent and safe condition; (5) require the owner to maintain

project affordability for 20 years; and (6) meet subsidy layering guidelines established by HUD.

Rent levels. Projects with subsidy contract rents above fair market rent would be restructured in a manner that would reduce the rents by restructuring the underlying debt. Rents would be "marked" to comparable market rents where comparable properties exist or at least 90 percent of fair market rents (FMR) if comparable properties do not exist.

In some cases (such as properties that provide special services to elderly and disabled households or because of local market rent conditions), even if the debt is restructured, setting rent levels at 90 percent of FMR or comparable market levels may be inadequate to cover the costs of operation. In such cases, rent levels can be set at up to 120 percent of FMR. In any fiscal year, a PAE may approve exception rents on not more than 20 percent of all units in its geographic jurisdiction. The 20 percent level may be increased, subject to a waiver from HUD.

Restructuring tools. An approved mortgage restructuring and sufficiency plan may include one or more of the following: (1) full or partial payment of claim; (2) refinancing on all or part of the debt on a project; (3) mortgage insurance (FHA insurance, reinsurance or other credit enhancement alternatives); (4) credit enhancement; (5) compensation of PAEs; (6) residual receipts; (7) rehabilitation requirements; and (8) mortgage restructuring.

Tax issues. Debt restructuring results in an event that reduces the outstanding mortgage that is owed by owners and investors. This reduction in the mortgage amount will result in a tax liability referred to as "cancellation of indebtedness," or COD. COD is generally treated as ordinary taxable income under the Internal Revenue Code. The bill addresses this problem by bifurcating the existing mortgage into two obligations. The first piece would be determined on the amount of the mortgage that could be supported by the rental income stream. Payment on the second piece—the difference between the first mortgage and the mortgage balance—would be deferred until the second mortgage is paid off.

Rehabilitation. Up to $5,000 in rehabilitation costs for each project-based unit can be included within the restructuring. The owner must contribute a minimum of 25 percent of the amount of rehabilitation assistance received.

Troubled properties and noncompliant owners. Nonviable housing projects and owners not meeting basic program requirements would be ineligible to participate in the renewal and debt restructuring process. Potential alternatives in such instances could include demolition or change of ownership to other entities, including nonprofits or residents. Alternative housing would be provided to affected residents in the case of demolition.

Tenant and community participation and capacity building. Procedures will be established by HUD to provide opportunity for tenants, local governments and community in which the project is located to participate in the restructuring process. Such participation can include timely access to relevant information and the opportunity to analyze such information and provide comments to the PAE or to HUD on all aspects of the portfolio restructuring agreement. In addition, HUD is authorized, subject to appropriations, to provide up to $10 million annually to fund tenant groups, nonprofits and public entities for capacity building and technical assistance.

Enforcement Authority. The bill will minimize the incidence of fraud and abuse of Federally assisted programs through: (1) expanding HUD's ability to impose sanctions on lenders; (2) expanding equity-skimming prohibitions; and (3) broadening the use of civil money penalties.

Regulations. Interim regulations are to be developed within six months of passage of this Act: final regulations are to be developed within one year of enactment.

Mr. BOND. Mr. President, I stand in strong support of the Multifamily Assisted Housing Reform and Affordability Act of 1997. This bill is virtually identical to S. 2042, which was introduced in the last Congress and goes a long way toward developing a constructive and comprehensive section 8 mark-to-market contract renewal program for reducing the costs of expiring project-based section 8 contracts, limiting the financial exposure of the FHA multifamily housing insurance fund for FHA-insured section 8 projects, and preserving, to the maximum extent possible, the section 8 project-based housing stock for very low- and low-income families. This legislation builds on a demonstration enacted as part of the VA/HUD Fiscal Year 1997 appropriations bill which provided HUD with flexible authority to address the costs and the housing issues posed by this stock.

I congratulate Senators D'AMATO, MACK, and BENNETT for their contribution and commitment to this comprehensive legislation, as well as their commitment to finding a bipartisan approach to the many difficult issues associated with the renewal of oversubsidized section 8 project-based contracts. This legislation is a meaningful step in developing a reasonable policy toward the concerns raised by these expiring section 8 project-based contracts.

Over the last 25 years, a number of HUD programs were established for the construction of affordable, low-income housing by providing FHA mortgage insurance while financing the cost of the housing through section 8 project-based housing assistance. Currently, there are some 8,500 projects with almost 1 million units that are both FHA-insured and whose debt service is almost totally dependent on rental assistance payments made under section 8 project-based contracts. Most of these projects serve very low-income families, with almost 50 percent of the stock serving elderly and disabled families.

The crisis facing this housing stock is that the section 8 project-based housing assistance was initially budgeted and appropriated through 15- and 20-year section 8 project-based contracts that are now expiring and for which contract renewal is prohibitively expensive. For example, at least 75 percent of this housing stock have rents that exceed the fair market rent of the local area.

Since current law generally prohibits HUD from renewing these section 8 contracts at rents above 120 percent of the fair market rent, in many cases, the failure to renew expiring section 8 project-based contracts at existing rents will leave owners without the financial ability to pay the mortgage debt on these projects. This means that owners likely will default on their FHA-insured mortgage liabilities, resulting in FHA mortgage insurance claims totaling some $18 billion and foreclosures. HUD would then own and be responsible for managing these low-income multifamily housing projects. This bill is intended to avoid this potential crisis through a fiscally responsible and housing sensitive strategy.

In addition, the cost of the section 8 contracts on these projects reemphasizes the difficult budget and appropriation issues facing the Congress. In particular, according to HUD estimates, the cost of all section 8 contract renewals, both tenant-based and project-based, will require appropriations of about $3.6 billion in Fiscal Year 1997, $10.2 billion in Fiscal Year 1998, and over $16 billion in Fiscal Year 2002. In addition, the cost of renewing the section 8 project-based contracts will grow from $1.2 billion in Fiscal Year 1997 to almost $4 billion in Fiscal Year 2000, and to some $8 billion in 10 years.

Since the HUD appropriations account cannot sustain these exploding costs, this legislation is intended to be a comprehensive response which will reduce the financial cost and exposure to the Federal Government and preserve this valuable housing resource. The Senate bill would generally preserve this low-income housing by using various tools to restructure these multifamily housing mortgages to the market value of the housing with resulting reductions in section 8 costs.

I also am troubled by some of the other section 8 mark-to-market proposals being promoted, including the position which has been taken by HUD in the past which, in general, opposes preserving this housing as FHA-insured or as assisted through section 8 project-based assistance, including the elderly assisted housing, in favor of vouchers. This position is very questionable, and I emphasize that it is widely opposed by the housing industry and tenant groups and advocates. I emphasize that we want to work with HUD on these issues, and that in appropriate circumstances vouchers may be the right decision if we can balance this decision by ensuring that by restructuring a mortgage to the market level that we also can require long-term affordablility of this housing for very low- and low-income families. This could mean more choice for low-income families and the availability of

more affordable, low-income housing. I believe that a number of creative and positive approaches will need to be reviewed as this legislation is considered.

I highlight the underlying principles of the bill which would authorize the establishing of participating administrative entities [PAEs] which would generally be a public agency, with a first preference that a PAE be a State housing finance agency or, second, a local housing agency. These entities would be contracted by HUD to develop work-out plans in conjunction with owners of FHA-insured projects with expiring, oversubsidized section 8 contracts. Each PAE would develop mortgage restructuring and rental assistance sufficiency plans as work-out instruments to reduce the section 8 subsidy needs of projects through mortgage restructuring.

The basic tool provided in the draft bill, and the likely key to any successful strategy to preserve this housing, is to authorize the restructuring of the mortgage debt on these oversubsidized section 8 multifamily housing projects. In particular, the bill would allow the restructuring of these high-cost mortgages with a new first mortgage reflecting, generally, the market value of a project, and a soft second mortgage held by HUD or financed by the private sector, with interest at the applicable Federal rate, covering the remainder of the original mortgage debt and payable upon disposition or upon full payment of the first mortgage. This provision will reduce the cost of section 8 assistance and minimize any loss to the FHA multifamily insurance fund. In addition, this approach ensures that there is no taxable event by virtue of the mortgage restructuring.

I also think it would be beneficial to look at some kind of exit tax relief to encourage owners, especially limited partners, to divest their interest in these properties, to encourage new investment in and the revitalization of these properties. I am hopeful that the administration will help craft some form of tax relief that balances the need of the Government to preserve this housing for low-income use at an affordable and reasonable cost to both the Government and low-income families.

Finally, I emphasize that the time to act is now. I sponsored a section 8 mark-to-market demonstration which was included in the VA/HUD Fiscal Year 1997 appropriations bill which is similar to this legislation and represents an interim approach to the section 8 mark-to-market contract renewal issue. I am disappointed that HUD has failed to implement this demonstration because we need the information to continue to make informed policy decisions with regard to this issue. Nevertheless, the appropriation language indicates my strong belief that we can no longer afford, as a matter of housing policy and fiscal responsibility, to renew expiring section 8 project-based contracts at the existing, over-market rents. I strongly believe that section 8 reform legislation should be acted on by the authorizing committees before the end of the fiscal year, with the full benefit of hearings and discussion on these very difficult policy issues.

I look forward to working with my colleagues on the legislation and hope that the Housing Subcommittee and Banking Committee can act in an expeditious manner on this measure. I emphasize the need to work together and I look forward to moving this legislation through Congress and onto the desk of the President.

Mr. D'AMATO. Mr. President, I rise today to cosponsor the Multifamily Assisted Housing Reform and Affordability Act of 1997. This important piece of legislation will address a serious affordable housing crisis by restructuring the Department of Housing and Urban Development's [HUD] Federal Housing Administration [FHA] insured and section 8 assisted multifamily housing portfolio.

I wish to thank my friend and colleague Senator CONNIE MACK, chairman of the Banking Committee's Subcommittee on Housing and Community Opportunity, for his extraordinary leadership in crafting this measured and thoughtful legislative initiative which deals with a vexing and complicated issue—the approaching crisis in HUD section 8 contract renewals.

I would also like to recognize Senator KIT BOND, the chairman of the VA–HUD Appropriations Subcommittee, who has also played a critical role in the development of this bill. I commend him for the significant contributions he has made in addressing this crisis. In addition, I would like to express my appreciation to Senator ROBERT BENNETT for his diligence in confronting this complex issue.

The legislation we are introducing today is very similar to S. 2042, introduced by Senators MACK, BOND, BENNETT, and myself in August 1996. This bill constitutes a major step toward reducing the costs of the Section 8 Program, and will allow for existing residents to be fully protected and for contracts to be renewed.

HUD Secretary Andrew Cuomo, in recent testimony before the House Government Reform and Oversight Committee's Human Resources Subcommittee, described the increasing costs of renewing expiring section 8 contracts as, "the greatest crisis HUD has ever faced." I must concur with Mr. Cuomo. Let me briefly describe some of the growing costs associated with this program. In fiscal year 1997, Congress appropriated $3.6 billion for the renewal of expiring section 8 contracts. Large numbers of long-term section 8 contracts, which were written as long as 5 to 20 years ago, will expire this year.

According to the Congressional Budget Office's latest estimates, the budget authority required to renew these contracts will increase to $10.2 billion in fiscal year 1998. Within the next 5 years, renewal needs will increase further until they consume nearly all of HUD's current budget of approximately $19.5 billion. These cost increases will occur without the adoption of a single new unit of section 8 housing. In addition, many of these expiring contracts cover units which are subsidized at rates significantly above the surrounding local market rents. Also, many contracts affect units which have serious repair and rehabilitation needs.

These escalating costs, in budget authority and outlays, must be reduced in order to avoid resident displacement and reduced funding of important and needed housing and community development programs.

Mr. President, millions of needy Americans depend on section 8 housing to provide them with affordable shelter. The average income of persons assisted with section 8 is similar to that of persons living in Federal public housing—approximately 17 percent of the local area median income. In addition, over 35 percent of these persons are elderly. Many more are disabled and single parents with limited work experience or education. It is imperative that we protect our needy and vulnerable residents.

Importantly, this bill will protect existing residents through the renewal of project-based contracts. The legislation will allow the mortgages of the affected projects to be refinanced and restructured, thereby reducing debt service costs. As a result, the projects will be able to continue to operate with correspondingly reduced rent levels without experiencing significant hardship. This restructuring will protect the FHA insurance fund from increased risk of default which would occur if section 8 payments were reduced without any corresponding reduction in debt service payments.

Mr. President, our legislation will also maintain the existing stock of decent, safe, and affordable housing because it provides for the renewal of section 8 contracts as project-based assistance. Our legislation recognizes the enormous investment we have made in this portfolio and reaffirms our commitment to maintaining it as a stock of affordable housing which will be available for people of modest means for years to come. It also fulfills our obligation to the American taxpayer to ensure that our Federal expenditures serve vital public interests in a cost-effective manner.

In addition, the bill contains important new enforcement tools for HUD to employ to crack down on fraud, waste, and abuse within the program by unscrupulous landlords. Other provisions

within the bill will help recapitalize projects with deferred maintenance needs. The bill also recognizes that there is a portion of this portfolio which is seriously distressed and has deteriorated to such a point that it is no longer financially possible to continue as project-based housing. In this relatively small number of cases, residents would be protected with section 8 vouchers to enable them to continue to live in affordable housing.

While the bill will refocus HUD's efforts on enforcing rules against fraud and waste, it also recognizes HUD's admitted lack of capacity. Therefore, while HUD's staff management will be refocused on enforcement, the bill will place primary responsibility for conducting mortgage workouts with State and local housing finance agencies [HFA's]. A preference would be provided to qualified HFA's to oversee mortgage workouts.

By encouraging the involvement of the HFA's, the bill will build on the existing financial and housing management expertise which already exists at the State and local level. The HFA's are already accountable to the public interest and have extensive experience in working with this portfolio.

Also, residents of affected properties would be provided with an opportunity for input in a communitywide consultation process, and will be provided adequate notice, access to information, and an adequate time period for analysis and comment.

Mr. President, during the 104th Congress, the Banking Committee held a number of hearings and discussions with all interested parties on this issue. This legislation represents the culmination of that important effort. A general consensus of support has developed behind the committee's legislative framework.

As the committee continues its deliberations on this bill, there will be a continuing opportunity for input from residents, owners, housing and finance experts, State and local governments, and HUD. I thank all members of the Banking Committee for their efforts on behalf of affordable housing and look forward to continuing our bipartisan commitment to resolving the HUD section 8 crisis.

ADDITIONAL COSPONSORS

S. 311

At the request of Mr. GRAHAM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 311, a bill to amend title XVIII of the Social Security Act to improve preventive benefits under the medicare program.

S. 389

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 494

At the request of Mr. KYL, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 494, a bill to combat the overutilization of prison health care services and control rising prisoner health care costs.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

ADDITIONAL STATEMENTS

NCAA DIVISION III MEN'S INDOOR TRACK AND FIELD CHAMPIONS

• Mr. KOHL. Mr. President, I recognize today an outstanding achievement in Wisconsin collegiate athletics. Over the weekend of March 7–8, 1997, the University of Wisconsin, La Crosse, captured the NCAA Division III Men's Indoor Track and Field Championship. A perennial powerhouse in men's track and field, the Eagles amassed 44 points to claim their 7th NCAA Division III men's indoor title and the 6th title under men's head coach, Mark Guthrie.

Paced by junior All-American David Whiteis' first place finish in the 400 meter dash, the Eagles demonstrated their team balance in both field and track events by placing finalists in the 1500 and 5000 meter runs; the 4 by 400 meter relay; the pole vault; the triple jump; and the 35-pound weight throw.

I have great respect for student-athletes, Mr. President, and in particular those student athletes who compete within the guidelines of the NCAA's Division III status. These student-athletes do not compete with the benefit of a scholarship; their only prize is pride and victory. It is with this spirit of competition that I salute head coach Mark Guthrie and the University of Wisconsin, La Crosse, Eagles Men's Track Team for their outstanding effort and dedication. Congratulations on a job well done.•

GOP TAX BREAKS HURT THE MIDDLE CLASS

• Mr. LAUTENBERG. Mr. President, yesterday, the Budget Committee walked through an analysis of the President's budget prepared by the Republican committee staff. And in anticipation of that meeting, I asked the Democratic staff of the committee to prepare an analysis of the Republicans' budget, or at least what we know of the Republican budget.

So far, we know that the Senate Republican leadership has proposed as their first two bills—S. 1 and S. 2—legislation that would provide $200 billion worth of tax breaks over the next five years.

Some Republicans have raised the possibility that those tax breaks might be deferred until after an initial budget agreement.

But Senator LOTT, Speaker GINGRICH, Senator ROTH, Congressman ARMEY, and others all seem very committed to large tax breaks.

And that means that sooner or later—perhaps as part of an initial agreement, or perhaps later—they would have to pay for those tax breaks.

The analysis prepared by the Democratic staff of the Budget Committee simply explains in a very straightforward, objective way what that would mean.

And, not surprisingly, it's devastating.

In the year 2002, 300,000 children would be denied participation in Head Start; because of cutbacks at the Justice Department, 11,000 additional criminals would be left free on the streets; a college education would be less attainable for as many as half a million students; 3.5 million children could be denied reading and math assistance; 2.75 million households would find themselves without heating assistance; 50 of the most hazardous toxic waste sites wouldn't get cleaned up; 250 VA medical and counseling centers could close; and 2,400 border patrol agents could be laid off.

The list goes on and on. And it really makes the case against large tax breaks for the rich.

Now, let me be clear that I remain very hopeful that we can move toward a bipartisan agreement to balance the budget.

But I hope that when the information included in this report becomes known, many of my Republican colleagues will rethink their tax breaks for the rich.

I ask that the text of the special report by the Senate Democratic Budget Committee staff be printed in the RECORD at this point.

The report follows:

MARAUDING THE MIDDLE CLASS—REPUBLICAN TAX BREAKS FOR THE RICH

AN ANALYSIS OF THE GOP TAX SCHEME AND ITS IMPACT ON NATIONAL PRIORITIES

(A Special Report of the U.S. Senate Budget Committee Democratic Staff, Mar. 19, 1997)

INTRODUCTION

In January, the Senate Republican leadership introduced two bills that provide massive new tax breaks, primarily for higher-income Americans. The leadership made enactment of S. 1 and S. 2 top priorities for the 105th Congress.

In the first five years, the tax breaks in these measures cost $200 billion. Over the next five years, costs rise by 60 percent for a ten-year total of $525 billion. In the subsequent ten-year period, the revenue loss increases dramatically, to more than $760 billion.

Not a single dime of these Republican tax breaks is paid for in the bills themselves, or

in an overall budget plan for 1998. As a result, the Republican tax scheme would dramatically increase the budget deficit. If the Republican tax bills were enacted, deficits would rise from $121 billion in 1997 to $251 billion in 2002.

Since Republicans assert that they support balancing the budget by fiscal year 2002, providing tax breaks of this magnitude would require extreme cuts in programs that are critical to middle class Americans. These cuts would be far deeper than those proposed by the President in his balanced budget plan. Until now, however, there has been no discussion of these potential cuts. The Republican leadership has failed to offer a budget or to explain the reductions they intend to use to pay for their tax breaks. The American people have been kept in the dark about what the GOP tax scheme would mean for them.

In stark contrast, President Clinton has proposed a budget that balances in 2002, based on estimates by the Congressional Budget Office. The President's budget includes several tax cuts targeted to the middle class. However, by rejecting the Republicans' massive tax breaks for the wealthy, the President is able to protect important national priorities in education, environment, Medicare and Medicaid.

This analysis explains the depth of the cuts that would be required to pay for the Republican tax breaks and examines their impact on ordinary Americans. The report explores the kind of spending cuts Republicans are likely to make to pay for these massive tax breaks and still balance the budget in 2002. Under this scenario, the Republican tax breaks would result in cuts of up to one-third in areas such as education, environmental protection, crime prevention, transportation, and health care research. These cuts would dramatically reduce economic and other opportunities for ordinary Americans, and reduce the quality of life for the middle class.

In the coming months, the American people will have the opportunity to choose between the President's budget and the Republican proposal. We hope that this report will help Congress and the public make informed judgments about these competing approaches.

METHODOLOGY

This report calculates the impact of the Republican tax breaks using the approach proposed by Senator Robert Dole during his presidential campaign in 1996. Senator Dole advocated the enactment of extensive tax breaks paid for nearly exclusively through cuts in nondefense discretionary programs. Under Senator Dole's plan, nondefense discretionary programs would have been cut by nearly 40 percent.

This report evaluates the additional cuts that would be required in nondefense discretionary programs to offset the costs of the tax breaks included in the GOP tax scheme. Our focus is on the final year of a five-year budget agreement, in which the budget will be balanced.

To arrive at the appropriate figures, we have started with the baseline produced by the Congressional Budget Office (CBO), which anticipates the amount of spending that would be expected if current policies are continued. Using that baseline, outlays for nondefense discretionary programs are expected to total $321 billion in fiscal year 2002.

To achieve balance in 2002, President Clinton has proposed cuts in nondefense discretionary spending totaling $26 billion. This would represent an 8 percent reduction from the amounts required to maintain current policies. However, the President's budget provides a set of additional policies to ensure that the budget actually balances in that year, should economic or other conditions vary from the President's projections. The President does not believe that these "fail safe" policies will be needed, and recent economic data support that conclusion. However, if CBO's estimates prove correct, nondefense discretionary spending would be reduced by an additional $10 billion in 2002, for a total cut of $36 billion. This would amount to a reduction of 11 percent.

A comparison of the Republican tax breaks and the President's own revenue proposals shows that the additional tax breaks would lead to a deficit $67 billion larger than under the President's plan. The $67 billion figure is based on estimates by the Joint Committee on Taxation. Assuming that these additional costs would be offset through cuts in nondefense discretionary programs, as Senator Dole proposed, the total cuts in these programs would amount to $103 billion in 2002. This represents a cut from current policy of 32 percent. These cuts are far deeper than a freeze or even last year's Republican budget. These cuts are 24 percent deeper than those made by the President in his alternative budget. These nondefense discretionary paths are shown in the table below.

This report explains what a 32 percent cut would mean for a range of domestic programs of importance to ordinary Americans. The 32 percent figure represents an average of the cuts that would be needed. Of course, Congress could propose higher levels for particular programs; however, any such increases would have to be offset by even deeper cuts in other programs.

NONDEFENSE DISCRETIONARY SPENDING IN FISCAL YEAR 2002

[Dollars in billions]

	Spending level	Real reduction[1] (percent)
CBO uncapped baseline	$321	0
President's budget	294	−8
President's alternative	285	−11
Freeze at 1997 level	272	−15
Last year's Republican budget	245	−24
Republican plan	217	−32

[1]Reductions from CBO's uncapped baseline of March 1997, which represents the 1997 enacted level adjusted for inflation in each subsequent year.

IMPACT OF A 32 PERCENT CUT ON DOMESTIC PRIORITIES

Nondefense discretionary spending includes programs that rely on funding through annual appropriations. These include programs for education and training, environmental protection, law enforcement, transportation, and health research, among others.

In 1996, nondefense spending totaled $267 billion, or about 17 percent of total Federal spending. Measured as a share of the economy, nondefense spending has fallen from 5.2 percent in 1980 to its current low level of 3.5 percent. A reduction of 32 percent would reduce this component of the budget to 2.2 percent of GDP, the lowest level since at least 1940.

A reduction of this magnitude would require a dramatic reduction in public investments that promote economic growth. These investments are primarily in the nondefense discretionary part of the budget, and include expenditures for major capital investment, research and development, and education and training programs. Deep cuts in these programs could harm our Nation's economy in the future.

State and local governments are also likely to be hit hard by these reductions. Some discretionary programs viewed as "essential Federal functions" will be spared deep cuts. These include funds for operating Social Security and veterans programs. To the extent that these programs are cut less than 32 percent, other programs will have to be cut more deeply. State and local grants are likely to bear a larger share of the cuts since they are not tied to the central role of the Federal government. These cuts—on top of those in last year's welfare reform bill and perhaps further cuts in Medicaid—would be difficult for States and localities to handle without reductions in crucial public services, or tax increases.

Federal grants help State and local governments finance programs covering most areas of domestic public spending. Federal grant outlays were $228 billion in 1996, or 15 percent of total Federal outlays, and are estimated to increase to $291 billion by 2002. Reducing the Federal commitment by a third would make it more difficult for States and localities to provide critical domestic services, such as public education, law enforcement, roads, water supply, and sewage treatment.

DENYING EDUCATIONAL OPPORTUNITIES

Head Start. A 32 percent cut ($1.4 billion) in Head Start in 2002 would deny about 300,000 children aged 3–5 the opportunity to benefit from this effective pre-school program, which provides comprehensive child development, education and nutrition services.

Education of the Disadvantaged. A 32 percent cut for the Title I program would eliminate reading and math assistance to about 3.5 million poor children. This is likely to lead to reduced academic performance and fewer economic opportunities for many of these children.

Children with Disabilities. A 32 percent cut in the Special Education program would reduce critical educational services that are now provided to 6 million children with disabilities. It also would make it impossible for the Federal government to meet its statutory goal of sharing 40 percent of the costs of special education. Today, the Federal government is providing only 8 percent of these costs, a level Senate Republicans have sharply criticized as irresponsible. But under a 32 percent discretionary cut, the Federal share would be reduced even further—to 6 percent or less by 2002.

Pell Grants. A 32 percent cut in the Pell Grant program could make a college education less attainable for as many as a half a million students by substantially reducing the value of the grants.

Job Corps. A 32 percent reduction in the successful Job Corps program could lead to the closure of about 40 job centers, thus denying job training opportunities to an estimated 20,000 disadvantaged youths. Nearly 64,000 people are currently enrolled at 115 centers. This type of cut could mean that there would be fewer Job Corps centers in 2002 than there were in the late 1970s.

THE REPUBLICAN TAX BREAKS

The Republican tax plan, as embodied in S.1 and S.2, would increase the deficit by $200 billion over the next five years. In contrast to the President's budget, the Republican plan includes no proposals to offset any of these costs.

The Republican tax breaks greatly increase the deficit in the first five years and then the costs explode in future years. In fact, these tax breaks will swell to $325 billion from 2003 to 2007, a 60 percent increase.

The Republican tax package will cost more than the tax breaks contained in the final version of the Contract with America budget that President Clinton vetoed in the last Congress.

A large component of the Republican tax plan is geared toward the very wealthy. The capital gains tax break would provide a windfall to persons with large holdings. In addition, the estate tax break would benefit those who inherit estates from the top 1 percent of wealthy individuals. This tax break would provide a windfall for people inheriting estates up to $21 million. The IRA tax break included in the Republican proposals is similar to the President's proposal, but is more geared to those with higher incomes.

WEAKENING ENVIRONMENTAL PROTECTIONS

Toxic waste clean up. A 32 percent cut in the Superfund program would postpone new cleanup activities at more than 50 of the most hazardous toxic waste sites and delay the completion of cleanups at more than 20 additional sites in 2002. These delays would subject communities to additional health risks, and impede economic development that could create many jobs.

Clean water. A 32 percent cut in Clean Water programs could eliminate more than 250 loans to municipalities across the country to ensure that our lakes, streams and rivers are clean and safe. The likely would be dirtier water, and perhaps additional health hazards.

Inspection activities. A 32 percent cut in environmental enforcement could result in a reduction of more than 13,000 enforcement actions. This could prevent EPA from halting unlawful pollution, lead to worsening environmental conditions, and let many wrongdoers off the hook. Activities that could be affected include: asbestos inspections in public/commercial buildings, compliance with Clean Air Act standards, and the monitoring of the Nation's drinking water.

National Parks and Refuges. A 32 percent cut in the NPS could eliminate maintenance at 90 national parks, while the U.S. Fish and Wildlife Service could eliminate funding for more than 100 wildlife refuges. This cut could also lead to increased entrance and activity fees.

CUTTING LAW ENFORCEMENT

Prosecuting Criminals. A 32 percent reduction in funding for the U.S. Attorneys' office would mean that at least 19,000 fewer persons accused of violent crime, drug smuggling, and organized crime activity would be prosecuted and 11,000 criminals who otherwise would be serving prison sentences would instead be free citizens.

Prisons. A 32 percent cut in prison funding could reduce by 42,000 the number of prison cells available to hold serious offenders. This would mean that thousands of criminals would be left on the streets. By contrast, the President's budget provides full funding for the Federal prison system by the year 2002.

Controlling Illegal Immigration and Drug Trafficking. A 32 percent cut in the Immigration and Naturalization Service would require the dismissing of 2,400 Border Patrol Agents. Since the preponderance of these Agents are deployed along the Southwest Border, it is likely that illegal immigration along the California, Arizona, New Mexico and Texas perimeter would rise.

Byrne Grants. A 32 percent reduction could mean that 1,500 fewer formula grants would be made by states from the Edward Byrne Memorial State and Local Law Enforcement Assistance program. These grants give states broad assistance with the functioning of their criminal justice systems—with emphasis on violent crime and serious offenders—and with the enforcement of Federal drug laws.

REDUCING INVESTMENT IN TRANSPORTATION

Federal-aid Highways. A 32 percent cut in this program would eliminate $6.7 billion in federal assistance to the states for highway projects and improvements in 2002. In addition, to achieve a 32 percent cut in outlays in 2002, tight caps on obligations would have to be set by the Congress in the preceding years. Already, all levels of government are spending approximately $15 billion less than the level necessary to maintain our highway system at its current level of performance. In addition, since the U.S. Department of Transportation estimates that each $1 billion spent on transportation creates 40,000–50,000 jobs, a cut of this magnitude could result in the loss of approximately 300,000 jobs in 2002 alone.

Federal Transit Administration. A 32 percent cut in FTA funding would reduce the amount available for key mass transit programs by about $1.5 billion. This could adversely affect many of our nation's public transportation systems, particularly the smaller and medium-sized systems that depend more heavily on federal assistance and have fewer resources at their disposal. Transit agencies would have to either raise fares or reduce service, or both, to try to deal with reduced federal assistance. In addition, funding for the purchase of buses and rail vehicles would decline significantly, and transit new starts would be delayed or abandoned. Congestion and air pollution in major urban areas would increase because, as transit service is reduced, commuters would revert to automobiles.

FAA operations. A 32 percent cut would severely harm FAA's ability to maintain safe skies. Airline traffic is expected to increase over the next few years, so FAA's increased workload will require more federal funding, not less. A cut of more than $1 billion could result in a staff reduction of 10,000 employees, including many safety personnel (controllers, technicians, and inspectors). Efforts to modernize the air traffic control system could be harmed. The result could be much less frequent and less comprehensive inspections of aircraft and an insufficient number of controllers to handle current and projected volumes of air traffic.

CUTTING SCIENCE AND ENERGY RESEARCH

National Science Foundation. A 32 percent cut in NSF would be $1.2 billion in 2002, and would result in the elimination of more than 6,000 research and education grants in science and engineering to universities and other research institutions.

Department of Energy. A 32 percent cut in the DOE would mean that civilian research-related activities performed at more than 20 Department of Energy's labs located throughout the country would be but by more than $900 million.

HARMING OTHER DOMESTIC PRIORITIES

National Institutes of Health. A 32 percent cut in NIH in 2002 would mean a $4.5 billion reduction in funds for medical research from a projected level of $14.6 billion. This would be $2.8 billion below the Fiscal Year 1997 appropriated level. The $4.5 billion cut is equivalent to the entire budget of the National Cancer Institute.

Veterans Medical Care. A 32 percent cut in the Veterans Administration could result in closing more than 250 VA medical facilities and counseling centers, could deprive more than 800,000 veterans access to VA medical care and could add more than 3 weeks to the waiting time for a service-connected compensation benefit claim.

Housing. The Section 8 program provides basic housing assistance for America's poor, disabled, and elderly. A 32 percent cut in this program translates into more than 800,000 fewer housing units. That means approximately 2.2 million people would lose housing assistance, including approximately 760,000 elderly and disabled Americans.

CDBG. Community Development Block Grants are used by cities to help finance housing rehabilitation, economic development, and large-scale physical development projects. On average, every dollar spent for CDBG leverages $2.31 in private and other investment. A 32 percent CDBG cut would bring funding down to $3.5 billion in 2002, 27 percent less than 1997. For many communities, that would be a substantial cut.

Drug Elimination Grants. A 32 percent cut would mean that these grants, which are used to fight drugs and crime in public housing, would be reduced by $107 million to $224 million in 2002.

Special Supplemental Feeding Program for Women, Infants and Children (WIC). WIC would be cut by $1.4 billion under this scenario. Nearly 2.5 million fewer women, infants and children would receive benefits. WIC provides supplemental coupons for specialized foods to low-income families as well as nutritional, educational and health care referrals. Studies show that the WIC program improves birth outcomes and has reduced the incidence of childhood anemia.

Low Income Housing Energy Assistance Program. A 32 percent cut in LIHEAP could mean that about 2.75 million households could find themselves without heating assistance. The LIHEAP program serves low income families and senior citizens who otherwise might not be able to afford heating in winter.

ALTERNATIVE WAYS TO PAY FOR REPUBLICAN TAX BREAKS

As explained above, this study has calculated the effect of the Republican tax breaks using the approach adopted by Senator Robert Dole in last year's presidential campaign. Senator Dole offset most of the costs of his proposed tax breaks by cutting nondefense discretionary spending. This approach seems likely to be adopted again, especially given strong public opposition to past Republican proposals for cuts in Medicare, Medicaid and other mandatory programs. However, considering their record in the past, it remains possible that the Republicans would choose other methods to pay for their large tax breaks.

To help explain an alternative scenario for offsetting GOP tax breaks, the table below shows the relative contribution of different categories of spending to the spending cuts in last year's budget resolution.

DISTRIBUTION OF SPENDING CUTS IN REPUBLICAN BUDGET: 1996

[Dollars in billions]

	Last Year's GOP Budget	
	Amount	Percent
Discretionary	−$233	34
Medicare	−158	24
Medicaid	−72	11
Other mandatory	−195	30
Total	−657	100

If Republicans chose to distribute the additional cuts to these programs, in addition to

nondefense discretionary, both Medicare and Medicaid cuts would increase dramatically from the levels proposed by the President. Medicare would receive nearly one-quarter of any additional cuts, and Medicaid cuts would increase by 14 percent. The table below shows how dramatically the cuts in the President's budget for Medicare would rise under this scenario, over a five- six- and seven-year period.

DISTRIBUTION OF ADDITIONAL SPENDING CUTS TO MEDICARE AND MEDICAID, BASED ON PREVIOUS REPUBLICAN BUDGET

[In billions of dollars]

Medicare:	
President's budget	−88
President's plus Republican cuts:	
5-year ($200)	−138
6-year ($256)	−181
7-year ($290)	−239

Note: President's budget cuts assume alternative policies that achieve a balanced budget under CBO assumptions.

With the additional cuts, the cumulative reductions in Medicare would grow from the $88 billion in the President's balanced budget to $138 billion over five years. Over six years, cuts would increase to $181 billion and the seven-year total would reach $239 billion.•

REV. DR. EDGAR L. VANN, JR.

• Mr. LEVIN. Mr. President, I have the honor of paying tribute to a great civic and religious leader and a dear friend, Rev. Dr. Edgar Leo Vann, Jr. On April 13, 1997, Reverend Vann will be celebrating his 20th anniversary as pastor of the Second Ebeneezer Baptist Church in Detroit, MI.

Reverend Vann has been a longtime champion of civil rights and social justice. He serves on the executive boards of numerous Michigan civic organizations, including the Michigan Civil Rights Commission, the Detroit Empowerment Zone Corp., the Michigan Commission of Human Rights, and the Detroit Urban League.

As a member of the National Baptist Convention USA and the President of the Council of Baptist Pastors of Detroit and Vicinity, Reverend Vann is widely recognized as a religious leader. He currently ministers to more than 2,000 people at two consecutive Sunday services. Under his leadership, the Second Ebeneezer Baptist Church maintains more than 50 active ministries.

One of Reverend Vann's most noted achievements in recent years was the purchase of a new home for his congregation. The new sanctuary was purchased in 1993 and, after extensive renovations, held its grand opening less than one year later.

A religious and civic leader, Rev. Dr. Edgar L. Vann, Jr. has been an integral part of the Detroit community for many years and will continue to play an important role in the years ahead. I hope my colleagues will join me in congratulating Reverend Vann on his 20 years as pastor of the Second Ebeneezer Baptist Church, and in wishing him well as he continues at the helm of this important Detroit institution.•

TRIBUTE TO JOAN K. STEVENS

• Mr. ROBB. Mr. President, I rise today in order to commend and acknowledge Ms. Joan K. Stevens, who is retiring from the White House Military Office after more than 25 years of dedicated service to her country. Ms. Stevens has loyally assisted six Presidents as a liaison to the military and has had the kind of impact on peoples' lives that demands respect and compels our sincerest appreciation. She has facilitated over 500,000 military inquiries from the public and it is because of individuals such as Ms. Stevens that a healthy communication endures between the Commander in Chief and our troops out in the field.

Ms. Stevens first began working in the Special Counsel's Office of the White House in July of 1972. She later spent time in the First Lady's Office in February of 1973. In November of 1974, however, Ms. Stevens found her calling and the WHMO, in turn, discovered an invaluable and faithful staffer. She has been there ever since, working diligently to perpetuate the idea that the men and women of our Armed Forces are indeed important and have a discernible voice in our government that must be heard.

Also noteworthy is the fact that Ms. Stevens has, for more than two decades, been the single point of contact for the thousands of Presidential condolence letters to the next-of-kin of active duty personnel who have tragically died in military related accidents. Paying tribute to America's fallen warriors is an obligation that begins with the leadership of this country. It is hard to imagine the responsibility and burden Ms. Stevens' has ultimately shouldered on behalf of a grateful nation.

In recognition of her efforts and devotion, Ms. Stevens was recently awarded the Secretary of Defense Public Service Medal. It is clear Ms. Joan Stevens will be missed dearly. Still, as a fellow Virginian, the State Ms. Stevens has called home for over 26 years, I am truly honored to have the opportunity today to congratulate her on a remarkable career and salute her commitment to the President, the Armed Forces of the United States, and most importantly, to the American people. Mr. President, I ask that you join me, our colleagues both here and in the White House, and the family and friends of Ms. Joan K. Stevens, in expressing our heartfelt gratitude to this exemplary public servant.•

TRIBUTE TO MS. ARLENE DESEMONE

• Mr. REED. Mr. President, I pay tribute to a proud member of the Rhode Island community, Ms. Arlene DeSemone, who, sadly, passed away on March 11, 1997.

A leader in the insurance industry, Ms. DeSemone served as president of the Rhode Island Life Underwriters Association in 1992. She was president of the National Association of Insurance Women of Rhode Island from 1988 to 1990 and was named professional woman of the year by this organization in 1994. Ms. DeSemone received the R. Kelly Sheridan Award in 1996, as the outstanding life insurance professional of the year. In addition, Ms. DeSemone received the Lloyd Saunders Award for professional dedication to her clients and the industry, and served on numerous committees, including the first Rhode Island Department of Business Regulation Continuing Education Advisory Board.

Perhaps the greatest of Ms. DeSemone's contributions was her work in the fight against breast cancer. Despite her own personal struggle with the disease, Ms. DeSemone led the way in encouraging research efforts to find a cure for breast cancer. Ms. DeSemone cofounded the Rhode Island Breast Cancer Coalition in 1993, an organization whose initiatives received national praise and were recognized by President Clinton and the First Lady. The coalition continues to benefit from her efforts to raise consciousness about breast cancer.

Mr. President, I ask my colleagues to join me in remembering Ms. Arlene DeSemone for her many contributions to Rhode Island and selfless dedication to helping others. Certainly, Ms. DeSemone embodied the strength and determination we all seek to find in ourselves.•

RETIREMENT OF BILL BREW

• Mr. AKAKA. Mr. President, I rise today to note the impending retirement of Mr. William E. Brew, who currently serves as the minority general counsel of the Senate Veterans' Affairs Committee. As of April 4, his retirement date, Bill will have served 19 years and 1 day as a loyal and dedicated staff member of the U.S. Senate.

A veteran of the Vietnam war, Bill has held increasingly important positions of responsibility on the staff of the Senate Veterans' Affairs Committee. Since he was hired by Senator Alan Cranston in 1978, Bill has served as associate counsel, associate general counsel, minority counsel, deputy general counsel, general counsel, and most recently, minority general counsel to the committee.

Through the many political changeovers in the administration and Congress in his nearly two decades on Capitol Hill, Bill provided institutional continuity, serving as a source of reliable information and wise advice on legislation, policy, and procedure for Members of both parties.

Bill was closely involved in developing all of the major veterans initiatives that were enacted by Congress during this period. Among his major

accomplishments are legislation relating to agent orange compensation, establishment of judicial review of veterans claims, establishment of the U.S. Court of Veterans Appeals, and creation of programs relating to the readjustment needs of Vietnam and post-Vietnam veterans.

In addition to these special accomplishments, Bill worked hard to become the Senate's foremost authority on veterans health care matters. He served as an invaluable resource to members of the committee on the medical needs of the diverse, 27 million-strong veterans population as well as on the legal, administrative, and structural nuances of the hundreds of Department of Veterans Affairs' hospitals, outpatient clinics, nursing homes, and domiciliaries.

Bill is well known for his logical, analytical, and deliberative mind. His patience and fairness are legendary, and few have been as adept at working in the heated, give-and-take atmosphere of the legislative process. His adherence to the very highest personal and professional standards has been a credit to the U.S. Senate. In short, Bill has been the veteran's veteran, that special individual whom Senators, professional staffers, administration officials, and veterans advocates have trusted to render an objective assessment on any particular veterans issue or to undertake any worthy cause in behalf of those who served.

Mr. President, I believe that I have a special insight into the qualities of this outstanding individual. In the days and months immediately following my appointment to the U.S. Senate in 1990, Bill Brew was one of the experienced hands who helped indoctrinate me in the complexities of veterans policy and the doings of the Veterans' Affairs Committee. Since then, I and my staff have relied on him for advice on issues major and minor. Whatever success I have had in the way of veterans legislation is in great measure due to his assistance.

Indeed, no one worked longer or harder to improve the condition of Hawaii's 120,000 veterans than Bill Brew. It was his experience and energy that fueled a series of committee investigations revealing VA's historical neglect of the Aloha State's veterans. As a consequence of these inquiries, VA established four new primary care clinics and readjustment counseling centers in Hawaii; tripled the size of the Honolulu outpatient clinic; began preparations to construct a VA medical center on Oahu; and, established a unique residential treatment center for Pacific-area veterans suffering from post-traumatic stress disorder.

So, Mr. President, it is with great reluctance that I extend Bill a fond farewell. I offer him my deep gratitude for the service he has rendered me and other members of this body over the last two decades. No one has worked harder to advance the public interest than this stellar public servant. I wish him well in all his future endeavors.•

RULES OF THE JOINT COMMITTEE ON PRINTING

• Mr. WARNER. Mr. President, pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit the Joint Committee on Printing's Rules of Procedure, as unanimously adopted by the Joint Committee on March 13, 1997, to printed in the RECORD.

The rules follow:

JOINT COMMITTEE ON PRINTING

RULE 1—COMMITTEE RULES

(a) The rules of the Senate and House insofar as they are applicable, shall govern the Committee.

(b) The Committee's rules shall be published in the CONGRESSIONAL RECORD as soon as possible following the Committee's organizational meeting in each odd-numbered year.

(c) Where these rules require a vote of the members of the Committee, polling of members either in writing or by telephone shall not be permitted to substitute for a vote taken at a Committee meeting, unless the ranking minority member assents to waiver of this requirement.

(d) Proposals for amending Committee rules shall be sent to all members at least one week before final action is taken thereon, unless the amendment is made by unanimous consent.

RULE 2—REGULAR COMMITTEE MEETINGS

(a) The regular meeting date of the Committee shall be the second Wednesday of every month when the House and Senate are in session. A regularly scheduled meeting need not be held if there is no business to be considered and after appropriate notification is made to the ranking minority member. Additional meetings may be called by the chairman as he may deem necessary or at the request of the majority of the members of the Committee.

(b) If the chairman of the Committee is not present at any meeting of the Committee, the vice-chairman or ranking member of the majority party on the Committee who is present shall preside at the meeting.

RULE 3—QUORUM

(a) Five members of the Committee shall constitute a quorum which is required for the purpose of closing meetings, promulgating Committee orders or changing the rules of the Committee.

(b) Three members shall constitute a quorum for purposes of taking testimony and receiving evidence.

RULE 4—PROXIES

(a) Written or telegraphic proxies of Committee members will be received and recorded on any vote taken by the Committee, except at the organization meeting at the beginning of each Congress or for the purpose of creating a quorum.

(b) Proxies will be allowed on any such votes for the purpose of recording a member's position on a question only when the absentee Committee member has been informed of the question and has affirmatively requested that he be recorded.

RULE 5—OPEN AND CLOSED MEETINGS

(a) Each meeting for the transaction of business of the Committee shall be open to the public except when the Committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public. No such vote shall be required to close a meeting that relates solely to internal budget or personnel matters.

(b) No person other than members of the Committee, and such Congressional staff and other representatives as they may authorize, shall be present in any business session which has been closed to the public.

RULE 6—ALTERNATING CHAIRMANSHIP AND VICE CHAIRMANSHIP BY CONGRESSES

(a) The chairmanship and vice chairmanship of the Committee shall alternate between the House and the Senate by Congresses. The senior member of the minority party in the House of Congress opposite of that of the chairman shall be the ranking minority member of the Committee.

(b) In the event the House and Senate are under different party control, the chairman and vice chairman shall represent the majority party in their respective Houses. When the chairman and vice chairman represent different parties, the vice chairman shall also fulfill the responsibilities of the ranking minority member as prescribed by these rules.

RULE 7—PARLIAMENTARY QUESTIONS

Questions as to the order of business and the procedures of the Committee shall in the first instance be decided by the chairman, subject always to an appeal to the Committee.

RULE 8—HEARINGS; PUBLIC ANNOUNCEMENTS AND WITNESSES

(a) The chairman, in the case of hearings to be conducted by the Committee, shall make public announcement of the date, place and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the chairman shall make such public announcement at the earliest possible date. The staff director of the Committee shall promptly notify the Daily Digest of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, all witnesses appearing before the Committee shall file advance written statements of their proposed testimony at least 48 hours in advance of their appearance and their oral testimony shall be limited to brief summaries. Limited insertions or additional germane material will be received for the record, subject to the approval of the chairman.

RULE 9—OFFICIAL HEARING RECORD

(a) An accurate stenographic record shall be kept of all Committee proceedings and actions. Brief supplemental materials when required to clarify the transcript may be inserted in the record subject to the approval of the chairman.

(b) Each member of the Committee shall be provided with a copy of the hearings transcript for the purpose of correcting errors of transcription and grammar, and clarifying questions or remarks. If any other person is authorized by a Committee member to make his corrections, the staff director shall be so notified.

(c) Members who have received unanimous consent to submit written questions to witnesses shall be allowed two days within which to submit these to the staff director

for transmission to the witnesses. The record may be held open for a period not to exceed two weeks awaiting the responses by witnesses.

(d) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee. Testimony received in closed hearings shall not be released or included in any report without the approval of the Committee.

RULE 10—WITNESSES FOR COMMITTEE HEARINGS

(a) Selection of witnesses for Committee hearings shall be made by the Committee staff under the direction of the Chairman. A list of proposed witnesses shall be submitted to the members of the Committee for review sufficiently in advance of the hearings to permit suggestions by the Committee members to receive appropriate consideration.

(b) The Chairman shall provide adequate time for questioning of witnesses by all members, including minority members, and the rule of germaneness shall be enforced in all hearings.

(c) Whenever a hearing is conducted by the Committee upon any measure or matter, the minority on the Committee shall be entitled, upon unanimous request to the Chairman before the completion of such hearings, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

RULE 11—CONFIDENTIAL INFORMATION FURNISHED TO THE COMMITTEE

The information contained in any books, papers or documents furnished to the Committee by any individual, partnership, corporation or other legal entity shall, upon the request of the individual, partnership, corporation or entity furnishing the same, be maintained in strict confidence by the members and staff of the Committee, except that any such information may be released outside of executive session of the Committee if the release thereof is effected in a manner which will not reveal the identity of such individual, partnership, corporation or entity in connection with any pending hearing or as a part of a duly authorized report of the Committee if such release is deemed essential to the performance of the functions of the Committee and is in the public interest.

RULE 12—BROADCASTING OF COMMITTEE HEARINGS

The rule for broadcasting of Committee hearings shall be the same as Rule XI, clause 3, of the Rules of the House of Representatives.

RULE 13—COMMITTEE REPORTS

(a) No Committee report shall be made public or transmitted to the Congress without the approval of a majority of the Committee except when Congress has adjourned; Provided, that any member of the Committee may make a report supplementary to or dissenting from the majority report. Such supplementary or dissenting reports should be as brief as possible.

(b) Factual reports by the Committee staff may be printed for distribution to Committee members and the public only upon authorization of the chairman either with the approval of a majority of the Committee or with the consent of the ranking minority member.

RULE 14—CONFIDENTIALITY OF COMMITTEE REPORTS

No summary of a Committee report, prediction of the contents of a report, or statement of conclusions concerning any investigation shall be made by a member of the Committee or by any staff member of the Committee prior to the issuance of a report of the Committee.

RULE 15—COMMITTEE STAFF

(a) The Committee shall have a professional and clerical staff under the supervision of a staff director. Staff operating procedures shall be determined by the staff director, with the approval of the chairman of the Committee, and after notification to the ranking minority member with respect to basic revisions of existing procedures. The staff director, under the general supervision of the chairman, is authorized to deal directly with agencies of the Government and with non-Government groups and individuals on behalf of the Committee.

(b) The chairman and vice chairman, on behalf of their respective bodies of Congress, shall be entitled to designate two senior staff members each. During any Congress in which both Houses are under the control of the same party, the ranking minority member, on behalf of his party, shall be entitled to designate two senior staff members.

(c) All other staff members shall be selected on the basis of their training, experience and attainments, without regard to race, religion, sex, color, age, national origin or political affiliations, and shall serve all members of the Committee in an objective, non-partisan manner.

RULE 16—COMMITTEE CHAIRMAN

The chairman of the Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Specifically, the chairman is authorized, during the interim periods between meetings of the Committee, to act on all requests submitted by any executive department, independent agency, temporary or permanent commissions and committees of the Federal Government, the Government Printing Office and any other Federal entity, pursuant to the requirements of applicable Federal law and regulations.●

MEASURE PLACED ON CALENDAR—H.R. 1122

Mr. LOTT. Mr. President, I understand that there is a bill that is due for its second reading this morning.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions.

Mr. LOTT. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDENT pro tempore. The bill will go to the calendar.

ADJOURNMENT UNTIL MONDAY, APRIL 7, 1997

Mr. LOTT. Under the order from last night, the Senate convened today because the House has not yet passed the adjournment resolution. They are in session now and in fact have been having a vote just in the last few minutes. So I expect that they will complete work before too long this afternoon. I understand that in fact the House will pass Senate Concurrent Resolution 14 at approximately 1:30 or 2 p.m. today.

I now ask unanimous consent that the Senate stand in adjournment until the hour of 12 noon on Monday, March 24, unless the House adopts the adjournment resolution, in which case the Senate will then automatically stand in adjournment under the provisions of Senate Concurrent Resolution 14 until the hour of 12 noon on Monday, April 7.

There being no objection, the Senate, at 12:02 p.m., adjourned until Monday April 7, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 21, 1997:

DEPARTMENT OF STATE

STUART E. EIZENSTAT, OF MARYLAND, TO BE AN UNDER SECRETARY OF STATE, VICE JOAN E. SPERO, RESIGNED.

DEPARTMENT OF TRANSPORTATION

KENNETH M. MEAD, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF TRANSPORTATION, VICE MARY STERLING, RESIGNED.

DEPARTMENT OF STATE

THOMAS R. PICKERING, OF NEW JERSEY, TO BE AN UNDER SECRETARY OF STATE, VICE PETER TARNOFF, RESIGNED.

THE JUDICIARY

ANABELLE RODRIGUEZ, OF PUERTO RICO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO, VICE RAYMOND L. ACOSTA, RETIRED.

MICHAEL D. SCHATTMAN, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS, VICE HAROLD BAREFOOT SANDERS, JR., RETIRED.

HILDA G. TAGLE, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

IN THE COAST GUARD

VICE ADM. ROGER T. RUFE, U.S. COAST GUARD, TO BE COMMANDER, ATLANTIC AREA, U.S. COAST GUARD, WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING.

REAR ADM. JAMES C. CARD, U.S. COAST GUARD, TO BE COMMANDER, PACIFIC AREA, U.S. COAST GUARD, WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. CLAUDIA J. KENNEDY, X...

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS JUDGE ADVOCATE GENERAL OF THE U.S. NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 5148:

To be rear admiral

CAPT. JOHN D. HUTSON, X...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be rear admiral

REAR ADM. (1H) JOAN M. ENGEL, X...
REAR ADM. (1H) JERRY K. JOHNSON, X...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be rear admiral

REAR ADM. (1H) THOMAS J. HILL, X...
REAR ADM. (1H) DOUGLAS L. JOHNSON, X...
REAR ADM. (1H) JAN H. NYBOER, X...
REAR ADM. (1H) PAUL V. QUINN, X...

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE U.S. AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTION 531:

To be colonel

CHRISTOPHER R. KLEINSMITH, X...
DAVID G. SCHALL, X...

THOMAS E. SCOTT, x...
TAKUO SONODA, x...

To be lieutenant colonel

RICHARD E. BACHMANN, JR., x...
RICHARD E. KARULF, x...
JOHN C. LEIST, III, x...
CARL M. LINDQUIST, x...
MARK F. MATHEWS, x...
JEFFREY L. MIKUTIS, x...
LILLIAN E. PEREZ, x...
STEPHEN G. WALLER, x...

To be major

STEVEN L. BARTEL, x...
ANN E. FARASH, x...
KYLE C. NUNLEY, x...

To be captain

STEVEN L. KLYN, x...

IN THE ARMY

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10 UNITED STATES CODE, SECTIONS 12203 AND 12211:

To be colonel

HARRY L. BRYAN, JR., x...
ROBERT F. DARAGAN, x...
JAMES R. DAVIES, x...
JAMES A. DI GIOVANNA, x...
DAVID R. HAM, x...
MARCUS R. HINES, x...
ARLYN R. IRION, x...
ROBERT L. JACKSON, x...
RONALD D. JOHNSON, x...
WARREN L. JOHNSON, JR., x...
CHARLES T. KNOWLES, x...
JAMES J. PARENTE, x...
ORLAN L. PETERSON, JR., x...
LAWRENCE W. PRIEBE, x...
TERRY L. ROBINSON, x...
THOMAS R. SPIVEY, x...
ANDRE J. TROTTIER, x...
WILLIAM L. WITHAM, JR., x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624, 628, 531, AND 1552:

To be major

*PHUONG T. PIERSON, x...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 531:

To be colonel

MARILYN S. ABUGHUSSON, x...
HELEN M. ALVERSON, x...
JILL V. BAKER, x...
KATHLEEN M. BARR, x...
MARGARET A. BROWN, xx...
PATRICIA A. BUCK, x...
ANNETTE J. COCKBURN, x...
JANICE C. COLLINGS, x...
QUANNETTA T. EDWARDS, x...
LINDA N. FOOTE, x...
COLLEEN L. GUTIERREZ, x...
JACQUELINE D. HALE, x...
FARLEY J. HOWELL, x...
GWENDA A. MCCLURE, x...
MARY E. MORAN, x...
ERIC C. MURDOCK, x...
ALAN G. PYSHER, x...
PAMELA J. REIDY, x...
LLOYD A. REINKE, x...
SHIRLEY A. ROGERS, x...
MARGARET J. WILLIAMS, x...
SARAH E. WREN, x...
SARAH A. WRIGHT, x...

To be lieutenant colonel

RICHARD L. ABNEY, JR., x...
JOHN C. ADKINS, x...
JOYCE A. ADKINS, x...
MATT ADKINS, JR., x...
MARK L. ALLEN, x...
DOUGLAS E. ANDERSON, x...
HENDRIK J. ANTONISSE, x...
DOUGLAS A. APSEY, x...
MARY S. ARMOUR, x...
RICHARD A. ASHWORTH, x...
PAUL N. AUSTIN, x...
JEFFREY M. BATEMAN, x...
LEONOR P. BEAM, x...
STEVEN D. BENTLEY, x...
GARY M. BLAMIRE, x...
PAULETTA D. BLUEITT, x...
RANDY B. BORG, x...
ROGER E. BOUSUM, x...
SUSAN BROWN, x...
ANNE S. BUTCHER, x...
MIRIAM L. CAHILLYEATON, x...
MARIEJOCELYNE CHARLES, x...
AWILDA CIURO, x...
KIT R. CLARK, x...
ALAN R. CONSTANTIAN, x...
GARY B. COPLEY, x...
PATRICIA D. CORBIN, x...
VALERIE P. COUNSMAN, x...
CATHERINE M. DALBERTIS, x...
LYNNETTE D. DAVIS, x...
SCOTT M. DAWSON, x...
KERRY M. DEXTER, x...
DANIEL P. DICKINSON, x...
*ALAN L. DOERMAN, x...
MANUEL A. DOMENECH, x...
DAVID L. DOTY, x...
STEPHEN DRINAN, x...
MARK D. DUBAZ, x...
ROCHELLE M. DUCHARME, x...
SANDRA J. EVANS, x...
MICHAEL P. FITCH, x...
STEVEN H. FLOWERS, x...
DELORES G. FORREST, x...
KENNETH L. FRANKLIN, x...
SYLVIA C. FRIEDMAN, x...
WILLIAM J. GAYNOR, x...
YOLANDA A. GEDDIE, x...
CAROLYN K. GOOCH, x...
ROBERTA L. GOTT, x...
MARJORIE A. GRAZIANO, x...
DENNIS R. HADEEN, x...
ROBERT U. HAMILTON, x...
BRUCE D. HANNAN, x...
DAWN M. HARL, x...
ALICE J. HARVEY, x...
PAMELA A. HATCH, x...
HOWARD T. HAYES, x...
DEBORAH H. HEAD, x...
BARBARA J. HEILLER, x...
CAROL F. HOFFMAN, x...
LELA M. HOLDEN, x...
MICHAEL P. HOLWAY, x...
PHILIP L. HOPPER, x...
MICHAEL J. HUGHES, x...
MICHAEL W. HUTTON, x...
DIANNE R. INUNGARAY, x...
KENNETH C. JACOBS, x...
BARBARA J. JOHNSTON, x...
CYNTHIA R. JONES, x...
CRAIG E. JORDAN, x...
DENNIS W. JORDAN, x...
RANI A. KOKATNUR, x...
DONNA M. LAKE, x...
KATHLEEN K. LARKIN, x...
LAWRA A. LEE, x...
ROBERT C. LENAHAN, x...
SHARON R. LEYLAND, x...
CYNTHIA R. LIGHTNER, x...
SAMUEL J.P. LIVINGSTONE, x...
ELIZABETH A. LOJKA, x...
ELLEN K. LOSCHROWE, x...
REBECCA A. MATTA, x...
KIRK C. MAYNARD, x...
MARGARET J. MCARTHUR, x...
GAIL MCCAIN, x...
THOMAS G. MCCAULEY, x...
CHARLES S. MCDONALD, x...
BRENDA J. MCELENEY, x...
TIMOTHY R. MCGEE, x...
PAUL D. MCGOUGH, x...
JAMES F. MEYERS II, x...
DAVID J. MIETZNER, x...
*MICHAEL W. MILLER, x...
*BRIAN D. MORR, x...
KAY M. MURPHY, x...
ELAINE B. MYERS, x...
MARLON K. NAILLING, x...
ANDREA R. NEUERBURG, x...
MICHAEL K. O'CONNOR, x...
ANTHONY F. OKOREN, JR., x...
THOMAS M. OLIVE, x...
KATHERINE M. O'ROURKE, x...
*KELLY J. ORR, x...
GREGORY L. PARISH, x...
RONALD H. PEARSON, x...
VIVIAN PEREZ, x...
STEPHEN E. PRIZER, x...
TODD M. RANDALL, x...
CAROL L. RANDELL, x...
SUSAN M. REYNOLDS, x...
ALLAN L. RHOADS, x...
THOMAS M. RICE, x...
*RUSSELL S. ROGERS, x...
JANICE B. RYCKELEY, x...
DONALD W. SAMPSON, x...
VENITA I. SAMPSON, x...
SEAN P. SCULLY, x...
DANNY G. SEANGER, x...
KATHY E. SEARS, x...
TRACY A. SHUE, x...
WILLIAM C. SIMON, x...
PAMELA L. SMITH, x...
SARA A. SMITH, x...
GEORGE R. SNYDER, JR., x...
NORMAN B. SPECTOR, x...
TERESA P. TAYLOR, x...
TONI M. TUCKER, x...
JODI A. TULLMAN, x...
WANDA VELEZBUSTOS, x...
JOHN J. VINACCO, JR., x...
CHRISTINE WAGENERHULME, x...
VIRGINIA L. WERESZYNSKI, x...
MARGARET A. WESBECHER, x...
JOHN M. WEST, x...
MARY Z. WHITFIELD, x...
DONNIE R. WIDEMAN, x...
STEVEN E. WILLIAMS, x...
STEVEN A. WILSON, x...
SANDRA J. WITTHAUER, x...
CHARLES K. WOLAK, x...
JENNIFER S. WOODRUFF, x...
LINDA C. WRIGHT, x...
SHARON B. WRIGHT, x...
KEVIN E. ZIMMER, x...
DON R. ZISS, x...

To be major

RONALD A. ASCHER, JR., x...
*MICHAEL BAHLATZIS, x...
JOSEPH J. BALAS, x...
*DEBRA A. BANKS, x...
CLARK F. BEAN, x...
MARILYN A. BEATTY, x...
KATHI O. BECKMAN, x...
JOHN M. BEERY, x...
MICKEY C. BELLEMIN, x...
PETER BENNIE, JR., x...
RANDALL E. BLAKE, x...
CHARLES H. BLAKESLEE, JR., x...
LINDA L. BONNEL, x...
MONROE A. BRADLEY, x...
SCOTT W. BROOKS, x...
KEVIN D. BROUSSARD, x...
CYNTHIA E. BROWN, x...
STANLEY D. BRUNTZ, x...
RUSSELL L. BYRD, x...
*STEVEN J. BYRNES, x...
JOSEPH D. CALLISTER, x...
SHELLEY D. CAMERON, x...
*IDA E. CAMPBELL, x...
DAVID T. CAREY, x...
CHARLES R. CARLTON, JR., x...
WILLIAM L. CARNES, JR., x...
RANDALL A. CARPENTER, x...
BRIDGET K. CARR, x...
JOSEPH M. CARRAHER, JR., x...
MICHAEL L. CARTER, x...
MICHAEL W. CASEY, x...
LINNES L. CHESTER, JR., x...
JOHN L. CHITWOOD, x...
*CRAIG J. CHRISTENSON, x...
MICHAEL E. CHULICK, x...
JEFFREY A. CIGRANG, x...
JOHN H. COLEMAN III, x...
RANDALL S. COLLINS, x...
*TERRANCE K. COLLISON, x...
TAMMY J. COOK, x...
PETER K. COUTURE, x...
DEBORAH A. CRENSHAW, x...
RALPH K. CROW, x...
JOHN M. DATENA, x...
*BARBARA E. DAVIS, x...
CHARLOTTE Y. DAVIS, x...
THOMAS P. DEVENOGE, x...
*TRACY G. DILLINGER, x...
LESLIE L. DIXON, x...
JUDY A. DOWELL, x...
JAMES S. DUNNE, x...
JACALYN K. EAGAN, x...
*RICHARD G. EDDINGTON, x...
MARK A. ELLIS, x...
ELLEN C. ENGLAND, x...
NANCY K. FAGAN, x...
STEPHEN D. FAIRCHILD, x...
DAVID M. FARRELL, x...
DENNIS W. FAY, x...
DENISE Y. FISHER, x...
JERRI L. FLETCHER, x...
DANIEL G. FLYNN, x...
JOHN L. FLYNN, x...
*KAREN L. FOUST, x...
STEPHEN J. FRIEDRICH, x...
RICARDO GARCIA III, x...
GALEN G. GEARHEART, x...
MARGARET A. GERNER, x...
KARIN R. GETSCHOW, x...
JOSEPH L. GIGLIO, x...
LYNANNE GILMER, x...
KEVIN W. GLASZ, x...
ANDREW M. GLAVES, x...
DONOVAN Q. GONZALES, x...
WILLIAM J. GOODEN, x...
MARY K. GRAVES, x...
DENISE T. GREEN, x...
JOHN R. GREEN, x...
JOHN C. GRIFFITH, x...
KEITH M. GROTH, x...
BETSAIDA H. GUZMAN, x...
THOMAS S. HAINES, JR., x...
SAMUEL D. HALL III, x...
MICKRA K. HAMILTON, x...
JAMES T. HARCARIK, x...
MARYANNE H. HAVARD, x...
MARGARET C. HAWKINS, x...
ALVIS W. HEADEN III, x...
ANNE P. HEINLY, x...
SANDRA J. HESTER, x...
ANETTE HIKIDA, x...
STEVEN R. HINTEN, x...
WILLIAM V. HOAK, x...
VALERIA S. HUDSPATH, x...
MARIA D. IONESCU, x...
HARRY B. JEFFRIES, JR., x...
JOHN E. JEMISON, x...
HAROLD T. JOHNSON, x...
JOHN J. JOHNSON, x...

MONNIE J. JOHNSON, x...
REGINA M. JULIAN, x...
EMERY L. KELLY, x...
STACY A. KELLY, x...
STEPHEN D. KETTE, x...
*RONALD M. KICHURA, x...
GREGORY F. KING, x...
WITT LISA KLIEBERT, x...
*THERESA D. KLOSE, x...
SANDRA A. KNUTSON, x...
MARK A. KOPPEN, x...
LINEHAN KRISTINE M. KRUMINS, x...
RONALD L. LAHTI, x...
PETER T. LAPUMA, x...
CYNTHIA L. LEEZIEGLER, x...
VERNON T. LEW, x...
*JAMES C. LINN, x...
JOHN M. LOPARDI, x...
LINDA S. MACCONNELL, x...
CAROLYN M. MACOLA, x...
BAILEY H. MAPP, x...
KIMBERLY J. MARKLAND, x...
*VALERIE E. MARTINDALE, x...
MICHAEL L. MATTESON, x...
ANTOINETTE C. MATTOCH, x...
THOMAS D. MCCORMICK, x...
FRANKIE D. MCDANIEL, x...
*MARGARET MEADOWS, x...
SUSAN E. MERRICK, x...
*JOY M. MILLER, x...
DAVID G. MISTRETTA, x...
*EUGENE S. MONTANO, x...
ROBIN S. MORRIS, x...
ALLEN R. NAUGLE, x...
LESLIE K. NES, x...
GHITIANA M. OATIS, x...
MARCOS OTERO, x...
FRANK W. PALMISANO, x...
CHERYL S. PARIDEE, x...
RAYMOND J. PARIS, x...
CRAIG A. PASCOE, x...
JOHN M. PATELLA, x...
LESLIE L. PAULEY, x...
BRUCE D. PETERS, x...
RICHARD M. PETERSON, x...
RICHARD A. PHINNEY, x...
KEVIN F. PILLOUD, x...
*GARY L. POLAND, x...
*MICHAEL R. POWELL, x...
KEVIN S. PURVIS, x...
JANE L. QUITTMEYER, x...
JENNY H. RAINWATER, x...
SARA M. RAMIREZ, x...
KATHERINE S. REARDEN, x...
DANIEL E. REISER, x...
MELVIN F. RICHARDS, x...
MELANIE F. RICHARDSON, x...
BRIAN L. RIGGS, x...
RONALD T. RIPPETOE, x...
PAUL R. RIVEST, x...
WILLIAM P. ROACH, x...
BETTY L. ROBERTS, x...
DUSTIN K. ROBERTS, x...
DAWN L. ROCKETT, x...
ALEXANDER ROMEYN, x...
LAURA J. ROSAMOND, x...
VICTOR J. ROSENBAUM, x...
*BENJAMIN A. RUBIO, x...
KENNETH R. RUSSELL, JR., x...
REBECCA L. SALASGROVES, x...
CONRADO C. SAMPANG, x...
SCOTT E. SANZOTTA, x...
LEONARD W. SCHUBRING, x...
REBECCA B. SCHULTZ, x...
ERIC A. SHALITA, x...
SCOTT M. SHIELDS, x...
JANIS A. SILVERI, x...
*GARY R. SMALL, x...
MARK E. SMALLWOOD, x...
DETLEV H. SMALTZ, x...
JEANNE K. SMITH, x...
LISA SMITH, x...
ROGER G. SPONDIKE, x...
BRIAN K. STANTON, x...
*JAMES C. STIGERS, x...
RICKY A. STOCKTON, x...
HELEN ANN STRACK, x...
ROGER D. STULL, x...
CHARLES F. SURMAN, x...
THOMAS L. TEAGLE, JR., x...
MARK S. WHITE, x...
ANDREW P. WIDGER, x...
ROBERT W. WISHTISCHIN, x...
WILLIAM D. WOODCOX, x...
RICKY D. YOUNG, x...
JON W. YOW, x...
JESUS E. ZARATE, x...

HOUSE OF REPRESENTATIVES—*Friday, March 21, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. LATOURETTE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 21, 1997.

I hereby designate the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

Breathe into our spirits, Oh God, the breath of this new season and nurture us as we seek to grow and learn more about the gifts of love. As the winds of spring waft about us and the rain brings growth and new life to nature, may we be so inspired that our thoughts are raised, our minds enriched, and our hearts open to Your grace. With gratefulness for this new season and for all the blessings of the day, we offer this prayer of thanksgiving and praise. Amen.

THE JOURNAL

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

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

Mr. HASTERT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTERT. 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 328, nays 49, answered "present" 1, not voting 54, as follows:

[Roll No. 68]

YEAS—328

Ackerman	Dingell	Kim
Aderholt	Doggett	Kind (WI)
Allen	Dooley	Kingston
Archer	Doolittle	Klink
Armey	Doyle	Knollenberg
Bachus	Dreier	Kolbe
Baesler	Duncan	LaHood
Baker	Dunn	Lampson
Baldacci	Edwards	Lantos
Ballenger	Ehlers	Largent
Barcia	Ehrlich	Latham
Barr	Emerson	LaTourette
Barrett (NE)	Eshoo	Lazio
Barrett (WI)	Etheridge	Leach
Bartlett	Evans	Levin
Barton	Everett	Lewis (CA)
Bass	Ewing	Lewis (GA)
Bateman	Farr	Lewis (KY)
Bentsen	Fattah	Linder
Bereuter	Foglietta	Livingston
Berry	Fowler	Lofgren
Bilirakis	Fox	Lowey
Bishop	Frelinghuysen	Lucas
Blagojevich	Frost	Luther
Bliley	Gallegly	Maloney (CT)
Blunt	Ganske	Manton
Boehlert	Gejdenson	Manzullo
Boehner	Gekas	Markey
Bonilla	Gephardt	Martinez
Bonior	Gibbons	Mascara
Bono	Gilchrest	Matsui
Boswell	Gillmor	McCarthy (MO)
Boyd	Gilman	McCarthy (NY)
Brady	Goode	McCollum
Bryant	Goodlatte	McCrery
Bunning	Goodling	McDade
Burr	Goss	McGovern
Burton	Graham	McHale
Callahan	Granger	McHugh
Calvert	Greenwood	McIntyre
Camp	Hall (OH)	McKeon
Campbell	Hall (TX)	McKinney
Canady	Hamilton	McNulty
Cannon	Hansen	Meek
Capps	Harman	Metcalf
Cardin	Hastert	Mica
Carson	Hastings (WA)	Millender-McDonald
Castle	Hayworth	Miller (FL)
Chabot	Hefner	Minge
Chambliss	Hill	Mink
Chenoweth	Hilleary	Moakley
Christensen	Hinojosa	Molinari
Clayton	Hobson	Mollohan
Clement	Hoekstra	Moran (KS)
Coble	Holden	Moran (VA)
Coburn	Horn	Morella
Combest	Hostettler	Murtha
Condit	Houghton	Myrick
Cook	Hoyer	Nethercutt
Cooksey	Hulshof	Neumann
Costello	Hunter	Ney
Coyne	Hutchinson	Northup
Cramer	Hyde	Norwood
Crapo	Inglis	Nussle
Cubin	Istook	Obey
Cunningham	Jackson (IL)	Olver
Danner	Jefferson	Ortiz
Davis (FL)	Jenkins	Packard
Davis (IL)	John	Pallone
Davis (VA)	Johnson (CT)	Pappas
Deal	Johnson (WI)	Parker
DeGette	Johnson, Sam	Pastor
Delahunt	Kanjorski	Paul
DeLauro	Kelly	Paxon
DeLay	Kennedy (MA)	Payne
Dellums	Kennedy (RI)	Pease
Deutsch	Kennelly	Peterson (MN)
Diaz-Balart	Kildee	Peterson (PA)
Dicks	Kilpatrick	Petri
Pickering	Sanford	Stump
Pitts	Sawyer	Stupak
Pombo	Saxton	Sununu
Pomeroy	Scarborough	Talent
Porter	Schaefer, Dan	Tanner
Portman	Schaffer, Bob	Tauscher
Poshard	Schiff	Tauzin
Price (NC)	Schumer	Taylor (NC)
Pryce (OH)	Serrano	Thomas
Quinn	Sessions	Thurman
Radanovich	Shadegg	Tiahrt
Rahall	Shaw	Tierney
Rangel	Shays	Traficant
Regula	Sherman	Turner
Reyes	Shimkus	Upton
Riley	Shuster	Walsh
Rivers	Sisisky	Waters
Roemer	Skeen	Watkins
Rogan	Skelton	Waxman
Rogers	Smith (MI)	Weldon (FL)
Rohrabacher	Smith (OR)	Weldon (PA)
Ros-Lehtinen	Smith, Adam	Weygand
Roukema	Snowbarger	White
Roybal-Allard	Snyder	Whitfield
Royce	Solomon	Wise
Ryun	Souder	Wolf
Salmon	Spence	Woolsey
Sanchez	Spratt	Wynn
Sanders	Stabenow	Young (AK)
Sandlin	Stenholm	Young (FL)
	Stokes	

NAYS—49

Abercrombie	Hooley	Rush
Borski	Jackson-Lee (TX)	Sabo
Brown (CA)	Johnson, E. B.	Skaggs
Brown (OH)	Jones	Slaughter
Clay	King (NY)	Strickland
DeFazio	Kucinich	Taylor (MS)
Dickey	LaFalce	Thompson
English	LoBiondo	Thune
Ensign	Maloney (NY)	Vento
Fawell	McDermott	Visclosky
Fazio	Menendez	Wamp
Filner	Miller (CA)	Watt (NC)
Furse	Neal	Watts (OK)
Gutknecht	Oberstar	Weller
Hefley	Pickett	Wicker
Hilliard	Ramstad	Yates
Hinchey		

ANSWERED "PRESENT"—1

Bilbray

NOT VOTING—54

Andrews	Ford	Owens
Becerra	Frank (MA)	Oxley
Berman	Franks (NJ)	Pascrell
Blumenauer	Gonzalez	Pelosi
Boucher	Gordon	Riggs
Brown (FL)	Green	Rothman
Buyer	Gutierrez	Scott
Clyburn	Hastings (FL)	Sensenbrenner
Collins	Herger	Smith (NJ)
Conyers	Kaptur	Smith (TX)
Cox	Kasich	Smith, Linda
Crane	Kleczka	Stark
Cummings	Klug	Stearns
Dixon	Lipinski	Thornberry
Engel	McInnis	Torres
Flake	McIntosh	Towns
Foley	Meehan	Velázquez
Forbes	Nadler	Wexler

□ 1019

Mr. DICKEY changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, on rollcall No. 68. I was inadvertently detained. Had I been present, I would have voted "yea."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. LATOURETTE). Will the gentleman from South Dakota [Mr. THUNE] come forward and lead the House in the Pledge of Allegiance.

Mr. THUNE led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 514. An Act to permit the waiver of District of Columbia residency requirements for certain employees of the Office of the Inspector General of the District of Columbia.

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

H.J. Res. 58. Joint resolution disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

The message also announced that in accordance with section 1505(a)(1)(B)(ii) of Public Law 99-498, the Chair, on behalf of the President pro tempore, appoints the Senator from Colorado [Mr. CAMPBELL] to the board of trustees of the Institute of American Indian and Alaska Native Culture and Arts Development.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minutes at the end of legislative business.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1062

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the name of the gentleman from California [Mr. BILBRAY] be removed as a cosponsor of H.R. 1062.

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

There was no objection.

PROVIDING AMOUNTS FOR THE EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE 105TH CONGRESS

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 105 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 105

Resolved, That immediately upon the adoption of this resolution the House shall consider without the intervention of any point of order the resolution (H. Res. 91) providing amounts for the expenses of certain committees of the House of Representatives in the One Hundred Fifth Congress. The resolution shall be considered as read for amendment. An amendment in the nature of a substitute consisting of the text of House Resolution 102 shall be considered as adopted. The previous question shall be considered as ordered on the resolution, as amended, to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on House Oversight; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule once again makes in order House Resolution 91 authorizing funding for all but one of the committees of the House of Representatives for the 105th Congress, but this time under a closed rule providing 1 hour of debate divided equally between the chairman and ranking minority of the Committee on House Oversight.

The rule provides for consideration in the House without intervention of any point of order, it provides that the amendment in the nature of a substitute consisting of the text of House Resolution 102 shall be considered as adopted. It further provides for one motion to recommit.

Mr. Speaker, the new funding resolution that is made in order by this rule is a reasonable compromise. I applaud the work of Chairman THOMAS and others who helped put this compromise together.

It will allow our committees to continue operating until May 2 while freezing funding levels for all committees covered by the resolution except the Committee on Government Reform and Oversight at the 104th Congress levels. This will also allow us to maintain our commitment to take the lead in downsizing and streamlining Government.

More important, Mr. Speaker, it will allow the Government Reform and Oversight Committees's investigation into campaign fundraising abuses by the Clinton administration to proceed despite the best efforts of our colleagues in the minority to cover up those abuses and undermine our constitutional responsibility to investigate wrongdoing in the executive branch.

The resolution also maintains a $7.9 million authorization for a reserve fund for unanticipated expenses of the committees of the 105th Congress because it makes sense. As my colleagues know, at the beginning of the 104th Congress, three annual funding sources for committees consolidated into one biennial calendar year funding resolution to make our committees fully accountable for what they spend. So a small reserve fund fully accounted for and open to public scrutiny to cover unexpected funding emergencies in the second session makes sound business sense.

Virtually every well-managed business in America has a reserve fund for unanticipated contingencies. We can benefit from implementing sound business practices in the House of Representatives. Mr. Speaker, failure to pass this rule and the funding resolution it makes in order would leave our committees without funds to operate after March 31. That is the reason I suspect many of our colleagues in the minority oppose this resolution, but it is an irresponsible position and it damages the integrity of the whole institution, not just the majority or minority.

I urge my colleagues to do the responsible thing. We are trying to move along as expeditiously as possible because we know many Members want to leave town. I will assure my friends on the other side of the aisle that we hope that we will not consume the entire amount of time here. I hope they will do the same.

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

□ 1030

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. HINOJOSA] for the purposes of a unanimous-consent request.

(Mr. HINOJOSA asked and was given permission to speak out of order.)

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 1

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of House Joint Resolution 1.

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

There was no objection.

Mr. MOAKLEY. Mr. Speaker, this is take two. I thank my dear friend, DAVID DREIER, the gentleman from California, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in very strong opposition to this rule, and I must say that I am very disappointed in my Republican colleagues for bringing this matter up again. Yesterday's rule was defeated for three reasons: My Democratic colleagues and I were opposed to the ridiculously large investigative budget for the Committee on Government Reform and Oversight. The budget will be only used to investigate Democrats, despite the many Republican campaign problems reported in the papers.

And we, like most American citizens, could not believe that our Congress was proposing creating a brand new $7.9 million slush fund for itself. As I understand it, my Republican colleagues, along with my Democratic colleagues, objected to the large increase in overall spending contained in this resolution because, Mr. Speaker, Members who talk about cutting Medicare, Members who talk about cutting school lunches in order to give tax breaks to the rich will have a very difficult time explaining a vote to spend millions of dollars of taxpayers' money for Congress to dip in whenever it wants.

None of this should have been news to the Republican leadership. For days the gentleman from Missouri [Mr. GEPHARDT], and the gentleman from Michigan [Mr. BONIOR], have been trying to work with their Republican counterparts to work out a way to temporarily fund committees so that negotiations could begin on the size, the scope and the expense of the investigation by the Committee on Government Reform and Oversight. But, Mr. Speaker, their overtures were ignored, and this is very unfortunate.

Furthermore, after the rule was defeated yesterday, the gentleman from Texas [Mr. ARMEY], said on the floor of this House that he was going to talk to the Democratic leadership about the situation. We waited, we waited, we waited, and nobody came. Instead, Republicans retreated to their conference and came up with a solution that I imagine will only get Republican votes.

Mr. Speaker, I am not one to begrudge the majority party the right to run this House as it sees fit, but this latest episode makes me question the sincerity of the Republican leadership's commitment to bipartisanship on the part of the House, especially on the heels of the retreat at Hershey.

First, the bill will increase the amount of overall funding that Congress gives itself. Second, unlike the Senate investigation, the House Committee on Government Reform and Oversight is only going to look at allegations of Democratic campaign problems, despite the many Republican campaign issues surfacing these days. Third, Mr. Speaker, we objected to the $7.9 million slush fund that my Republican colleagues are creating for undisclosed purposes.

Given these problems and the subsequent defeat of the rule, I would have expected my Republican colleagues to have gone back to the drawing board and fixed their mistakes. But late last night, Mr. Speaker, after waiting for that call that never came, we learned that they are only going to make the mistakes worse.

Today's resolution cuts only $500,000 from yesterday's $22 million; $22 million increase, rather. It fully funds that partisan witch hunt in the Committee on Government Reform and Oversight and it does not change the scope of the investigation one iota. It does not say, OK, we will look into our own garbage while we are looking into everybody else's, and it fully funds that $7.9 million Republican slush fund.

Mr. Speaker, when I first saw this resolution last night in the Committee on Rules, I really thought it was a joke somebody was playing on me. This resolution spends a total of $6 million on all the House committees except one, and that one is the Committee on Government Reform and Oversight.

That committee, the committee that decided it wants to spend its time and taxpayer money digging up dirt on Democrats, gets $20 million. Let me repeat that, Mr. Speaker. One committee gets $20 million and all the other committees, totaled together, get $6 million. Even the Republican slush fund gets more money than all the other committees in the House combined.

Mr. Speaker, I was in the House Chamber during every minute of yesterday's debate on this resolution and I did not hear one single person complain about the money the committees of the House received except the Committee on Government Reform and Oversight. So in response to that, my Republican colleagues increased the amount of money the committee gets and cut the amount that the rest get. Does not make any sense to me.

Yesterday my colleagues complained long and loud about the $7.9 million slush fund but they did not make a peep about the other committees. But this resolution cuts all the other committees instead of the committee that everybody complained about.

Mr. Speaker, I cannot imagine why my colleagues on the other side of the aisle who opposed the rule yesterday because the bill spent $22 million over last year's level would vote for a resolution that saves only $500,000 while it still increases the spending of hard-earned taxpayers' dollars by over $20 million.

Unfortunately, Mr. Speaker, it looks like the Republican leadership is not interested in a bipartisan solution. If they were, they would have called to talk and they would have asked us for our input on committee funding and they would have tried to work together. Instead, they are giving us a proposal that ignores the concerns expressed by our side and puts into stark relief the Republican leadership's priorities: pure, partisan politics.

The only thing kept whole in this resolution is the one-sided, politically motivated, partisan investigation at the Committee on Government Reform and Oversight. And to ensure the Committee on Government Reform and Oversight has enough money, as I said before, $7.9 million set aside in a slush fund just in case.

Mr. Speaker, in the Republican Committee on Government Reform and Oversight, the new star-chamber of campaign finance issues, there has been no input from the Democratic Members on the size and scope of this investigation; no input from Democratic Members on the issuing of subpoenas; no input from Democratic Members on how documents are to be handled in the committee; and, Mr. Speaker, it is not because the gentleman from California [Mr. WAXMAN], has not tried.

The Senate was able to handle this issue in a bipartisan fashion. It is a shame their Republican counterparts in the House have not followed their example.

Mr. Speaker, the American people are sick and tired of the mud-slinging and the cynical partisanship that is being carried on by the Republicans in this one-sided investigation. I call on my Republican colleagues to put an end to it. Everybody knows there are many better ways for this House to vote and spend millions of taxpayers' dollars that would make our constituents proud, Mr. Speaker. This is not one of them.

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

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Grand Rapids, MI [Mr. EHLERS], a member of the committee.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from California for yielding me this time.

The previous speaker, the gentleman from Massachusetts, has so totally mischaracterized the issue before us that it is necessary for me to run through it once again and outline precisely what this resolution will do.

First of all, it will establish funding for all committees, other than the Committee on Government Reform and Oversight, until May 2, 1997. This interim funding is to permit the committees to operate during the next month while we resolve some of the questions which were raised yesterday.

Furthermore, it establishes for the entire 2-year cycle the funding for the Committee on Government Reform and Oversight at a 2-year funding level of $20 million, including $3.8 million for investigative purposes in 1997 alone. Furthermore, it authorizes a reserve

fund of $7.9 million for the entire 105th Congress.

I also have to respond to the characterization of the gentleman from Massachusetts that this is a slush fund. I am from Michigan. I know what slush is. It is dirty, it is messy and it gets splashed all over. That may accurately characterize the way the Members on the other side of the aisle handled the money under the jurisdiction of the Committee on House Administration during their tenure, but this reserve fund is not a slush fund.

This is going to be a tightly controlled reserve fund. It will be under the control of the Committee on House Oversight and it will be parceled out only when necessary and for appropriate purposes. That is certainly not a slush fund. It is out in the open. All decisions will be in the open, widely publicized, and not a slush fund of the type that we are familiar with from Congresses prior to the 104th.

This resolution also provides that any increase in spending in the 105th Congress, as compared to the 104th Congress, must be offset by spending decreases in other legislative branch activities. In other words, this is a zero sum in terms of funding. It is a very important provision, and that helps us fulfill our commitment to balancing the budget.

Under this resolution, committee staff levels remain at one-third of the levels of the 103d Congress, continuing to fulfill the promise we made in the Contract With America more than 2 years ago.

It is a good resolution. It freezes the current committee funding at its current level, which is also the level we had in the 104th Congress, and which is substantially below the level of the 103d Congress when the gentleman across the aisle was in charge.

Mr. Speaker, I urge we adopt this resolution. It is fair, it is proper, and it will get us on the track to better government in this House and in this Nation.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to say that if that $7.9 million is not a slush fund, I do not know what it is. It will be used for undisclosed purposes. It will be a fund that Members of this House will not be able to vote on. I note the Democrats never pocketed money away like that in this kind of legislation.

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

Mr. MOAKLEY. I yield to the gentleman from New York, the chairman of the Committee on Rules, if he can deny that charge.

Mr. SOLOMON. Mr. Speaker, I say to the gentleman from Massachusetts that if he looks at the National Taxpayers' Union ratings, he is listed as one of the biggest spenders in the Congress. And the same people are arguing this point?

Mr. MOAKLEY. Mr. Speaker, reclaiming my time, evidently, the gentleman just showed he has no answer.

Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I would have thought there would have been additional funds in this bill for medical needs of Members on the majority side who had their arms twisted yesterday. I have not been able to find that.

They have done a fine job of it, I understand. They marched them in, they had them explain why they voted against it yesterday, and then they brought them back here all united. But let us make sure that the other side understands what they are united on.

This is not a freeze. What this is is an increase over last year's spending. They can be for it or against it, but they cannot call it a freeze.

□ 1045

You increase spending on Mr. BURTON's committee by $4.8 million, you increase with a slush fund of $7.9 million, and you have increased funding for the other committees in this bill before us today of $5.8 million. So what you have here is an increase in funding. You can bring them home to your caucuses and tell them they have got to stay with the party line. You can tell them not to talk to the Democrats and try to work anything out, but you cannot call it a freeze.

Now, you may be able to argue for the other committees in this Congress that they need those funds. I do not have a problem with that. Where we do have a problem is on a rogue operation that is being put together here to spend at least $4.8 million and possibly another $7.9 million without dealing with the issues that the gentleman from California [Mr. WAXMAN] has raised.

So let us get straight where we are today. You are going to vote for the same thing you voted for yesterday, minus half a million, because what it does is it continues the funding for the next several months, and if you follow that pattern you are not freezing spending.

Now, if you want to be for an increase, vote for an increase. If you want to be for a slush fund, stand up and admit that you think you need a slush fund. But do not fool yourselves. This is not a freeze. What you are doing is you are taking yesterday's bill, you are moving the numbers around, and at the end of the day you are increasing spending over last year.

Ask your own guys before you come up to vote. If you follow through the numbers that are in this program, if you continue what you have set up between now and May 2, will you spend the same amount of money as last year or will you spend more money than last year? And the answer is, you are spending more money than last year.

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

Mr. GEJDENSON. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, for the new Members on both sides of the aisle, I am not one that demagogs this institution. As a matter of fact, I am very definitely opposed to demagoging this institution, on either side. Unfortunately, in the past we have seen that. It has denigrated the image of this institution with the American public.

I will tell my colleagues on either side of the aisle that all of us, every one of us, is adversely impacted by that kind of debate, but we ought to be honest in the debate. And I want to say to my friends on your side of the aisle, particularly as you attacked or raised in pointed terms how we were not accurately funding the committees, and say to my friend from Michigan who says this is a freeze. It is not. There is $8,170,000 that under the Contract With America would have to have been included in this budget, because you said that what Democrats were doing were taking detailees from the Department of Energy, the Department of Defense and having them on committees and not accurately reflecting the expenditures of the committee.

I will tell my friends, particularly those of you who voted "no" yesterday and who are for honesty in budgeting and putting before the American public what the expenses of the committee are. We have changed that policy just 22 months after it was so proudly adopted, where the committee last Congress said that committees would have to fund their detailees. We have now included back detailees off budget, so your committees that you are going to fund in this bill can spend $8,170,000 beyond what is in this budget.

If that is what you meant by reform, if that is what you meant by the Contract With America, I think some of us were deceived, and frankly I think some of you were deceived. For that reason this is clearly not a freeze.

Mr. GEJDENSON. Mr. Speaker, reclaiming my time and closing on that point, you are spending $18.5 million more than last year.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Winter Park, FL [Mr. MICA], the chairman of the Subcommittee on Civil Service.

Mr. MICA. I thank the gentleman for yielding me this time.

Mr. Speaker, the other side would have you believe that we are being unfair in this process as far as funding. I serve on the Committee on Government Reform and Oversight. I came to the floor back in 1993 and 1994 and asked for fairness. We were given initially 5 investigative staff, and this is

when they controlled the White House, the House and the other body, 5 investigative staff to their 55 staffers. It was finally brought up to 12. But let me tell my colleagues that we provide for 25 percent staffing for the minority under our proposal. Is that fair? I just ask, are we being unfair?

They would also have my colleagues believe that the reason for last night's delay was that some of us were opposed to the investigation or that we caused these problems by investigating. Nothing could be further from the truth. This is the responsibility of the House and this House Investigations and Oversight Committee to do this task. It has been that task since the early 1800's, when the predecessor of this committee was formed.

Let me read you this morning's paper about why we need these funds and what these funds will be used for. And this is not what I say. This is what is in the paper this morning:

The Clintons and their administration are submerged in what one Democrat activist has called a scandal of unprecedented proportions: China-gate, Lippo-gate, Campaign-gate, File-gate, Travel-gate, Whitewater-gate, the illegal naturalization of alien criminals in order to swell Democratic voter rolls, IRS-political-auditing-gate, Waco, Ruby Ridge, Reno-gate, Espy-gate, Ron Brown-gate, Paula Jones-gate, Lincoln-bedroom-gate, an FBI director who admits he lied to Congress, special prosecutors, congressional investigations, disgrace Presidential appointees, and innumerable first couple utterances of "I don't recall" swirl in such profusion around the Presidency that only rocket scientists can keep up with it all.

That is why we need these funds. To accuse us of creating a slush fund, when I saved over $200,000 in my first 2 years and it went into a fund that we never saw again, not to mention the banking scandal, the post office scandal, I mean this other side of the aisle created the term "slush funds" with their actions.

Mr. Speaker, that is what we are here for.

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

I would like to ask my colleague from Florida what paper he is quoting.

Mr. MICA. If the gentleman will yield, I am quoting columnist Paul Craig Roberts.

Mr. MOAKLEY. What paper?

Mr. MICA. I do not have the title of the paper. It was just given to me.

Mr. MOAKLEY. The Washington Times. A very liberal newspaper, very well read, well accepted.

Mr. SOLOMON. It happens to be a very good newspaper, too, my friend.

Mr. MICA. At least someone tells the truth.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the gentleman for yielding me this time.

Mr. Speaker, what we have seen the last 2 days unfortunately seems to be a metaphor for what this term in Congress is going to be like. You have a small group on the extreme right of the Republican Party dictating policy to everybody else. We had a proposal last night. Eleven people, twelve people said, do it our way or no way, and you succumbed.

Now, what is it that united this party? Well, if you take the rhetoric of this budget, what you are saying, and the gentleman from Florida corroborates it, you do not want to legislate, you do not want to get things done, you do not want to come to the center and try and deal with the problems of America. All you want to do is investigate.

When a party is divided, when you cannot come to any substantive agreements on virtually any issue, haul out a whole bunch of investigative committees. That is what you have done. That is the only thing that can bring the votes here. We are going to see that, my colleagues, again and again and again. And then even worst of all, it is hypocritical, because you know you cannot budget with a freeze. You know you cannot do the job. So you tell those Members it is a freeze, but it really is not, as has been pointed out before.

I am afraid we are in for 2 rough years of sledding. I am afraid, seeing what I have seen here, that we are going to have an extremist small group dictate policy on the floor of the House, that there will be no interest in coming to the center and legislating and that to cover up the fractured differences of the other party, we are going to spend a lot of time doing a lot of dances about investigation, investigation, investigation when we all know the Congress is the worst place to investigate these kinds of things because partisan clouds hang over every investigation.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Falls Church, VA [Mr. DAVIS].

Mr. DAVIS of Virginia. If Congress is not the one to be investigating this, maybe some of my colleagues would join with us in calling for a special prosecutor on some of these areas, that we clear that up instead of Congress having to do the work. But let me make a couple of points.

The Committee on Government Reform and Oversight, which I think has been greatly maligned this morning. Under the 103d Congress, when we were still in a minority, it then comprised one committee. In the 104th Congress we combined it into three committees from the old Congress, the Post Office and Civil Service and the District of Columbia Committee. Under the funding currently proposed, we are at 75 percent for the committees of what the funding was in the 103d Congress, even with all of the additional money that is being given for investigations; on a trail, I might add, that leads to China, to Cuba, to Guam, to Hawaii, to Hong Kong, to Indonesia, to Paraguay, to South Korea, to Taiwan, to Thailand, to the Ukraine and Vietnam, very extensive investigation, multilanguages involved. Still even with these and the combining, 75 percent of the level that was funded in the 103d Congress.

Mr. Speaker, I am happy to speak in favor of the rule.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to my very good friend, the gentleman from Poland, OH [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I voted with the Democrats yesterday and most Republicans toed the line and we are seeing party discipline, but we are not seeing the Congress governing. $7.9 million, I do not know if it is a slush fund or an investment. But let me remind Congress as we speak that China got a sweetheart deal in Long Beach, CA; China is getting a United States guaranteed, Government backed loan of $138 million in Alabama; a Chinese company was just awarded a $250 million contract even though they have been convicted of smuggling AK-47's into America; and as we speak, a company with ties to China will operate both ports on each end of the Panama Canal that United States taxpayers built. Personally, I think both parties are debating a fly on their face while a Communist dragon is eating our assets here.

Mr. Speaker, I am going to vote for the rule today. I am going to vote for the bill.

Mr. Speaker, $7.9 million is nothing compared to a $20 billion trade deficit last month in manufactured goods and products. China in the last 2 months has amassed $10 billion in trade surpluses. Enough is enough. Look at the impact in our State alone. Two thousand five hundred workers are being laid off by Ford Motor Co. in Lorain, OH. They have cited imports.

□ 1100

Goodyear Tire Co., Akron, OH, cutting 150 workers and moving their plant to Chile. Enough is enough.

And the Department of Labor, they tell us, "Don't worry; there's high tech jobs there."

Look at the Department of Labor manual for new jobs:

Handkerchief folder;

Corncob pipe assembler;

Hooker inspector; and

Pantyhose crotch closer.

And if they get a degree, they could become a pantyhose crotch closer supervisor.

Enough is enough.

Let me say this to both parties: I think there are more Americans that are tired of the Democrat-Republican business. They want us to vote for what they think is best for the country. What I think is best for the country is to give a bull dog, rather than

demean him, a bull dog like the gentleman from Indiana [Mr. BURTON], the opportunity to get to the bottom of this Chinese mess, regardless who is in the White House, Democrat or Republican.

Now that may not make friends, but I appreciate the time.

Mr. MOAKLEY. Mr. Speaker, I ask the gentleman from California [Mr. DREIER] if he has any speakers.

Mr. DREIER. Mr. Speaker, we are looking for speakers to counter all the speakers that the gentleman has. There are Members who are anxious to talk only if they are.

Mr. MOAKLEY. I think we could have saved a lot of time, Mr. Speaker, if the Democrats were allowed into the Republican caucus yesterday because that convincing argument that changed those 11 Members may have changed all of us.

I yield 3 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I say to my colleagues, "If you want peace, seek justice. The wisdom of that ancient maxim seems to have been completely lost on the Republican leadership of this House. They want peace, they want smiling Democrats at peace on this floor as accomplices to most any injustice that they want to promote. They wanted peace on the opening day of this Congress when instead of adopting a democratic proposal to ask the committee to come back on April 7 with a proposal to reform the campaign finance system, they rejected that, and indeed that committee will not even begin its work by April 7 on doing something about the money chase. They wanted peace on the opening day of this session when they demanded that their own Members elect the Speaker who was himself a "pioneer" in tax free campaign finance. And of course they wanted peace, indeed they want a pat on the back, . . .

Yes, this Republican leadership tells us today——

Mr. BARR of Georgia. Mr. Speaker, I would ask that the Member's words be taken down.

The SPEAKER pro tempore. [Mr. LATOURETTE]. A point of order has been raised. The gentleman from Texas [Mr. DOGGETT] will please resume his seat, and the Clerk will report the words objected to.

□ 1107

Mr. DOGGETT. Mr. Speaker, I am advised by the Parliamentarian that there can be no reference . . . and so I withdraw that part of my remarks.

The SPEAKER pro tempore [Mr. LATOURETTE]. Is there objection to the request?

There was no objection.

The gentleman from Texas may proceed in order and he has 1 minute remaining on the time yielded to him.

Mr. DOGGETT. Mr. Speaker, it is against this background of false peace that today we are asked to focus entirely on alleged wrongdoing at the White House. For myself, I want a thorough and complete investigation of that alleged wrongdoing at the White House. In fact, we can investigate until our heart's content, so long as we apply the same level of scrutiny to this House that we apply to the White House.

Indeed, I suggest to all of my colleagues that they remember the injunction that is found in chapter 6 of Luke when it was said, "How canst thou say to thy brother, 'Brother, let me pull out the mote that is in thine eye,' when thou thyself beholdest not the beam that is in thy own eye. Thou hypocrite, cast out first the beam out of thine own eye and then shall thy see clearly to pull out the mote that is in thy brother's eye."

The problem today is that there seems to be a little bit more interest in pulling out "motes" than in focusing on the "beams" that are a little closer to home. Instead of building on the legitimate public concern on what happened on both sides of the political process in the recent election, that election and that public concern is being used to block and prevent any real reform. That is what this investigation is all about.

Do not legislate reform, investigate and point fingers at the other side. We need thorough scrutiny, but it needs to be scrutiny aimed at peace and justice. In the words of Dr. Martin Luther King, true peace is not merely the absence of tension, it is the presence of justice, and until we get justice, there will be tension.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] controls 17¾ minutes; the gentleman from Massachusetts [Mr. MOAKLEY] has 10¼ minutes.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise just to see if I got this straight. Yesterday we heard some very interesting arguments about interpreting the rules of this House so broadly that the potential scope of the jurisdiction of the Committee on Government Reform and Oversight, according to folks on the other side, knows no bounds whatsoever and that the committee should, indeed can and indeed should, as they say on the other side, investigate all sorts of things. We have heard additional ones this morning perhaps that they want the committee to go into.

I think I have that right on their side, and I think also I have right their position on the other side that the modest increase in funds that we are proposing in funds on this resolution to the Committee on Government Reform and Oversight is too much money. So on the one hand, they want the most expansive reading of the jurisdiction of this committee, and on the other hand, they do not want the funds to do it. Something is not right here, Mr. Speaker.

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

Mr. Speaker, the gentleman from Georgia [Mr. BARR] did not really have it right. We were not concerned that the Committee on Government Reform and Oversight should not investigate everything, but the excuse was being made that the reason they did not go to certain areas is because they did not have jurisdiction. I just wanted to point out in the law that they did have investigative jurisdiction to where they were asked to look. That is all.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, to my distinguished member of the Committee on Rules, I think what we are trying to do here on the Democratic side is just to provide a little light and a little education on what my colleagues may have gleaned from their meeting yesterday. I wish, as the gentleman from Massachusetts [Mr. MOAKLEY] had said, we might have been flies in the room possibly to understand why this overall change of mind.

I have several points to make. One, I believe the gentleman who talked about creating jobs in America, that is an important issue, and I will simply ask my colleagues to think about the kind of money that they are giving the chairman to investigate the President of the United States and the abuses that they say have occurred, and yet not putting on the floor of the House real campaign finance reform.

If they take the $15 million that they are now spending, and I might say, I thought my colleagues on the other side would come back and at least bring that number down, but that is $1 per 15 million people in the United States of America. If they take 30 million people in the United States of America, they have to pay 50 cents for this one-sided investigation.

Then we find out that the Senate spent only $1.8 million for White House, $5 million was spent on the House and Senate Iran-Contra investigations, and $6.9 million was spent on the Senate Watergate investigation.

I cannot understand why we have an investigation where there is no due process, where the chairman can unilaterally issue subpoenas, where the chairman can unilaterally secure documents and then issue the documents publicly. There is no protection, there is no committee oversight, there is no

combined effort, and we are giving $15 million, $15 million. United States citizens must pay $1; 30 million citizens must pay 50 cents in order to create this slush fund.

Mr. Speaker, I simply say we can solve all of the problems, create jobs, by bringing real campaign finance reform to the House, investigating all of us, and making sure that the abuses against the American people are not rendered by one person, subpoena power unilateral, document issuers unilateral.

Where is the due process in this whole process? Where are the American people in this process? Real campaign finance reform is the real issue.

Mr. Speaker, I rise in opposition to House Resolution 91, the committee funding resolution, because it is fatally flawed and grossly biased in four fundamental areas: First, the chairman's authority to issue subpoenas without a committee vote; second, the chairman's authority to release privileged and confidential documents; third, the scope of the investigation; and fourth, the budget allocation of the committee.

On the chairman's authority to issue subpoenas: Never before in the history of the Government of the United States of America, neither in the Senate, nor in the House, has a chairman of a standing committee, or any other committee, ad hoc or otherwise, exercised the power to unilaterally issue subpoenas, without a vote of the committee or the approval of the ranking member.

The power to issue a subpoena is one that should be held by the entire committee, not just the chairman. There is a reason that several members from both sides serve on a committee. The purpose is to allow for a balanced, fair representation of issues and views.

Mr. Speaker, the model for our system of Government is that of a democracy, not a monarchy. Democratic principles should be reflected in every aspect of our governmental systems and should be reflected in the way in which Congress does the business of the American people. Thus, the decision to issue a subpoena should be reserved for the several members of the committee, not just the chairman.

The potential for abuse of this increasing power is enormous. No less than 30 subpoenas have already been unilaterally issued by the chairman. There are no safeguards in place to check the abuse of this roaming power. The unilateral issuing of these 30 unnecessary subpoenas clearly shows that there is no doubt that the chairman will abuse this unfounded privilege.

No established rules of congressional precedents have been followed in the issuing of upward of 30 subpoenas. We must not allow a chairman to randomly issue subpoenas.

The nature of the subpoenas issued is most troubling. They seek to compel the production of extraordinarily sensitive national security and foreign policy documents that have absolutely no bearing on the substance of the committee's work and oversight.

This is a gross abuse of power. This is a witch hunt in the making with no end in sight. Chairman BURTON has issued subpoenas for all phone records from Air Force One and Air Force Two, which include phone calls made by the President and his national security team to heads of state on sensitive foreign policy negotiations.

Additionally, the chairman has issued subpoenas for all records of visitors to the White House residence for the past 4 years. This is a gross invasion of privacy which makes no exception for Chelsea Clinton's friends, relatives of the first family, or visits by doctors or clergy.

The chairman has issued subpoenas for the production of documents from the Democratic National Committee. This shows the pure partisan motives of the chairman and amounts to nothing more than an abuse of power. The chairman has requested the production of documents that have no place within the scope of the committee's scope of investigation.

If we allow the chairman of a committee to issue subpoenas solely on his own authority, then it will amount to nothing more than a witch hunt and a gross waste of time for the Congress and the people of the United States.

No one would be safe. There is no doubt that it would return us to the infamous days of the Red scare McCarthy hearings. The entire country was held hostage by misplaced power. But even then, it was not the chairman who acted alone in acting, it was a committee. How much more would the lives of hard-working Americans be violently disrupted by a power hungry, overzealous chairman of a committee who has the power to drag Americans before a committee.

On authority to unilaterally release documents: The chairman wants the power to unilaterally release these documents once he gets them. This is, without question, an abuse of power and a violation of the longstanding customs of the House. No committee chairman has ever been given the power that Chairman BURTON seeks.

This will allow the chairman to release documents, without anyone else's consent, that are submitted to the committee. This includes confidential financial records and trade secrets, medical histories and other personal records of individuals.

If given the inordinant power that the chairman seeks, he will be allowed to release the names of confidential FBI informants and other confidential law enforcement information, as well as privileged attorney-client communications.

Neither in Whitewater, nor in Iran-Contra investigations did a chairman have this type of unilateral authority. The sensitive nature of privileged documents demands that they be kept secret.

On the proposed budget for the investigation: One of the most ridiculous aspects of this resolution is the proposed budget for the Committee on Government Reform, which is over $20 million. This is nearly a 50-percent increase of $6.5 million from the budget in the 104th Congress.

Mr. Speaker, at the beginning of this legislative session, the word bipartisanship was promoted by both Democrats and Republicans alike.

Eighteen standing committees of the House and the Permanent Select Committee on Intelligence each depends upon this resolution for its funding authorization.

The Government Reform and Oversight Committee's reserve funds will weigh in at between $12 to $15 million for one purpose and one purpose alone—to waste the taxpayer money and time on bogus hearings on Democratic fundraising activities for last year's election. These hearings will be nothing more than Gestapo tactics and Red scare threats to try and hang all of the problems of campaign fundraising on the backs of hard-working Democrats.

The Government Reform Committee proposes that it will only use $3.8 million for the investigation of Democratic fundraising. It does not make a difference if it is $15, $3, or $1 million. It is still a gross waste of taxpayer money.

In comparison to other investigations, the $12 to $15 million available to the Government Reform Committee for the campaign finance investigation also far exceeds the $1.8 million spent on the Senate Whitewater investigation, the $5 million spent on the House and Senate Iran-Contra investigations, and the $6.9 million spent on the Senate Watergate investigation, after adjusting for investigation.

The official policy of the House Oversight Committee is that "all committees should allocate at least one-third of the resources to the minority." This particular allocation is not being met in the Government Reform Committee.

To add insult to injury, the rules of the Government Reform Committee require that the committee budget be prepared in consultation with the minority. However, despite repeated requests, the majority did not consult with the minority in preparing the proposed committee budget. In fact, the minority was not provided a copy of the budget until 2 weeks after its submission to the House Oversight Committee.

Scope of the Investigations: If we are to hold the executive branch to a standard of conduct then we should hold this Congress to the same standard of conduct. This includes both parties—not just the Democrats.

The limited scope of the investigation proposed by this resolution prevents any scrutiny of campaign finance abuses in Congress. Under this approach the committee would be precluded from investigating illegal or improper fundraising activities such as: The use of congressional buildings or telephones for nonprofit organizations to circumvent "hard money" limits, the solicitation of illegal "hard money" corporate contributions, the use of congressional campaign committees to transfer improper campaign contributions, and improper foreign contributions to Members of Congress, among others. There are grounds for investigating this area of the House.

House Resolution 91 states that the scope of the investigation will be limited to fundraising improprieties and possible violations of law by executive branch officials and the Government agencies in the 1996 Presidential campaign.

In stark contrast, the Senate voted 99 to 0 in favor of an investigation of illegal or improper activities in connection with 1996 Federal election campaigns. Unlike the proposed House investigation, the Senate investigation is not limited to alleged abuses by the executive branch, but will also examine abuses in congressional campaigns. Also real campaign

finance reform can be done by passing bipartisan campaign finance reform legislation this year.

In opposing House Resolution 91—this is our opportunity to do what the American people sent us here to do—act in their best interest and make laws that improve the lives of Americans. To do otherwise, is to levy a gross injustice on the backs of the American people.

I urge my colleagues to vote "no" on the passage of this resolution and protect the American people. House Resolution 91 violates the spirit of bipartisanship and fairness that the Republicans were so fond of promoting just a few weeks ago; it is a divisive partisan effort that will only result in gridlock; and because it is a gross waste of taxpayer money that could readily be spent on the children or the disenfranchised in America.

Mr. DREIER. Mr. Speaker, I yield 2½ minutes to my very good friend, the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I would submit that campaign finance reform is not the issue. One of the previous speakers said, if we want peace, seek justice. Justice is exactly what we intend to seek.

The question is, why is the Democrat leadership trying to turn the investigation away from the Clinton administration? Here is what they are trying to divert our attention away from.

The President held 103 fund-raising coffees and 58 receptions and dinners at the White House. Here are a few of the disreputable individuals they invited:

Wang Jun, the director of a Chinese arms trading company under investigation for illegally shipping 2,000 fully automatic, Chinese-made AK–47's to the United States, a guest at the White House.

Jorge Gordito Cabrera, a convicted felon currently serving 19 years in prison for conspiring to smuggle 6,000 pounds of cocaine into the United States, another guest of the President and Mrs. Clinton at the White House.

Eric Wynn, another convicted felon whose company, Wireless Advantage, gave $25,000 to the Democratic National Committee 2 days before Wynn had coffee at the White House. Wynn, who had already served 2 years in prison for a scheme that may have benefited the Bonanno crime family, is reported to have been seeking a pardon from the President. He was at the White House.

Gregori Loutchansky, chairman of NORDEX, an Austria-based company, "associated with Russian criminal activity," according to former CIA director, John Deutch, who refused to further discuss the company in an open hearing. He was at the White House.

Mr. Speaker, everybody was not doing this. Let us not get distracted from where the real scandal is. Mr. Speaker, we ought to vote to fund the investigation led by a valiant, honorable, courageous, fearless man, Chairman DAN BURTON, who will get to the bottom of this. I fully support this rules resolution, and the resolution to come after it.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I understand that everybody is racing to get out of here, but I have to think that this is going to be one of the most fateful votes that we are going to cast today; I have a feeling that in years to come, there are many in this Chamber that are going to rue the day that this vote was cast.

Mr. Speaker, I have been a Member of this body and the Committee on Government Reform and Oversight for 14 years. I am proud of that, and I am proud of the bipartisanship that has always characterized the investigations of that committee.

However, with this resolution what happens is, as I understand it, all committees but one come back in 30 days and the Congress acts on their resolution again. There is only one that gets clear sailing, gets its amount, and that is the Committee on Government Reform and Oversight.

No one disagrees with the need of the Committee on Government Reform and Oversight, which is an investigative committee, to do the investigation that needs to be done, whether it be the White House, the DNC, or Congress. Well, no, we all agree that there needs to be an investigation; whom it covers is something else.

I am sad for another reason, because when this resolution passes, Mr. Speaker, there is given to the Committee on Government Reform and Oversight unbridled authority, authority that I have never seen, never seen exercised. Certainly in 14 years I have never seen the unilateral issuance of subpoenas, not even the consultation of the minority, much less a vote of the full committee. I have never seen the kind of trickling out in release of documents at the authority of the Chair of the Committee on Government Reform and Oversight. I have never seen a committee so eager to investigate one group of alleged abuses, those at the DNC and White House, perhaps, but yet at the same time refuse to investigate other alleged areas.

Make no mistake about it. In the flood of allegations of campaign improprieties, the waters do not stop at the White House porch. They are also lapping at the steps of Congress, and yet this committee, the Committee on Government Reform and Oversight, will be given the authority to do one and not the other.

Yes, I have heard about how it does not have the authority. It has the investigative authority to conduct a full investigation. And even if it does not in some people's minds, will somebody tell me what the schedule for investigations into congressional improprieties is? There is no other committee that intends to get into that.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARCHER].

(Mr. ARCHER asked and was given permission to speak out of order.)

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1055

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1055. By clerical error in my office, my name was unfortunately added to that bill.

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

There was no objection.

Mr. MOAKLEY. Mr. Speaker, can the Speaker notify the gentleman from California [Mr. DREIER] and myself of the remaining time?

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] has 14¼ minutes, and the gentleman from Massachusetts [Mr. MOAKLEY] has 6 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I heard my colleague from California [Mr. DOOLITTLE] say that campaign finance reform is not the issue here. I think the issue is campaign finance reform. What is happening here with this funding resolution is essentially that the Republican leadership is coming up with a great diversionary tactic where they will spend a year or perhaps 2 years at great expense to the taxpayers, essentially to do a probe of the White House, but at the same time they are not willing to open up this investigation to Democrats and Republicans in Congress.

There is no question in my mind about why this is happening. For one, we have the chairman of the committee, the chairman of the Committee on Government Reform and Oversight, who should be stepping aside. Many of the newspapers, the Washington Post: "Mr. Burton Should Step Aside." But he does not want to open it up to a full investigation that would look at congressional campaign practices, because the first person they would have to investigate is himself.

□ 1120

So do not tell me that campaign finance reform is not the issue. They do not want to bring up the issue of campaign finance reform.

Day after day on the floor of this House, Democrats, including myself, have asked the Republican leadership to bring up campaign finance reform, to have a debate on campaign finance reform, and so far there has not even been a hearing in this House on campaign finance reform. But we can spend the next year or two looking and investigating the White House in a blatant

partisan way at tremendous cost to the American taxpayer.

I just want to say, many of the Republicans who will vote for this resolution today came to Congress promising to shake up the institution and change the way this House does business. How can they vote for this resolution that throws up to $11 million to an investigation that no one can claim is credible, due to the fact that the chairman of the Committee on Government Reform and Oversight now has his own fundraising controversy that needs to be investigated?

If Members vote yes on this resolution, they are voting to waste millions in taxpayer dollars. They are voting to support the chairman of the Committee on Government Reform and Oversight, who all but admitted to appealing to the Ambassador of Pakistan for campaign contributions. They are voting for business as usual.

If Members vote for this resolution, I would say to my colleagues, congratulations, because they become part of the problem.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Del Mar, California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would think that my colleagues on the other side of the aisle would like to at least take a look at this in the committee of the gentleman from Indiana [Mr. BURTON]. Maybe we can do it a different way.

In my State, Cosco, a Chinese-owned and operated shipping company, has just been awarded to take over the Long Beach Naval Shipyard. Cosco is the same company that just took out the pier in New Orleans. It is the same company, I would say to the gentleman from New York [Mr. SCHUMER], who passionately believes against assault weapons, and that we have too many weapons in this country, which we do; it is the same company that smuggled in the AK–47's, 2,000 of them, the same kinds of fully automatic weapon that was used in the Los Angeles bank robbery 2 weeks ago.

We have M–2's and grenade launchers that are going down to Mexico City out of Long Beach and could affect, in the next 90 days, the elections to put an anti-United States legislature within the Mexican Government and destroy anything, or the gains we have made.

The Coast Guard has violated Cosco six times this year and designated them unsafe. Yet both the arms dealer and Cosco gave money to the DNC, the President went along with Long Beach to go ahead and certify them, and at the same time this is the same company that is going to occupy, as of last week, both ends of the Panama Canal.

Remember last year when the Chinese went after Taiwan and shot missiles? They made this statement: Do you prefer Los Angeles or Taiwan? I think that is a national security interest that my friends would want to look into. That is why we are asking to take a look at this, because we feel it is a very important national security issue, not even a campaign issue.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, so much for Hershey. The wisdom of the Constitution has been the division of powers between judicial, legislative, and executive branches of Government into separate and distinct parts. Congress has always had broad investigative powers, but these powers have been tempered by the hard-earned lessons of the judicial branch enshrined in the traditions of the grand jury.

A grand jury looks at an event, the evidence, and facts surrounding it. It has no presumptions. It is impartial. Releasing information presented to a grand jury is a felony. No special prosecutor, no attorney, no local prosecutor has the authority to issue subpoenas, investigate individuals, and then release this information without bringing criminal charges. The gentleman from Indiana [Mr. BURTON] should not have that power either.

Mr. Speaker, this resolution provides for millions of taxpayers' dollars to invoke powers and authority not even sought by Joseph McCarthy of Wisconsin, who has not brought credit to this institution by his investigative practices. The concentration of such power and authority is unwise and impairs the ability to judge fairly. It is an abuse of power.

Mr. Speaker, this resolution exceeds anything that the Founding Fathers contemplated as far as the appropriate investigative role of the Congress. We do not allow prosecutors to destroy individual rights of privacy, to publicize sensitive information. We certainly should not give millions of dollars to a congressional committee to do so. If Members are going to give such expansive powers, why are they so afraid of including themselves in such an investigative oversight?

Republicans do not seek justice in this process, as we have heard, they seek retribution. This is not about prosecution, this is about persecution. A government of the people and by the people must have certain controls. Let us not make this investigation into one in which the integrity of the House is at stake.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Stephensburg, Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to just say to my colleagues across the aisle that in defense of their party, they remind me of the fox coming out of the chickenhouse with chickens all under his arms and getting caught, and saying: We have to do something about that lock. But in the meantime, we have to investigate the farmer, because he has been getting chickens out of that henhouse, also.

Mr. Speaker, that is the way it is. Get real. There are problems that stink to high heaven in the DNC and in the White House, and we need to get to the bottom of it. When there are problems like that on this side, let us know and we will try to do something about it, also.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Virginia [Mr. MORAN].

The SPEAKER pro tempore [Mr. LATOURETTE]. The gentleman from Virginia (Mr. MORAN) is recognized for 2 minutes.

Mr. MORAN of Virginia. Mr. Speaker, it is wrong for the House to give the gentleman from Indiana, Mr. BURTON, twice as much to conduct a partisan investigation of one branch of Government as the Senate has provided Senator THOMPSON to look at both branches of Government in a bipartisan manner. That is our objection.

Mr. Speaker, I served with my friend and colleague, the gentleman from Indiana [Mr. BURTON] 5 years ago when he was the ranking Republican on the Committee on Government Reform and Oversight. We were looking into the fact that the Bush White House had spent millions of dollars on Air Force One and staff to do partisan fundraising around the country.

The American taxpayers were supposed to be reimbursed. They were not. We had one trip down to Florida that cost the taxpayers hundreds of thousands of dollars to campaign for Republican candidates. The Republican National Committee reimbursed the taxpayers $316. We had another one up and down the west coast, for Republican Senate candidates that cost nearly $1 million. The RNC reimbursed about $600 to the taxpayer.

We asked for the official travel logs to do an adequate investigation. The gentleman from Indiana said no, he did not want the White House to release any such information. At the time, he said, "If you suggest that the White House has done anything wrong, you should bring charges, not hold partisan hearings." That is the quote from my friend, the gentleman from Indiana [Mr. BURTON]. He also said later on when we exposed even worse abuses on the part of the Bush White House, that the Congress should investigate its own problems before launching a fishing expedition on the executive branch.

I would suggest the gentleman from Indiana should take that statement to

heart, to investigate the serious improprieties that were alleged in the Washington Post this week, where a current committee chairman, Mr. BURTON, shook down a lobbyist for campaign money and retaliated against that person when he did not raise enough. We have allegations that the Republican leadership is making a friends and enemies list of lobbyists they will and will not talk to.

Roll Call reports that the House Republican leadership is retaliating against groups and individuals who contribute to Democrats. We have a systematic process by which the Republican leadership has intimidated and retaliated against people and organizations who don't contribute enough to them.

To put a stop to such abuses this committee need not look down the mall at the President, but at themselves in the mirror.

We have a chance to forever change the system and enact campaign finance reform. Instead, this resolution will perpetuate the poisonous atmosphere that only contributes to our own demise and the cynicism of the voters.

We must vote this resolution down and place our priorities where they belong—in legislation and working to improve the lives of our constituents rather than finger pointing and partisan warfare.

Mr. Speaker, this is not fair. It is not right. Reject this resolution.

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

Mr. Speaker, we have come to what I think is a very fair and balanced compromise on this issue. We have tried not to consume our entire amount of time because we know both Democrats and Republicans are anxious to get moving, since we have already gone beyond the target adjournment date of yesterday.

Mr. Speaker, to close our debate, but not to use the entire amount of time, because I know he will not do that, I am very pleased to yield such time as he may consume to my dear friend, the gentleman from Bakersfield, CA [Mr. THOMAS], chairman of the Committee on House Oversight.

Mr. THOMAS. Mr. Speaker, where was I? Yes, I remember, I was talking about democracy and majority rule. As a matter of fact, that is the way we make decisions in our constitutional Republic.

I did not realize how prophetic the introduction of my friend, the gentleman from California, yesterday was in talking about the opportunity to explain the Connecticut Compromise, that great compromise that allowed this Government to actually begin to function. The ability to create a more perfect union was based upon compromise.

To differ is human, but the genius of American politics is that we have created a system that allows us to resolve those differences. It is compromise. Yesterday we tried and we failed. Trying and failing is not failure. Failing to try is failure.

Mr. Speaker, the other side used some relatively harsh words today. We know the system that they created in trying to fund and run this institution, in which half of the money for funding committees was never looked at in a public hearing so that the American people knew what was going on. We are offering a more perfect system. The reserve fund is that.

But they have used harsh words today: "Slush fund," "hypocrisy," "extremist." I could go on. My friends say they want to work together, but their choice of words really makes it harder to do so. But as they say, tomorrow is another day, and we look forward to working with them tomorrow or the day after tomorrow.

Finally, Mr. Speaker, for those colleagues on my side of the aisle who, as individuals, reminded us that we all have to work together to be a majority, I thank the gentlemen for reminding us that we do have to include individuals. This system was created on the basis of individuals, and a majority comes together as a collection of individuals. I want to thank them for allowing the American system to work.

Mr. Speaker, I will ask for the support of the previous question and a "yes" on the rule. The majority is working. The Republic is safe.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. 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 218, nays 179, not voting 35, as follows:

[Roll No. 69]

YEAS—218

Aderholt	Bono	Combest
Archer	Brady	Cook
Armey	Bryant	Cooksey
Bachus	Bunning	Cox
Baker	Burr	Crane
Ballenger	Burton	Crapo
Barr	Callahan	Cubin
Barrett (NE)	Calvert	Cunningham
Bartlett	Camp	Davis (VA)
Barton	Campbell	Deal
Bass	Canady	DeLay
Bateman	Cannon	Diaz-Balart
Bereuter	Castle	Dickey
Bilbray	Chabot	Doolittle
Bilirakis	Chambliss	Dreier
Bliley	Chenoweth	Duncan
Blunt	Christensen	Dunn
Boehlert	Coble	Ehlers
Boehner	Coburn	Ehrlich
Bonilla	Collins	Emerson
English	LaHood	Rogan
Ensign	Largent	Rogers
Everett	Latham	Rohrabacher
Ewing	LaTourette	Ros-Lehtinen
Fawell	Lazio	Roukema
Foley	Leach	Royce
Fowler	Lewis (CA)	Ryun
Fox	Lewis (KY)	Salmon
Frelinghuysen	Linder	Sanford
Gallegly	Livingston	Saxton
Ganske	LoBiondo	Scarborough
Gekas	Lucas	Schaefer, Dan
Gibbons	Manzullo	Schaffer, Bob
Gilchrest	McCollum	Schiff
Gillmor	McCrery	Sessions
Gilman	McDade	Shadegg
Goodlatte	McHugh	Shaw
Goodling	McInnis	Shays
Goss	McIntosh	Shimkus
Graham	McKeon	Shuster
Granger	Metcalf	Skeen
Greenwood	Mica	Smith (MI)
Gutknecht	Miller (FL)	Smith (NJ)
Hansen	Molinari	Smith (OR)
Hastert	Moran (KS)	Snowbarger
Hastings (WA)	Morella	Solomon
Hayworth	Myrick	Souder
Hefley	Nethercutt	Spence
Herger	Neumann	Stearns
Hill	Ney	Stump
Hilleary	Northup	Sununu
Hobson	Norwood	Talent
Hoekstra	Nussle	Tauzin
Horn	Packard	Taylor (NC)
Hostettler	Pappas	Thomas
Houghton	Parker	Thune
Hulshof	Paul	Tiahrt
Hunter	Paxon	Traficant
Hutchinson	Pease	Upton
Hyde	Peterson (PA)	Walsh
Inglis	Petri	Wamp
Istook	Pickering	Watkins
Jenkins	Pitts	Watts (OK)
Johnson (CT)	Pombo	Weldon (FL)
Johnson, Sam	Porter	Weldon (PA)
Jones	Portman	Weller
Kelly	Pryce (OH)	White
Kim	Quinn	Whitfield
King (NY)	Radanovich	Wicker
Kingston	Ramstad	Wolf
Klug	Regula	Young (AK)
Knollenberg	Riggs	Young (FL)
Kolbe	Riley	

NAYS—179

Abercrombie	Dixon	Kanjorski
Ackerman	Doggett	Kennedy (MA)
Allen	Dooley	Kennedy (RI)
Baesler	Doyle	Kennelly
Baldacci	Edwards	Kildee
Barcia	Engel	Kilpatrick
Barrett (WI)	Eshoo	Kind (WI)
Becerra	Etheridge	Kleczka
Bentsen	Evans	Klink
Berry	Farr	Kucinich
Blagojevich	Fattah	LaFalce
Bonior	Fazio	Lampson
Borski	Filner	Lantos
Boswell	Foglietta	Levin
Boyd	Ford	Lewis (GA)
Brown (CA)	Frost	Lofgren
Brown (FL)	Furse	Lowey
Brown (OH)	Gejdenson	Luther
Capps	Gephardt	Maloney (CT)
Cardin	Gonzalez	Maloney (NY)
Carson	Goode	Manton
Clay	Gordon	Markey
Clayton	Hall (OH)	Martinez
Clement	Hall (TX)	Mascara
Condit	Hamilton	Matsui
Costello	Harman	McCarthy (MO)
Coyne	Hefner	McCarthy (NY)
Cramer	Hilliard	McDermott
Cummings	Hinchey	McGovern
Danner	Hinojosa	McHale
Davis (FL)	Holden	McIntyre
Davis (IL)	Hooley	McKinney
DeFazio	Hoyer	McNulty
DeGette	Jackson (IL)	Meek
Delahunt	Jackson-Lee (TX)	Menendez
DeLauro	Jefferson	Millender-McDonald
Dellums	John	Miller (CA)
Deutsch	Johnson (WI)	Minge
Dicks	Johnson, E. B.	Mink
Dingell		

Moakley	Roybal-Allard	Stupak
Mollohan	Rush	Tanner
Moran (VA)	Sabo	Tauscher
Murtha	Sanchez	Taylor (MS)
Neal	Sanders	Thompson
Oberstar	Sandlin	Thurman
Obey	Sawyer	Tierney
Olver	Schumer	Towns
Ortiz	Serrano	Turner
Pallone	Sherman	Vento
Pastor	Sisisky	Visclosky
Payne	Skaggs	Waters
Peterson (MN)	Skelton	Watt (NC)
Pomeroy	Slaughter	Waxman
Poshard	Smith, Adam	Weygand
Price (NC)	Snyder	Wise
Rahall	Spratt	Woolsey
Rangel	Stabenow	Wynn
Reyes	Stenholm	Yates
Rivers	Stokes	
Roemer	Strickland	

NOT VOTING—35

Andrews	Green	Pickett
Berman	Gutierrez	Rothman
Bishop	Hastings (FL)	Scott
Blumenauer	Kaptur	Sensenbrenner
Boucher	Kasich	Smith (TX)
Buyer	Lipinski	Smith, Linda
Clyburn	Meehan	Stark
Conyers	Nadler	Thornberry
Flake	Owens	Torres
Forbes	Oxley	Velázquez
Frank (MA)	Pascrell	Wexler
Franks (NJ)	Pelosi	

□ 1150

Mr. BROWN of California and Mr. POMEROY changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 105, the House will now consider the resolution (House Resolution 91) providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress.

The Clerk read the title of the resolution.

The text of House Resolution 91 is as follows:

H. RES. 91

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED FIFTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Fifth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $7,792,162.00; Committee on Banking and Financial Services, $9,414,784.53; Committee on the Budget, $9,940,000; Committee on Commerce, $14,671,538; Committee on Education and the Workforce, $10,569,157; Committee on Government Reform and Oversight, $20,020,572; Committee on House Oversight, $6,160,946; Permanent Select Committee on Intelligence, $4,939,526.00; Committee on International Relations, $11,150,892; Committee on the Judiciary, $12,037,046; Committee on National Security, $10,668,640; Committee on Resources, $10,418,537; Committee on Rules, $4,649,102; Committee on Science, $9,128,727.44; Committee on Small Business, $4,099,817; Committee on Standards of Official Conduct, $2,439,300; Committee on Transportation and Infrastructure, $14,096,282; Committee on Veterans' Affairs, $5,744,757; and Committee on Ways and Means, $11,163,529.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1997, and ending immediately before noon on January 3, 1998.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,851,039.00; Committee on Banking and Financial Services, $4,568,817.48; Committee on the Budget, $4,970,000; Committee on Commerce, $7,179,440; Committee on Education and the Workforce, $5,227,342; Committee on Government Reform and Oversight, $11,702,573; Committee on House Oversight, $3,133,200; Permanent Select Committee on Intelligence, $2,420,040.00; Committee on International Relations, $5,433,555; Committee on the Judiciary, $5,732,403; Committee on National Security, $5,145,928; Committee on Resources, $5,058,524; Committee on Rules, $2,306,407; Committee on Science, $4,519,172.00; Committee on Small Business, $2,014,818; Committee on Standards of Official Conduct, $1,237,300; Committee on Transportation and Infrastructure, $7,042,725; Committee on Veterans' Affairs, $2,744,855; and Committee on Ways and Means, $5,472,622.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1998, and ending immediately before noon on January 3, 1999.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,941,123.00; Committee on Banking and Financial Services, $4,845,967.05; Committee on the Budget, $4,970,000; Committee on Commerce, $7,492,098; Committee on Education and the Workforce, $5,341,815; Committee on Government Reform and Oversight, $8,317,999; Committee on House Oversight, $3,027,746; Permanent Select Committee on Intelligence, $2,519,486.00; Committee on International Relations, $5,717,337; Committee on the Judiciary, $6,304,643; Committee on National Security, $5,522,712; Committee on Resources, $5,360,013; Committee on Rules, $2,342,695; Committee on Science, $4,609,555.44; Committee on Small Business, $2,084,999; Committee on Standards of Official Conduct, $1,202,000; Committee on Transportation and Infrastructure, $7,053,557; Committee on Veterans' Affairs, $2,999,902; and Committee on Ways and Means, $5,690,907.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Oversight.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Oversight.

SEC. 6. RESERVE FUND FOR UNANTICIPATED EXPENSES.

There is hereby established a reserve fund for unanticipated expenses of committees for the One Hundred Fifth Congress. Amounts in the fund shall be paid to a committee pursuant to an allocation approved by the Committee on House Oversight.

The SPEAKER pro tempore. Pursuant to House Resolution 105, the gentleman from California [Mr. THOMAS] and the gentleman from Connecticut [Mr. GEJDENSON] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

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

Mr. Speaker, this is a continued discussion about the way the House should be run. If you will recall in our discussions yesterday and today on the rule, the last time the Democrats controlled the House, the funds for the committee total were about $223 million. Notwithstanding the more than $220 million, the resources available to the minority and the total number of staff were always an argumentative point.

One of the concerns that a number of us in the minority had was Congress after Congress, when the ranking member would appear before the then-Committee on House Administration, the chairman of the committee would say: Well, I would like to give my friend on the other side of the aisle what he is asking for, but of course it cannot come out of our resources. The only way the Members of the minority would be able to get the one additional staffer which would then raise the number that the minority would have from five to six, would be to increase the committee budget so that they could pay for that staffer.

What happened over a number of Congresses was that the staff on the committees grew. Ostensibly to provide the minority with some assistance, but for some reason, Congress after Congress, with the exception of just a couple of committees, notably Transportation, Agriculture, and several committees, Armed Services historically, in which it was a pooled staff rather than a majority-minority staff, the resources available to the minority crept, if at all, very, very slowly up the ladder.

I told Members yesterday that the Committee on the Judiciary in the 103d Congress provided the munificent percentage of 11 percent to the minority. Then House Committee on House Oversight provided 15 percent, on and on and on of percentage of the staff in the teens. But the staff continued to grow.

Now, Members need to know that of a committee budget, 85 to 90 percent of the funds of the committee are invested in the staff. And so no one wants to hold their staff at no increase. So you ask for a cost of living. A cost of living was voted by the committee. But

then that was used to hire more staff, so you increased your base and you came back the next year and asked for more money. You increased the base. What happened was, we had a bloated staff structure on the committee but an enormously inequitable distribution of the staff. We asked the Democrats, would they please begin to address it.

In 1990, the Democratic Caucus met, discussed, and in their caucus, without any Republicans to discuss how much we would like to make a change, the Democrats, on their own, behind closed doors voted that the ceiling, the ceiling for Republicans on investigative staff would be 20 percent.

□ 1200

And yet there was committee after committee that never even came close to the 20 percent.

So when we became the majority in the historic 104th Congress, we said we would do at least two things: First, cut the committee staffs. We believed we could do the job, and I think we proved it in the 104th with the unprecedented pieces of legislation that were moved through the committees and our continued ability to do the committee work with significantly reduced staffs.

What we see on this chart, portrayed graphically, is what we did. We went from more than 1,600 staff down to less than 1,100. More than 600 staff, in one day, lopped off of the committee structure. We reduced committee staff by one-third.

Mindful of when we were in the minority, however, and our desire to have a sufficient number of staff to do the job in a fair way, we said notwithstanding this red line, being the Democratic caucus' agreement to have a ceiling on Republican investigative staff at 20 percent, and notwithstanding this line, which was the historic percentage of the Republicans' share of that bloated staff, we said we are going to cut the staff by one-third.

But we wanted to commit ourselves to a goal of sharing not just the staff but the total resources of the committees. So, once again in the 104th Congress, we said we wanted to set a goal of one-third of the resources of the committees that would be provided to the minority.

We wanted to accomplish in a relatively short period of time what we wanted them to provide us when we were in the minority, and so in 1 day the resources to the minority, as a share of the committee funding, went from here to there. It is fairly easy to see that that is 29 percent. It is not one-third.

There were some committees that made it very easy to achieve one-third. The Democratic chairman moved over to the ranking member and the ranking member became the chairman. The Committee on Agriculture became a good example. It was one-third before and it is one-third now. But those committees that provided resources to the minorities of 11 percent, of 12 percent, of 14 percent, we have to grow that amount.

We have provided unprecedented percentages. In the committee that we were discussing, the Committee on Government Reform and Oversight, prior to the Republican majority it was 15 percent. Today it is 25.

They are complaining, of course, that 25 is not 33⅓. Had, in previous Congresses, the chairmen of those committees provided the minority with one-third, they would have one-third today. Our crime is not making every committee, at the same time, one-third.

Can my colleagues imagine the kinds of comments we would hear on this side of the aisle in terms of increasing the funds to do that? We are committed to it. We are moving every Congress in that direction. We are growing the minority's share, and we will continue to grow it until it is one-third for every committee of all the resources.

Let me spend just a minute, because the gentleman from Virginia [Mr. DAVIS], used this, and I want to make sure my colleagues understand what it represents, because it is a classic example on the part of my friends on the other side of the aisle of bait-and-switch.

In the 103d Congress we had the Committee on Government Operations, the Committee on Post Office and Civil Service, and the Committee on the District of Columbia. Those were three separate committees with bloated staff. When we added up the budgets of those committees, it equaled $26.6 million.

When we, as the new majority, collapsed committees and shrank the staff, these three committees became one, the Committee on Government Reform and Oversight, and it was funded at $13.5 million. Fifty percent of the previous Congress.

My good friend from Pennsylvania, our former colleague, Bill Clinger, became chairman, and he said, "I just do not have enough resources. I have to deal with all these jurisdictional areas and I just do not have enough helping hands." We listened. We watched. We believed that to be the case. So what we decided to do in this Congress was to increase the amount that the committee was to receive. That is the $2.7 million.

We said we will go up to 61 percent of what the committee used to have. Not even three-quarters of what the committee had, not even two-thirds of what it had, but only 60 percent of what it had. Then, not at our doing, not at our doing, we began to discover what had been going on during last year's election; at the White House, in the Democratic National Committee, and in other areas.

There was a clear call for an investigation. There was even an editorial in Roll Call last January, which said although they are hearing cries of campaign finance reform, it is probably a good idea to investigate first to find out what happened so that, with knowledge, we have the ability to legislate.

So we said, all right. We do not know how long this will go on. We will take $3.8 million for 1997 alone and provide it to the committee with the jurisdiction overseeing the executive branch, which is the Committee on Government Reform and Oversight.

So, my friends, the complaints on this side of the aisle are that we are taking three committees who would have shared that jurisdiction, which in the 103d Congress was provided with $26.6 million, and we are in the 105th Congress providing that collapsed new committee with $20 million. That is still only 75 percent of the resources, when they have been asked to take on this much larger job, than was available in the 103d Congress.

My colleagues are complaining that we are increasing a committee. Yes, we are increasing a committee over the 104th because we underfunded it. We are new to this job. We will admit we are going to make mistakes occasionally. I will tell my colleagues what we have pledged. When we make mistakes, we will admit it, and when we correct it, we will correct it in public. Then we will go on, and if we make mistakes again, we will admit them and then we will correct them.

What we are admitting is that we underfunded this committee. We are going to put a little more money in it and we are going to make sure they have minimum dollars to go ahead and carry out an investigation with which they have been charged.

What we have before us today is a funding resolution that makes this change; that, as I said, instead of putting moneys into committees to have staff, it creates a reserve fund, so that if we have a job that was not anticipated at the beginning of the Congress and we did not fund for it, that money could be moved to that committee to do the job.

When the job is finished, they will not get to keep the staff, they will not get to grow their bloated committees, and that money comes back to the reserve fund so it can be spent somewhere else when needed. And if not needed, it is not spent.

Now, that is a more perfect system, so that we do not let the committees grow themselves but that we do have enough money to meet the needs of a Congress over a 2-year period. That is what we are voting on today.

The other 18 committees that we have as standing committees now are going to be retained at their previous funding level. We will come back in 30 days and we will examine how we fund those for the rest of the 105th.

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

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume, before yielding to the gentleman from California, [Mr. MILLER], to say that we will give our colleagues on the other side an opportunity to vote for a real freeze that freezes spending at last year's budget without any games. A straight simple freeze. That will be our motion to them, and they will have a chance to choose between about a $20 million increase and a freeze.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time and I appreciate the explanation of the budget of all of the committees of Congress, but what I would prefer to hear is a discussion about how we are going to deal with campaign finance reform. >

We have tried on the floor of the House now for many months to get the majority party to tell us when they are going to bring a campaign finance reform bill to the floor. Their suggestion is that they have to investigate first and the investigation takes the place of campaign finance reform; that they only want to deal with those matters that are illegal.

The question I ask is: Is it legal and does the system condone the majority whip to let lobbyists sit in his office and write legislation and offer amendments?

Is it legal and does the system now allow for the Republicans to threaten lobbyists if they do not direct more of their contributions to Republican Members of the House?

Is it legal for the Republican leadership, including their party leadership, to berate 20 top executives from the Business Roundtable, telling them that they will have no access to the Republican Party, to the Republican leadership in this House, if they do not give more of their campaign contributions to Republicans?

Is it legal for the majority leader of the Senate to offer contributors access to the offices of the Senate?

Is it legal to start drafting up lists of trustworthy friends, those who can donate more to Republicans than to Democrats?

Is it legal for Members of this House to berate lobbyists because they have not come through with enough money, to tell them that they will be persona non grata; to call their boss and tell them that these people are done, as far as he is concerned, and they are going to tell their friends?

If that is legal, my colleagues, that is a system that must be changed. That is a system that cries out for change. That is a system that says money equals access. The American people can sit in the galleries but they cannot get access to the office of the majority leadership because they did not bring the money. They did not bring the money in the proper proportion. They did not bring the money in a sufficient amount.

That is what we are listening to day in and day out, day in and day out, are threats and intimidation against business leaders, against organizations and community activists; that if they do not bring the money they cannot have the access.

Now we have increased the budgets of the committees of jurisdiction, but no discussion of campaign finance reform, no discussion about how to give this institution back to the people of this country, no discussion about providing equal access for all the people of this country, no discussion about how decisions are made around here.

It is a money chase, it is a money chase that is corrupting the democratic principles upon which this institution was built. It is corrupting of the process and it is corrupting of how we make decisions. It must be changed, and I want to hear from the majority when will they bring a campaign finance bill to the floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. [Mr. LATOURETTE]. The Chair would advise all Members that the rules of the House require Members to refrain from personal references to Members of the Senate.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, this is the body constitutionally that is closest to the people. We are the only Federal officials that have to be elected by the people. Therefore, we have the responsibility to conduct the oversight for the people more than any other body of the Federal Government.

I would like to point out that the resolution before us today is to give some additional assets for oversight, not just the Committee on Government Reform and Oversight but some of the other committees.

I am the chairman of the Subcommittee on Oversight and Investigations for the Committee on Commerce, and I would point out that in the last Congress, in a bipartisan way, we did oversight over the Food and Drug Administration, the Department of Energy, and other Federal agencies that resulted in significant cost savings; that resulted in significant policy changes.

Let me give my colleagues an example. One of the leading causes of death among American women is breast cancer. The FDA has had under consideration for 10 years, for 10 years, a sensor pad device that a woman can use in the privacy of her home to see or give increased sensitivity to determine if there is a lump in her breast. FDA refused to approve that for over-the-counter dissemination. Because of investigations and oversight in the last Congress, in a bipartisan way, we were at least able to get the FDA to approve that for use by a physician; by a physician.

There is much more that needs to be done. This is not just a debate about one specific committee. It is a debate of whether the House of Representatives is going to use its constitutional authority to represent the American people across the breadth and scope of the oversight responsibilities. I would hope we will vote for this bill so we can move forward.

Mr. GEJDENSON. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I want to address my remarks to my Republican colleagues. What we are considering today is raw and ugly but, as Dizzy Dean said, "It ain't bragging if you can do it."

But why do we want to do it? Let us be clear on the situation here. For the last 3 months House Democrats have repeatedly supported a broad, aggressive investigation and the immediate consideration of campaign finance reform legislation.

□ 1215

This is not a case where the minority is trying to hamstring a majority investigation. We have been ready to step up to the plate and investigate no matter what the consequences. Yet today the Republican leadership brings to the floor a bill that funds the Committee on Government Reform and Oversight and the Burton investigation at a record level with no amendments permitted.

This is an investigation where the chairman is insisting on a blatantly partisan scope, a scope limited exclusively to Democratic fund-raising practices, an investigation where the normal procedures are suspended because the chairman insists on issuing subpoenas and releasing confidential information without committee debate or vote, an investigation where the most the minority will receive is 25 percent of the committee budget.

That is what your leadership is bringing to the floor today. They are asking you to approve a record $12 million budget for an investigation limited to Democratic practices and led by a chairman who insists on wielding unprecedented powers. No matter how hard you work at it, you could not make this more partisan or less fair.

Have we lost all perspective? The 1997 Committee on Government Reform and Oversight budget virtually matches the combined budgets of the Committees on Commerce and Ways and Means.

There was a different way for past investigations. In Watergate the majority and minority jointly hired staff. In

Iran-Contra the House majority and minority staff worked in the same offices together, and yet here we have a blatantly partisan scope, procedures and funding allocation.

Before it is too late, you might want to rethink what your leadership thought was a good idea last night. When the Senate faced this issue last week, Republican Senators at least had the good sense to say wait a minute before approving the investigation. Here we are rushing to a vote despite the fact that the committee has never even voted on the investigation's scope or procedures. The committee has never met on this issue. Think how this is going to look. You are jamming a funding bill through without debate or votes on the investigation's most basic foundations.

Yesterday the Washington Post, which wants an investigation, an aggressive one, warned that if we do not postpone this vote, the investigation runs the risk of becoming its own cartoon, a joke and a deserved embarrassment.

The only thing that I would add is that it would be a joke that cost over 6 million taxpayer dollars, and that is a high price for partisanship. What the Senate did should be our model. They set forth fair rules, and yet the House leadership asks you to vote for more money than the Senate on a narrower scope that is focused just on Democrats and extraordinary power in one Member.

Mr. Speaker, there is an alternative. Vote against this bill, bring to the floor a simple extension for all committees and when we return, we can at least vote on the scope and procedures before setting the funding. If you care about campaign finance reform, if you care about an aggressive, comprehensive and fair investigation, if you care about our credibility as an institution, then you will vote against this bill.

Ms. KILPATRICK. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, as a new Member of the Committee on Government Reform and Oversight, I accepted my responsibility with great enthusiasm as our leader appointed me to this committee. Now that I have sat in those committee meetings for the last two or three times now, I am wondering why I am there.

I come from a legislative body in Michigan, of serving 18 years there. I understand power in politics and when you are in charge and have the majority, you rule. What I do not understand, Mr. Speaker, is how we cannot allow those of us who have been elected by the people who sent us here to be involved in the process.

It is amazing to me, and I served on the Committee on the Budget in that House for 14 years, and I understand budgets. The committees of this House deserve adequate budgets. I would be the first to say that. But I am troubled by a committee that would need $15 million over and above, or should I say $7.9 million over and above their committee allocation, with no parameters, where they investigate just the President, not the entire Congress.

I am in favor of the investigation, but I want it for the President, for the Congress, for Democrats and Republicans. I think the American people deserve that. The last election said the American people want campaign finance reform. I do not think they said they want $15 million in a slush fund, as someone said earlier. For 15 million Americans, that would be $1 an American; for 30 million Americans, they would pay 50 cents an American, to go after the President. Let us investigate the entire Congress, Republicans and Democrats.

I take my assignment on the House Committee on Government Reform and Oversight very seriously. I want us to get down to the business of the people, which is good jobs, a clean environment, health care, Medicaid, and pensions. That is what the American citizens want, and that is what I hope this Congress will get to.

Mr. GEJDENSON. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland [Mr. CUMMINGS].

Mr. CUMMINGS. I thank the gentleman for yielding me this time.

Mr. Speaker, as I travel throughout my home district of Baltimore, MD, I am often asked by my constituents what are some of the greatest challenges we face as Members of Congress. There is one issue they seem to approach me about now more than ever, the absolute lack of a bipartisanship spirit in this Congress.

I must say, Mr. Speaker, that I agree wholeheartedly with my constituents. Today we are considering a measure to fund the standing committees of the House for the 105th Congress, and the ugly specter of partisanship has once again raised its head. We are poised to approve a budget for the committee on which I serve, the Committee on Government Reform and Oversight, that is larger than any other committee's budget, and all in the name of a highly partisan investigation of the executive branch. By contrast, the Senate is appropriately looking at all abuses, both by Republicans and Democrats.

The greatest travesty of all is the waste of taxpayers' dollars. Last night this House said no to increases in funding for House committees, and I commend my colleagues on the other side of this aisle who voted against this resolution.

This morning we are considering a compromise that the majority crafted late last night. But I am puzzled. How can my colleagues on the other side of the aisle who joined us in voting against the resolution last night vote to freeze committee levels for 1 month and grant the Committee on Government Reform and Oversight the entire extraordinary budget that they desire and still contain an $8 million slush fund.

If there have been fund-raising abuses, let us explore the charges in a bipartisan fashion. We need a balanced, fair investigation that will produce answers rather than more controversy. I do believe I am not overstating the matter when I say that the integrity of this House is at stake. If we are to be taken seriously, we need to conduct and set budget parameters that reflect the bipartisan effort.

Mr. Speaker, the American people are the real losers in this process. I urge my colleagues to vote against this resolution and call for a budget that is fair and just and results in a meaningful bipartisan investigation.

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

Mr. Speaker, we are committed to offering with our motion to recommit a real motion of a freeze, and that is what we are going to do here. Hopefully, as soon as we get through these speakers, we can do that.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. LAMPSON].

Mr. LAMPSON. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to say good afternoon, Mr. Speaker, and good afternoon to my colleagues assembled here today. At this very moment I am supposed to be addressing a group of eighth graders in my district and after last night's debate and subsequent floor maneuvering, I cannot help but wonder if they would be a more mature audience.

I returned from the retreat in Hershey optimistic that the rhetoric of bipartisanship would become a reality. Well, this afternoon I ascribe that optimism to my naivete as a freshman Member of the House.

The majority is determined to spend an exorbitant amount of money through the House Committee on Government Reform and Oversight to investigate alleged fund-raising improprieties by the White House last year. My question, Mr. Speaker, is, Why do we not investigate alleged improprieties that occurred in campaigns in this body?

In late October 1996, vicious television advertisements attacking me personally were purchased by a group calling itself Citizens for the Republican Education Fund. Similar ads appeared in the final days of my December runoff election as well. This group, along with Citizens for Reform and Coalition for Our Children's Future, purchased advertisements attacking Democratic congressional candidates across this land. These front groups were used to dump anonymous, unregulated money into these races on behalf of Republican candidates.

On the board of directors of Citizens for the Republican Education Fund is former Reagan White House aide Lyn Nofziger, a man indicted and convicted of influence peddling.

We all know that too much money was spent on campaign 1996. It is ridiculous that I personally raised and spent $1.6 million to win my election. If we are going to spend millions of taxpayer dollars investigating campaign finance improprieties, then let us investigate everyone. Let us be comprehensive. Let us be bipartisan, and let us bring campaign finance reform to the floor of this House.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in opposition to this resolution for three important reasons. First, the funds requested by the majority are three times the amount authorized by the other body. We could match the other body's authorization and still provide 4,500 kids in this country with health care insurance next year with the funding that this resolution would provide.

Second, the scope of this investigation makes it clear that this committee plans to conduct a blatantly partisan probe. My colleagues on the other side of the aisle have refused to let this investigation examine any Republican fundraising practices. Again, I advocate that we follow the example of the other body and vote to look into improper fundraising activities by Members of both political partiesse. No one is challenging the right to investigate.

Finally, the chairman of this investigation has requested unprecedented unilateral power to issue subpoenas without the consultation of any other member of the committee. No Member should be granted such unilateral authority, much less a Member who has himself engaged in very questionable fundraising practices.

Spending taxpayer money on blatant partisan politics and partisan probes will further erode the reputation of this body with the American people. Vote against this resolution.

(By unanimous consent, Mr. RYUN was allowed to speak out of order.)

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 586

Mr. RYUN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 586.

The SPEAKER pro tempore [Mr. LATOURETTE]. Is there objection to the request of the gentleman from Kansas?

There was no objection.

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

Mr. Speaker, I think we only have a couple of speakers and try to keep people on their schedule. I would just say that we are going to offer a motion to recommit. We are going to give both Democrats and Republicans an opportunity to vote for a freeze at last year's levels, to get rid of the slush fund. If you really want to have a freeze, which is what a lot of your people thought they were voting on when they came here today, we are going to give you a real freeze. That is going to be our motion to recommit.

□ 1230

We can come back here and work on ground rules for real, a proper investigation, but as far as the funding, our proposal will be a real freeze. Instead of going out and borrowing $8 million and putting it aside for a slush fund, we are going to get rid of that, we are going to have a real freeze, and give the people of this country a chance to see a House work together to come up with a process by which we can have an investigation that Mr. MILLER indicated will hopefully lead to real campaign finance reform.

With that, Mr. Speaker, I believe I only have one additional speaker. The gentleman has two, I believe, and he gets to close. Would he like to take one of them?

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I believe there are two issues here. The first issue is the amount of money that will be spent on committees, including the investigation in this proposal.

The amount we are proposing is still, even with the investigation, even with the reserve fund, at least $45 million less than our Democratic colleagues spent for committees in the 103d Congress when they were the majority, and I think those Members who have been saying money should be spent elsewhere than on committees should come up here and explain what they did with $223 million in the 103d Congress.

Second, the allegation has been made that this is an investigation of Democrats only. No, it is not. It is an investigation of illegal activity involving campaign fundraising in executive branch agencies, because our committee, the Government Reform and Oversight Committee and its predecessor, the Committee on Government Operations, of which I was a member for 6 years under our Democratic colleagues' majority, only investigated executive branch agencies. I do not remember any investigation of the Congress for any purpose.

Now there is room, first of all, to look at Republicans, if there is an area where the committee believes any agency under the Clinton administration or any individual has engaged in illegal activity, if that individual agency says, well, the Reagan or Bush administrations did the same. I think that is a fair inquiry for the Committee on Government Reform and Oversight in this investigation.

Second of all, if there is any allegation, any serious allegation, that any Member of Congress, Democrat or Republican, has committed illegal acts in terms of fundraising, I believe that that can be and will be and should be investigated through the appropriate committee of the House of Representatives.

But given the fact, given the fact that we have individuals taking the fifth amendment, which is their privilege, about executive branch fundraising, that apparently we have individuals fleeing the country, that we have questions about the FBI advising the White House of certain matters that the White House denies, that we have possible compromise of the Central Intelligence Agency, I submit it is time to get on with this investigation.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume because our final speaker is not here, and I guess I will just close at this stage and say that again my colleagues are going to have a choice in the motion to recommit whether they want to spend an additional $18.5 million this year or do they want a real freeze. That is going to be the choice in the motion to recommit. We could not get any amendments; debate here has been limited by the rule. We are going to give the people of this institution an opportunity to really freeze spending.

My colleagues can talk about what happened in history, but what we are offering is a freeze from last year's levels. Save the taxpayers $18½ million when it is offered; vote for the motion to recommit.

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

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

Mr. Speaker, I would say that there has been some discussion on this side of the aisle, and if my colleague from Connecticut is willing to amend that to include a hard freeze across all Government spending, I might have trouble holding my troops over here. But since it is directed only at this particular area, we may not.

Mr. Speaker, we understand the issue, and, with that, I would ask for an "aye" vote on House Resolution 91.

Mrs. ROUKEMA. Mr. Speaker, I rise in opposition to House Resolution 91, a resolution which funds the operations of the committees of the House through May 2.

Clearly, we must provide the moneys necessary to allow this House to do the people's work. I support that section of this funding resolution. My objections are to the size of the funding being presented to the Government Reform and Oversight Committee and the scope of its pending investigations.

The reports of campaign fundraising irregularities and scandals coming from the White House are serious and must be investigated

fully. In fact, Congress has a constitutional imperative to do so.

However, since we are not establishing a joint House-Senate investigative committee, we should be taking the lesson of the Senate and widening the scope of this oversight work to include illegal and improper activities in congressional campaigns as well.

Yet, this resolution provides the Government Oversight Committee twice the moneys that the Senate has given to its committee for an investigation of wider scope—a probe that will look at improper activity at the White House and congressional campaigns. Is this not a violation of prudent fiscal practice?

Also, in my opinion, the chairman has been exercising unprecedented and imprudent authority in issuing subpoenas.

Mr. Speaker, as a fiscal conservative, I cannot vote to throw money at any investigationary committee. As a government reformer, I cannot vote to limit the scope of this investigation when I know improper activity stretched beyond the White House.

This whole episode is proof positive of the need for genuine, comprehensive campaign finance reform. Without it, the foundations of our democracy will continue to be eroded.

Mr. GILMAN. Mr. Speaker, I rise in support of House Resolution 91 to authorize temporary funding for the basic operations of 18 House committees and funding for the Government Reform and Oversight Committee's investigation into possible illegal campaign fundraising.

As Congress continues to wrestle with the important issue of campaign finance reform it is imperative that we provide constructive contributions to this debate. The investigation proposed by Chairman BURTON will accomplish this endeavor by focusing on possible abuses of the White House and executive branch agencies and resources for political gains.

As chairman of the International Relations Committee it is, I believe, appropriate for Congress to determine how sensitive foreign policy matters may have been impacted by the unusual access of campaign contributions to executive branch officials and resources.

Moreover, as a senior member of the Government Reform Committee, I am confident that the findings of our committee's investigation will lead to a more positive and constructive approach to campaign finance reform.

As Chairman BURTON has made clear time and time again, any and all information obtained during our investigation will be shared with other committees of jurisdiction over campaign finance reform and ethics matter.

Accordingly, I urge all of our colleagues to support this important resolution.

Mr. FOGLIETTA. Mr. Speaker, why are we wasting time and resources on this duplicative, one-sided investigation? FRED THOMPSON and JOHN GLENN are conducting a broad investigation in the Senate, but, for purely political purposes, we are insisting on this off-off-Broadway show.

Let's think about the important things this Congress and members of the Government Reform Committee could be doing, instead of this rerun, retread sideshow.

Our distinguished ranking member, HENRY WAXMAN, a respected expert on health care, could be helping us devise ways to make Medicare more effective and cost efficient and how to provide health care for the kids who don't have it.

CHRIS SHAYS could be concentrating on the issue of genuine campaign finance reform.

We could be focusing on our consensus agreement that we must balance our budget and provide a balance of Federal aid to help the most vulnerable people in America.

We could be taking up President Clinton's challenge to all of us that we make America's schools the very best they can be as we head in the next century.

But instead we'll be wasting precious resources of time, money, and congressional expertise on this partisan, one-side investigation that won't look at Members of Congress who aggressively exact contributions from lobbyists and raise money using the rooms of this Capitol.

Let's do what the people sent us here to do. Let's stop fighting one another and fight for them.

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

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

Pursuant to House Resolution 105, the resolution is considered read for amendment, and the amendment in the nature of a substitute printed as House Resolution 102 is adopted.

The text of the amendment in the nature of a substitute is as follows:

Strike out all after the enacting clause and insert:

SECTION 1. CONTINUING EXPENSES OF STANDING AND SELECT COMMITTEES.

There shall be available from the applicable accounts of the House of Representatives such amounts as may be necessary for continuing expenses of standing and select committees of the House (other than the Committee on Government Reform and Oversight) for the period beginning on April 1, 1997, and ending on May 2, 1997, on the same terms and conditions as amounts were available to such committees for the period beginning at noon on January 3, 1997, and ending at midnight on March 31, 1997, pursuant to clause 5(f) of rule XI of the Rules of the House of Representatives.

SEC. 2. EXPENSES OF COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FOR ONE HUNDRED FIFTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Fifth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this section, not more than $20,020,572 for the expenses (including the expenses of all staff salaries) of the Committee on Government Reform and Oversight.

(b) FIRST SESSION LIMITATION.—Of the amount provided for in subsection (a), not more than $11,702,573 shall be available for expenses incurred during the period beginning at noon on January 3, 1997, and ending immediately before noon on January 3, 1998.

(c) SECOND SESSION LIMITATION.—Of the amount provided for in subsection (a), not more than $8,317,999 shall be available for expenses incurred during the period beginning at noon on January 3, 1998, and ending immediately before noon on January 3, 1999.

SEC. 3. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Oversight.

SEC. 4. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Oversight.

SEC. 5. RESERVE FUND FOR UNANTICIPATED EXPENSES.

There is hereby established a reserve fund of $7,900,000 for unanticipated expenses of committees for the One Hundred Fifth Congress. Amounts in the fund shall be paid to a committee pursuant to an allocation approved by the Committee on House Oversight.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Oversight shall have authority to make adjustments in amounts under section 2, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

SEC. 7. OFFSET OF INCREASE IN COMMITTEE EXPENSES.

Any net increase in the aggregate amount of expenses of committees for the One Hundred Fifth Congress over the aggregate amount of funds appropriated for the expenses of committees for the One Hundred Fourth Congress shall be offset by reductions in expenses for other legislative branch activities.

Pursuant to House Resolution 105, the previous question is ordered on the resolution, as amended.

MOTION TO RECOMMIT OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GEJDENSON. Yes, I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GEJDENSON moves to recommit the resolution to the Committee on House Oversight with instructions to report a resolution promptly back to the House which: Freezes the funding for each House Committee at 1996 levels; and does not include a "Reserve Fund for Unanticipated Expenses"; except as may be subsequently ordered by the House.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEJDENSON. 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.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5

minutes the period of time within which a vote by electronic device, if ordered, will be taken on agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 176, nays 214, not voting 42, as follows:

[Roll No. 70]

YEAS—176

Abercrombie	Hall (OH)	Murtha
Ackerman	Hall (TX)	Nadler
Allen	Hamilton	Neal
Baesler	Harman	Neumann
Baldacci	Hilliard	Oberstar
Barrett (WI)	Hinchey	Obey
Becerra	Hinojosa	Olver
Bentsen	Holden	Ortiz
Berry	Hooley	Pallone
Blagojevich	Hoyer	Pastor
Bonior	Jackson (IL)	Payne
Borski	Jackson-Lee (TX)	Peterson (MN)
Boswell	Jefferson	Pomeroy
Boyd	John	Poshard
Brown (CA)	Johnson (WI)	Price (NC)
Brown (FL)	Johnson, E. B.	Rahall
Brown (OH)	Kanjorski	Rangel
Capps	Kennedy (MA)	Reyes
Cardin	Kennedy (RI)	Rivers
Carson	Kennelly	Roemer
Clay	Kildee	Roybal-Allard
Clayton	Kilpatrick	Rush
Clement	Kind (WI)	Sabo
Condit	Kleczka	Sanchez
Costello	Klink	Sanders
Coyne	Kucinich	Sandlin
Cramer	LaFalce	Sawyer
Cummings	Lampson	Schumer
Danner	Lantos	Serrano
Davis (FL)	Levin	Sherman
Davis (IL)	Lewis (GA)	Sisisky
DeFazio	Lofgren	Skaggs
DeGette	Lowey	Skelton
Delahunt	Luther	Smith, Adam
DeLauro	Maloney (CT)	Snyder
Dellums	Maloney (NY)	Stabenow
Dicks	Manton	Stenholm
Dingell	Markey	Stokes
Dixon	Martinez	Strickland
Doggett	Mascara	Stupak
Dooley	Matsui	Tanner
Doyle	McCarthy (MO)	Tauscher
Edwards	McCarthy (NY)	Taylor (MS)
Engel	McDermott	Thompson
Eshoo	McGovern	Thurman
Etheridge	McHale	Tierney
Evans	McIntyre	Towns
Farr	McKinney	Turner
Fattah	McNulty	Vento
Fazio	Meek	Visclosky
Filner	Menendez	Waters
Foglietta	Millender-McDonald	Watt (NC)
Ford	Miller (CA)	Waxman
Frost	Minge	Weygand
Furse	Mink	Wise
Gejdenson	Moakley	Woolsey
Gephardt	Mollohan	Wynn
Gonzalez	Moran (VA)	Yates
Goode		
Gordon		

NAYS—214

Aderholt	Brady	Cox
Archer	Bryant	Crane
Armey	Burr	Crapo
Bachus	Burton	Cubin
Baker	Callahan	Cunningham
Ballenger	Calvert	Davis (VA)
Barr	Camp	Deal
Barrett (NE)	Campbell	DeLay
Bartlett	Canady	Diaz-Balart
Barton	Cannon	Dickey
Bass	Castle	Doolittle
Bateman	Chabot	Dreier
Bereuter	Chambliss	Duncan
Bilbray	Chenoweth	Dunn
Bilirakis	Christensen	Ehlers
Bliley	Coble	Ehrlich
Blunt	Coburn	Emerson
Boehlert	Collins	English
Boehner	Combest	Ensign
Bonilla	Cook	Everett
Bono	Cooksey	Ewing
Fawell	Latham	Ros-Lehtinen
Foley	LaTourette	Roukema
Fowler	Lazio	Royce
Fox	Leach	Ryun
Frelinghuysen	Lewis (CA)	Salmon
Gallegly	Lewis (KY)	Sanford
Ganske	Linder	Saxton
Gekas	Livingston	Scarborough
Gibbons	LoBiondo	Schaefer, Dan
Gilchrest	Lucas	Schaffer, Bob
Gillmor	Manzullo	Schiff
Gilman	McCollum	Sessions
Goodlatte	McCrery	Shadegg
Goodling	McDade	Shaw
Goss	McHugh	Shays
Graham	McInnis	Shimkus
Granger	McIntosh	Shuster
Greenwood	McKeon	Skeen
Gutknecht	Metcalf	Smith (MI)
Hansen	Mica	Smith (NJ)
Hastert	Miller (FL)	Smith (OR)
Hastings (WA)	Molinari	Snowbarger
Hayworth	Moran (KS)	Solomon
Hefley	Morella	Souder
Herger	Myrick	Spence
Hill	Nethercutt	Stearns
Hilleary	Ney	Stump
Hobson	Northup	Sununu
Hoekstra	Nussle	Talent
Horn	Packard	Tauzin
Hostettler	Pappas	Taylor (NC)
Houghton	Parker	Thomas
Hulshof	Paul	Thune
Hunter	Paxon	Tiahrt
Hutchinson	Pease	Traficant
Hyde	Peterson (PA)	Upton
Inglis	Petri	Walsh
Istook	Pickering	Wamp
Jenkins	Pitts	Watkins
Johnson (CT)	Pombo	Watts (OK)
Johnson, Sam	Porter	Weldon (FL)
Jones	Portman	Weldon (PA)
Kelly	Pryce (OH)	Weller
Kim	Quinn	White
King (NY)	Radanovich	Whitfield
Kingston	Ramstad	Wicker
Klug	Regula	Wolf
Knollenberg	Riley	Young (AK)
Kolbe	Rogan	Young (FL)
LaHood	Rogers	
Largent	Rohrabacher	

NOT VOTING—42

Andrews	Franks (NJ)	Pickett
Barcia	Green	Riggs
Berman	Gutierrez	Rothman
Bishop	Hastings (FL)	Scott
Blumenauer	Hefner	Sensenbrenner
Boucher	Kaptur	Slaughter
Bunning	Kasich	Smith (TX)
Buyer	Lipinski	Smith, Linda
Clyburn	Meehan	Spratt
Conyers	Norwood	Stark
Deutsch	Owens	Thornberry
Flake	Oxley	Torres
Forbes	Pascrell	Velázquez
Frank (MA)	Pelosi	Wexler

□ 1251

Messrs. QUINN, BONO, and GREENWOOD, and Ms. MOLINARI changed their vote from "yea" to "nay."

Messrs. DELAHUNT, HOYER, and DINGELL changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PESONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 70, recommital motion, I was unavoidably detained and missed the vote. Had I been present, I would have voted "no."

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on agreeing to the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. KILPATRICK. 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 213, noes 179, not voting 40, as follows:

[Roll No. 71]

AYES—213

Aderholt	Gibbons	Packard
Archer	Gilchrest	Pappas
Armey	Gillmor	Parker
Bachus	Gilman	Paul
Baesler	Goodlatte	Paxon
Baker	Goodling	Pease
Ballenger	Goss	Peterson (PA)
Barr	Graham	Petri
Barrett (NE)	Granger	Pickering
Bartlett	Greenwood	Pitts
Barton	Gutknecht	Pombo
Bass	Hansen	Porter
Bateman	Hastert	Portman
Bereuter	Hastings (WA)	Pryce (OH)
Bilbray	Hayworth	Quinn
Bilirakis	Hefley	Radanovich
Bliley	Herger	Ramstad
Blunt	Hilleary	Regula
Boehlert	Hobson	Riggs
Boehner	Hoekstra	Riley
Bonilla	Horn	Rogan
Bono	Hostettler	Rogers
Brady	Houghton	Rohrabacher
Bryant	Hulshof	Ros-Lehtinen
Burr	Hunter	Royce
Burton	Hutchinson	Ryun
Callahan	Hyde	Salmon
Calvert	Inglis	Sanford
Camp	Istook	Saxton
Campbell	Jenkins	Scarborough
Canady	Johnson (CT)	Schaefer, Dan
Cannon	Johnson, Sam	Schaffer, Bob
Castle	Jones	Schiff
Chabot	Kelly	Sessions
Chambliss	Kim	Shadegg
Chenoweth	King (NY)	Shaw
Christensen	Kingston	Shays
Coble	Klug	Shimkus
Coburn	Knollenberg	Shuster
Collins	Kolbe	Skeen
Combest	LaHood	Smith (MI)
Cook	Largent	Smith (NJ)
Cooksey	Latham	Smith (OR)
Cox	LaTourette	Snowbarger
Crane	Lazio	Solomon
Crapo	Leach	Souder
Cubin	Lewis (CA)	Spence
Cunningham	Lewis (KY)	Stearns
Davis (VA)	Linder	Stump
Deal	Livingston	Sununu
DeLay	LoBiondo	Talent
Diaz-Balart	Lucas	Tauzin
Dickey	Manzullo	Taylor (NC)
Doolittle	McCollum	Thomas
Dreier	McCrery	Thune
Duncan	McDade	Tiahrt
Dunn	McHugh	Traficant
Ehlers	McInnis	Upton
Ehrlich	McIntosh	Walsh
Emerson	McKeon	Wamp
English	Metcalf	Watkins
Ensign	Mica	Watts (OK)
Ewing	Miller (FL)	Weldon (FL)
Fawell	Molinari	Weldon (PA)
Foley	Moran (KS)	Weller
Fowler	Morella	White
Fox	Myrick	Whitfield
Frelinghuysen	Nethercutt	Wicker
Gallegly	Ney	Wolf
Ganske	Northup	Young (AK)
Gekas	Nussle	Young (FL)

NOES—179

Abercrombie	Berry	Brown (OH)
Ackerman	Blagojevich	Capps
Allen	Bonior	Cardin
Baldacci	Borski	Carson
Barcia	Boswell	Clay
Barrett (WI)	Boyd	Clayton
Becerra	Brown (CA)	Clement
Bentsen	Brown (FL)	Condit

Costello	Johnson (WI)	Pallone
Coyne	Johnson, E. B.	Pastor
Cramer	Kanjorski	Payne
Cummings	Kennedy (MA)	Peterson (MN)
Danner	Kennedy (RI)	Pomeroy
Davis (FL)	Kennelly	Poshard
Davis (IL)	Kildee	Price (NC)
DeFazio	Kilpatrick	Rahall
DeGette	Kind (WI)	Rangel
Delahunt	Kleczka	Reyes
DeLauro	Klink	Rivers
Dellums	Kucinich	Roemer
Dicks	LaFalce	Roukema
Dingell	Lampson	Roybal-Allard
Dixon	Lantos	Rush
Doggett	Levin	Sabo
Dooley	Lewis (GA)	Sanchez
Doyle	Lofgren	Sanders
Edwards	Lowey	Sandlin
Engel	Luther	Sawyer
Eshoo	Maloney (CT)	Schumer
Etheridge	Maloney (NY)	Serrano
Evans	Manton	Sherman
Farr	Markey	Sisisky
Fattah	Martinez	Skaggs
Fazio	Mascara	Skelton
Filner	Matsui	Slaughter
Foglietta	McCarthy (MO)	Smith, Adam
Ford	McCarthy (NY)	Snyder
Frost	McDermott	Stabenow
Furse	McGovern	Stenholm
Gejdenson	McHale	Stokes
Gephardt	McIntyre	Strickland
Gonzalez	McKinney	Stupak
Goode	McNulty	Tanner
Gordon	Meek	Tauscher
Hall (OH)	Menendez	Taylor (MS)
Hall (TX)	Millender-McDonald	Thompson
Hamilton	Miller (CA)	Thurman
Harman	Minge	Tierney
Hefner	Mink	Towns
Hill	Moakley	Turner
Hilliard	Mollohan	Vento
Hinchey	Moran (VA)	Visclosky
Hinojosa	Murtha	Watt (NC)
Holden	Nadler	Waxman
Hooley	Neal	Weygand
Hoyer	Neumann	Wise
Jackson (IL)	Oberstar	Woolsey
Jackson-Lee (TX)	Obey	Wynn
Jefferson	Olver	Yates
John	Ortiz	

NOT VOTING—40

Andrews	Franks (NJ)	Rothman
Berman	Green	Scott
Bishop	Gutierrez	Sensenbrenner
Blumenauer	Hastings (FL)	Smith (TX)
Boucher	Kaptur	Smith, Linda
Bunning	Kasich	Spratt
Buyer	Lipinski	Stark
Clyburn	Meehan	Thornberry
Conyers	Norwood	Torres
Deutsch	Owens	Velázquez
Everett	Oxley	Waters
Flake	Pascrell	Wexler
Forbes	Pelosi	
Frank (MA)	Pickett	

□ 1301

The Clerk announced the following pairs:

On this vote:

Mr. Bunning for, with Ms. Kaptur against.

Mr. Oxley for, with Mr. Deutsch against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HASTINGS of Florida. Mr. Speaker, on Friday, March 21, 1997, I was unable to vote due to personal reasons. Thank you for taking notice of this matter.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 91.

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

There was no objection.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF SENATE AND HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. LATOURETTE) laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 14) providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 14

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, March 20, 1997, Friday, March 21, 1997, or Saturday, March 22, 1997, pursuant to a motion made by the Majority Leader or his designee in accordance with this resolution, it stand recessed or adjourned until noon on Monday, April 7, 1997, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, March 20, 1997, Friday, March 21, 1997, or Saturday, March 22, 1997, it stand adjourned until 12:30 p.m. on Tuesday, April 8, 1997, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the members of the Senate and House, respectively, to reassemble whenever, in their opinion the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1062

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1062.

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

There was no objection.

PERMITTING USE OF CAPITOL ROTUNDA FOR CEREMONY AS PART OF COMMEMORATION OF DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the concurrent resolution (H. Con. Res. 11) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. YATES. Reserving the right to object, Mr. Speaker, and I shall not object because this is my bill, I ask the gentleman from California [Mr. THOMAS] to explain the bill.

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

Mr. YATES. I yield to the gentleman from California.

Mr. THOMAS. I thank my colleague for yielding to me, Mr. Speaker.

Mr. Speaker, yes, this is something that the gentleman from Illinois [Mr. YATES] has had his name attached to. It is important and significant, because on May 8 of this year, from 8 a.m. until 3 p.m. in the Capitol rotunda, we will celebrate, once again, the days of remembrance of the victims of the Holocaust.

Mr. Speaker, as we all know, and look around the world at man's inhumanity to man, it is important that we do not forget. I think probably emblazoned in our minds more than anything else during this day of remembrance is that we as Americans can be proud of our efforts to liberate those who suffered and survived in oppressive Nazi concentration camps, and it helps us to remember that prejudice and hatred still exists.

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

Mr. YATES. Further reserving the right to object, I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Illinois [Mr. YATES] and the gentleman from California [Mr. THOMAS] for bringing this measure to the floor at this time. The commemoration of the Holocaust is so important, and the fact that we do it here in the Capitol Building, in the rotunda, is an extremely important reminder to the entire world of the importance of the Holocaust.

Mr. Speaker, I am pleased to support House Concurrent Resolution 11, to authorize the use of the Capitol rotunda for a ceremony commemorating the victims of the Holocaust. This important ceremony will take place in the Capitol on May 8, 1997, from 8 a.m. to 3 p.m.

The passage of this resolution and the subsequent ceremony of the Days of Remembrance, will provide the centerpiece of similar Holocaust remembrance ceremonies that take place throughout the United States. This day of remembrance will be a day of speeches, reading, and musical presentation and will provide the American people and those throughout the world an important day to study and remember those who suffered and survived.

Mr. Speaker, it is important that we keep the memory of the Holocaust alive as a part of our living history.

As Americans, we can be proud of our efforts to liberate those who suffered and survived in the oppressive Nazi concentration camps that we will never forget the harm that prejudice, oppression, and hatred can cause.

I urge all of our colleagues to take the time to participate in our Nation's Capitol in this important day of remembrance.

Mr. YATES. Mr. Speaker, I want to associate myself with the excellent remarks of the distinguished chairman of the committee, the gentleman from California.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 11

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used from 8 o'clock ante meridiem until 3 o'clock post meridiem on May 8, 1997, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 13, 1997.

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

DEAR MR. SPEAKER: I hereby resign from the Committee on Small Business.

Sincerely,

BILL LUTHER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 993

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from California, Mr. Buck MCKEON, as a cosponsor of H.R. 993.

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

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON INTERNATIONAL RELATIONS

Mr. FILNER. On behalf of the Democratic Caucus, Mr. Speaker, I offer a privileged resolution (H. Res. 106) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 106

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives: To the Committee on International Relations:

William Luther of Minnesota.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, April 8, 1997, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 19, 1997

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 19, 1997.

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

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO REVISE AND EXTEND REMARKS AND TO INCLUDE EXTRANEOUS MATERIAL IN CONGRESSIONAL RECORD FOR TODAY

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that for today all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extension of Remarks."

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

There was no objection.

DESIGNATION OF HON. CONSTANCE MORELLA OR HON. FRANK WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH TUESDAY, APRIL 8, 1997

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

WASHINGTON, DC,
March 21, 1997.

I hereby designate the Honorable CONSTANCE A. MORELLA or, if not available to perform this duty, the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through Tuesday, April 8, 1997.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is accepted.

There was no objection.

SPECIAL ORDERS

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

TAXES, BUDGETS, AND SAVING MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

Mr. GINGRICH. Mr. Speaker, I want to take just a few minutes of my colleagues' time to talk about taxes, budgets, and saving Medicare, because this week I seem to make a great deal of news saying something that I thought actually was rather commonsensical and exactly fitting where the Republican Party has been.

I began on Monday by being on this floor for the first time in a long time laying out a Republican agenda which I believe in deeply, which had as one of its items balancing the budget, one of its items cutting taxes so Americans have more take-home pay and more economic growth, and one of its items saving Medicare.

□ 1315

When I came off the floor I chatted with several reporters and said, I think what is vital is that this year we balance the budget, we save Medicare, and we cut taxes so people have more take home pay, so parents have more money, so we have more economic growth, but that the precise way we do

it is less important than getting it done, that the important thing, whether it is all done in one big bundle or whether it is done in a series of steps, is that we get it done. In that conversation I said, we should clearly vote on tax cuts before the end of the year.

Now, let me make clear my position. I began running in the 1970's. I was one of the early cosponsors of the Kemp-Roth bill. I believe in cutting taxes, increasing incentives. I would like to eliminate the capital gains tax so we have the maximum savings and the maximum investment to create the best jobs to have Americans have the best incomes in the world. I would like to eliminate the death taxes because I think they are wrong. I think it is wrong to punish a family financially when they are already in pain. And I think if you have already earned the money and paid taxes on the money, the Government should not revisit it and you should not have to sell your family farm, you should not to have to sell your small business just to pay the IRS. I believe the IRS is too big. I have gone everywhere in America and made a speech that said, when there are 110,000 Internal Revenue agents and there are 5,500 Border Patrol and there are 7,400 Drug Enforcement Administration agents so there are 10 IRS agents for every person guarding the border so we cannot protect you from illegal drugs and we cannot stop illegal immigrants but we can audit every small business in America, there is something wrong. We ought to end the IRS as we know it.

So I am deeply committed to lowering taxes. I favor a big debate between Steve Forbes and Majority Leader DICK ARMEY, who want a flat tax to replace the income tax, and Chairman BILL ARCHER and DICK LUGAR and others who want a sales tax to completely eliminate the income tax. I think the Republican Party should be committed to a 2- or 3-year effort to educate the Nation, have the Nation decide, how do you want to replace the current code, which way do you want to do it. How do we dramatically shrink the IRS.

I led the effort to say that I thought that the Internal Revenue Service proved, when their $4 billion computer program did not work, that maybe the problem is the Internal Revenue Code is so complicated that if the government cannot understand it for $4 billion, you should not expect the average citizen to understand it.

The only question I raised was this. We saw in the last 2 years some people use Medicare as a political tool. It was wrong. We saw some people deliberately scare senior citizens and it was wrong. We saw people say, well, Republicans want to cut taxes and they want to save Medicare and there was promptly, let us link them together.

So my position is simple. I think the best, safest thing we could do for America and for our senior citizens is let us get to an agreement on Medicare. Let us get it done and let us get it off the table so there is no question we did it to save Medicare. We did it to save our parents and grandparents. We did it to save our children and grandchildren so we have a stable, honest, reformed Medicare system that is solid, period.

Then I wanted to challenge the liberals. Do not tell me about tax cuts. Tell me about the size of Government. I am for smaller Government in Washington, fewer bureaucrats, less redtape. I want to return power back home. Now, let us debate the size of Government. I do not think liberals can win that debate.

Now, when we are done doing those two, let us make sure that we get correct, historically accurate scoring of a capital gains cut which means, by the way, it will raise revenue. Under the budget act, if you honestly scored capital gains, it will increase revenue. So you do not score it as a cut. It is an increase. So it is magic. You lower taxes, more Americans save, more Americans invest, more Americans go to work, and historically every time we have done it, you have raised revenue. Only in Washington is an increase counted as a decrease. Only the technicians here who have never created a job could get away with it.

We need to have a debate and insist that it be scored historically accurately. At that point we have enough money. We can cut taxes. I want a straightforward debate. I believe we ought to have a cut in the capital gains tax to create jobs, we ought to lower the death taxes to save family farms and small businesses, we ought to have a $500-per-child tax credit so that parents decide how to spend their money. If our liberal friends want to talk about targeted, which always means the Government targets, I think the American people ought to target. But that is the great debate over taxes.

My only point Monday was, here are three goals for 1997, the goal of saving Medicare because it deserves to be saved on its own. Let us get it done, Mr. President, and get it off the table and not use it for politics. The goal of balancing the budget with a smaller Government in Washington and more power back home. And the goal of reducing taxes so Americans save more, invest more, have more time off with their kids and more money to take care of their families.

I thought that is what I said on Monday. I wanted to come here and make very clear, I hope all my colleagues will go back and read what I said on the floor on Monday. I hope the reporters who had a field day all week reexplaining what I did not say in terms of making them feel better will now listen carefully to what I actually said.

I yield to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for yielding. I also commend him for even beginning this great national debate on whether or not we ought to replace an income tax in America with a fairer, flatter, more reasonable proposal for the country.

I want to let him know that on April 15 a great many Democrats and Republicans are going to be together in Boston Harbor. We are going to have an historic reenactment of the Boston Tea Party. We are going to dump the United States Tax Code into the harbor in a symbolic gesture to begin this debate.

It starts with recognizing we have a code out of control, 4,000 changes since 1986 alone. Maybe it is time for us to really debate whether a better system is right for the country, not Democrat or Republican but a better system for America.

Mr. GINGRICH. Let me say to the gentleman, as you know also on April 15, we are going to hold the vote until you get back from Boston, and we are then going to vote on an amendment that would require a supermajority to raise taxes because more and more States, particularly out West, now require that you get two-thirds of the vote or three-fifths of the vote even to raise taxes because they have learned that politicians all too often will take money from the people to pay off the special interests. So April 15 is going to be a great date for the American taxpayer.

But my point to all of my colleagues is straightforward. It should not be hard to figure out what the agenda of the House Republican Party is. It should not be hard to figure out where the Republican Party is going. We want lower taxes for economic growth, stronger families, more take home pay, and greater volunteerism.

We want a stable, balanced budget so our children do not have to pay off our bills. In peacetime we should not borrow the money. We want the lower interests rates and the lower taxes that come from a balanced budget. We want less Government in Washington and more freedom back home, and we believe that saving Medicare should be done on its own terms for Americans by Americans.

It is wrong. It is wrong. It is wrong to use Medicare as a political blackmail to try to stop us from getting an agreement. Let us save Medicare now. Get it done in April. Get it over with. Make sure it is done. Take care of our senior citizens. Get it off the table. Cut out all the fear mongering, all the demagoguery. Then let us talk about how to cut taxes and balance the budget and get economic growth and strengthen families.

I hope that for anybody who is curious among our Members, among activists in the press corps, they now get

the clear message. Lower taxes, balanced budget, less power in Washington, more freedom back home, save Medicare on its own terms because America's senior citizens deserve to see Medicare put above politics and done.

I think that is a pretty darn good agenda to start the next few weeks on.

A NATIONAL HOLIDAY FOR CESAR CHAVEZ

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

Mr. FILNER. Mr. Speaker, I rise today to honor and remember a great American leader and hero, Cesar Chavez. He was a husband, father, grandfather, labor organizer, community leader, and symbol of the ongoing struggle for equal rights and equal opportunity. March 31, the birthday of Cesar Chavez, has already been declared a State holiday in California. Today I ask my colleagues to join me in making March 31 a Federal holiday so that our entire Nation can honor Cesar Chavez for his many contributions.

Cesar Chavez, the son of migrant farmworkers, dedicated his life to fighting for the human rights and dignity of those farmworkers. He was born on March 31, 1927, on a small farm near Yuma, AZ, and died nearly 4 years ago, on April 23, 1993. Over the course of his 66 years, Cesar Chavez' work inspired millions and made him a major force in American history.

In 1962, Cesar Chavez and his family founded the National Farm Workers Association, which organized thousands of farmworkers to confront one of the most powerful industries in the country. He inspired them to join together and nonviolently demand safe and fair working conditions.

Through the use of a grape boycott, he was able to secure the first union contracts for farmworkers in the United States. These contracts provided farmworkers with the basic services that most workers take for granted, services such as clean drinking water and sanitary facilities. Because of Cesar Chavez' fight to enforce child labor laws, farmworkers could also be certain that their children would not be working side by side with them and would instead attend the migrant schools he helped establish. In addition, Cesar Chavez made the world aware of the exposure to dangerous chemicals that farmworkers and all consumers face every day.

As a labor leader, he earned great support from unions and elected officials across the Nation. The movement he began continues today as the United Farm Workers of America.

Cesar Chavez' influence extended far beyond agriculture. He was instrumental in forming the Community Service Organization, one of the first civic action groups in the Mexican-American communities of California and Arizona.

He worked in urban areas, organized voter registration drives, brought complaints against mistreatment by Government agencies. He taught community members how to deal with Government, school, and financial institutions and empowered many to seek further advancement in education and politics. There are countless stories of judges, engineers, lawyers, teachers, church leaders, organizers, and other hard-working professionals who credit Cesar Chavez as the inspiring force in their lives.

During a time of great social upheaval, he was sought out by groups from all walks of life and religions to bring calm with his nonviolent practices. In his fight for peace, justice, respect, and self-determination, he gained the admiration and respect of millions of Americans, including this Congressman.

Cesar Chavez will be remembered for his tireless commitment to improve the plight of farmworkers, children, and the poor throughout the United States, and for the inspiration his heroic efforts gave to so many Americans. We in Congress must make certain that the movement Cesar Chavez began and the timeless lessons of justice and fairness he taught be preserved and honored in our national conscience. To make sure these fundamental principles are never forgotten, I urge my colleagues to support legislation to declare March 31 a Federal holiday in honor of Cesar Chavez. In his words and in the words of the United Farm Workers, "Si, se puede," yes, it can be done.

UTAH AND H.R. 1500

The SPEAKER pro tempore: Under a previous order of the House, the gentleman from Utah [Mr. CANNON] is recognized for 5 minutes.

Mr. CANNON. Mr. Speaker, I represent Utah's Third Congressional District. Most Americans know a little bit about my district. Last fall, on September 18, President Clinton stood across the State line in Arizona, on the other side of the Grand Canyon, and with a few quick words and the stroke of a pen created the Grand Staircase-Escalante National Monument.

The fully understand the scale of this new monument, you must understand how big the average U.S. monument is currently. The average is 30,500 acres. The new southern Utah monument at 1.7 million acres is more than 55 times larger. It is bigger than both Delaware and Rhode Island combined.

The monument is extremely rugged, and parts are truly beautiful. The issue is really not that the land should be protected. The issue is process. That is why Utahns are angry. If this had been done through an open and thoughtful process, I think Utahns could have embraced something in the area.

But that is not what happened. Instead this monument was done without discussion, without consultation and without consideration.

The first time anyone in Utah, including my Democratic predecessor, ever heard about the possibility of a monument was in the pages of the Washington Post, a mere 7 days before the actual creation of the monument.

During the week before September 18, Utah's congressional delegation and Governor were told repeatedly that nothing was imminent. Of course, something was.

On the day of the President's proclamation, I was in southern Utah in the town of Kanab, which is on the west edge of the monument. Kanab is a small pioneer town. The residents are solid people, ranchers, farmers and the people who make their living by supporting those who work on the land.

On that day they held a rally at Kanab High School. The entire town closed down and everyone gathered to express their frustration at a President who in another State on the other side of the Grand Canyon was making a decision that would greatly affect their lives. The people were hurt and, yes, justifiably angry. They asked over and over again why their government would do such a thing to them in such a manner.

I can remember standing outside the high school and watching as dozens of black balloons were released as a symbol of what had happened to southern Utah.

□ 1330

Given this history, is it any wonder that the citizens of Utah today feel bruised and battered on the public land issues? I think my colleagues can understand why I say that Utahns are suspicious of anyone from outside the State who would try to impose additional restrictions on Utah's public lands.

And that brings me to H.R. 1500, a bill that will be shortly introduced into Congress. This is a bill sponsored by one of my colleagues from New York. It would designate a staggering 5.7 million acres of BLM land in Utah as wilderness. This is an area three times the size of this enormous monument.

Utahns are still reeling from the blow by President Clinton's monument proclamation, and H.R. 1500 amounts to rubbing salt in still-open wounds. To have outsiders introduce this bill at this time is not only highly inappropriate but offensive to the dignity of the people of Utah.

Now, Utah has a lot of beautiful land. Some of it should be designated wilderness. But additional wilderness is terribly, terribly divisive as an issue in

Utah. Utahns are split and deeply divided over how much of any acres of BLM land in Utah should be designated as wilderness. There is absolutely no consensus on this issue.

That is why I went and met with the sponsor of H.R. 1500, the gentleman from New York, a few days ago and asked him for a cooling-off period on this issue of wilderness in Utah. I told him if he introduced his bill it would be hurtful rather than helpful because of the anger over the monument. Any bill right now would have the effect of pitting Utah's political leaders, environmentalists, rural residents, and public land users against each other. It would dramatically and directly hurt the cause of bringing Utahns together over the issue of wilderness.

I proposed a 2-year period during which no one in the Congress would propose Utah wilderness legislation. Utahns could then use the time to deal with the monument and seek consensus on the issue of wilderness.

Despite my appeal, my colleague from New York told me he is compelled to move forward. Frankly, I found this pretty offensive. My colleague from New York has a district some 2,200 miles away from mine. His district has no Federal lands, none at all. Surely he has more pressing environmental concerns in his own district.

Remember that H.R. 1500 is not about protecting public lands in Utah, it is about showing disregard for the people of Utah and the Utah congressional delegation. I ask my colleagues, as a matter of courtesy, please do not cosponsor H.R. 1500.

TERRORISM THREATENS MIDEAST PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. ENGEL] is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, the suicide bombing today in a Tel Aviv cafe, which killed at least 4 Israelis and injured dozens of people, was a cowardly act. This cowardly act represents a knife in the heart of the peace process. Terror is not an arrow in the quiver of those who strive for peace.

What bothers me, Mr. Speaker, is that while Yasir Arafat condemned the bombing, he once again is speaking out of 16 sides of his mouth. What disturbs me is the Palestinian negotiators or the Palestinian authorities have been using the threat of terror for a while now, saying that if the Israelis went ahead and built the Har Homa housing that there would become suicide bombings, there would be terror, and that they could not be responsible for what might happen.

I say such rhetoric, such language is to give an indirect green light to those people who would use terror to maim and kill innocent civilians.

We will not and cannot allow terror to destroy the peace process. When Yasir Arafat releases Hamas terrorists from prison and then predicts that violence will happen in Israel as a result of the housing, he is giving a green light to terrorist attacks.

He cannot speak out of 10 or 20 or 30 sides of his mouth. He cannot oppose Hamas when it is expedient and then wink and turn the other way and say, "Oh, I condemn this terror," when in essence we know that by predicting it and looking the other way, it becomes a self-fulfilling prophecy. When Arafat signed the peace accords, he committed himself to the peace process, and committing himself to the peace process means no side deals with Hamas terrorists.

The Hamas terrorists ought to know that Jerusalem is the undivided capital of Israel and will remain so. When Israel decides it wants to build housing or do whatever else it deems necessary in its own capital, Israel has the right to do that. Terrorism should not be used and cannot be accepted as a vehicle with which one side in a peace process makes threats and says if you do not give us what we want we are going to have terrorist attacks and we will not be able to do anything about it.

The conference which condemned Israel, that was held just last weekend, in which the United States participated, sadly, was such a conference where the rhetoric got out of hand and encourages Palestinian and terrorists to attack Israel.

Mr. Speaker, all of us who favor peace in the Middle East must condemn this cowardly act. We must not stand for terror and we must put the blame where it belongs, on the rhetoric of Yasir Arafat and his people who say one thing and do another.

Mr. Speaker, I yield the balance of my time to my good friend and cochairman of the peace accord monitoring group with me, the gentleman from New Jersey, Congressman SAXTON. I yield 1½ minutes to him, and then I yield 1½ minutes to my friend, the gentleman from New York, the distinguished chairman of the Committee on International Relations Mr. GILMAN.

The SPEAKER pro tempore (Mr. HAYWORTH). The Chair would instruct the gentleman he does not have 3 minutes remaining. However, he can yield the balance of the time, and accordingly the gentleman from New Jersey [Mr. SAXTON], is recognized for the balance of the time.

Mr. SAXTON. Mr. Speaker, I would join with my friend, the gentleman from New York [Mr. ENGEL], and the chairman of the Committee on International Relations in condemning this.

Frankly, I have 5 minutes of my own time set aside here a little bit later, so I will curtail my remarks at this time so that Mr. GILMAN may be able to make his. But I just think this is a very, very serious situation, one that is overlooked all too often by us in this country, and I will withhold the rest of my remarks for a few minutes until I get to my time.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New Jersey [Mr. SAXTON] for yielding his time and the gentleman from New York [Mr. ENGEL] for arranging this moment to be able to commemorate what is happening in Israel.

The Hamas bombing of a Tel Aviv cafe today, killing three people and wounding scores of others, including a 6-month-old child, was possible because of the climate of acceptance of terrorism against Israel which still prevails among the Palestinians.

Yasir Arafat can utter all the words of condemnation he wants to but, more important, he must actively root out the infrastructure of terrorism in territories under his control and make it absolutely clear to the Palestinian people that terrorism will no longer be tolerated if we are to see an end to these despicable acts.

Regrettably, Arafat's recent meeting with Hamas leaders only sends the wrong signal. Whether or not continuing to tolerate violence gives Arafat an occasional short-term victory, in the end it will cost him, and his people, the peace that the vast majority of both Israelis and Palestinians so desperately want and need.

DEDICATION OF UTAH NATIONAL MONUMENT BACKFIRES ON PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, a thought occurred to me as my colleague from the Third Congressional District of Utah got up to speak about something. He talked about President William Jefferson Clinton going to the south rim of the Grand Canyon on September 18, 1996, and in a few short words he declared that 1.7 million acres of Utah would be a monument. He said he did the same thing that Teddy Roosevelt did using the antiquities laws when Teddy Roosevelt created the Grand Canyon.

History tells us a different story. Teddy Roosevelt planned this out for years. He talked to the Governors, legislators, interested people. Teddy Roosevelt went all over the Grand Canyon. He hunted in the Grand Canyon. He hiked in the Grand Canyon. He floated the Colorado River. He knew it inside and out. He was a historian and a man who understood it. Then he made the Grand Canyon, and bless his heart for doing it, into a beautiful area.

William Jefferson Clinton, if he was asked to put his hand on this new monument, would probably miss it by

500 miles. He did not even know it was there. So the question comes up, why did he do it? I guess a lot of environmental folks said, gee, this will be a wonderful thing for you to do, Mr. President. We will all think it is a great thing if you make this monument and set it aside.

Who benefits from this? Anybody benefit? The schoolchildren of Utah had a little piece in there, just 40 acres, of low sulfur coal that would accrue to their benefit and their education, so much so it is the only coal that I am aware of in this hemisphere that is acceptable with low sulfur and high Btu.

The President cut that out, just like that. How much money would that mean to the kids in Utah? How about $5 billion that they are not going to have for their education at this time.

Who benefited from this? There is a coal industry in Indonesia owned by Red China, and they now have a monopoly on all of the coal of the world that is acceptable coal because this occurred. Of course, the Red Chinese seem to have some affiliation with this administration, but I will not get into that.

We have another problem as we look at regarding who benefited from this. Did the environmental community benefit from this at all? Oh, yeah. Wow, we are going to get all this wilderness in this area.

Guess what? That wilderness was extinguished by the President. In 1964, Congress passed a law that said only Congress could create wilderness, and in this area there are three big WSA's, wilderness study areas. Nowhere can a monument have wilderness.

So instead of a pristine area set aside for people to enjoy, now what is it going to be? Hotels, airports, everything going through there. And there should be wilderness in that area. No, nobody benefited from this. Nobody. Absolutely nobody.

That is why my friend from the Third District, our Senators and others, are introducing right now, yesterday as a matter of fact, the Fairness Antiquity Law, which means the President of the United States cannot willy-nilly go around declaring places all over this country. He will be subjected to 5,000 acres. If he goes over 5,000 acres, he will have to have the concurrence of the Governor, the legislature, and it will have to pass this Congress. I personally think that is the right thing to do.

Mr. Speaker, I am really disappointed that the President would do this for a few measly votes with a few people, and then it flies right in his face. It did not work at all. In fact, it has hurt people all over America. But it has helped the Chinese. I hope they enjoy it.

BAD NEWS ON TRADE DEFICITS

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, here we go again. The Department of Commerce released yesterday more bad news on trade figures and more bad news for American workers.

Trade figures show that this past month we had a trade deficit of $12.7 billion; setting records, again breaking records, bad news records month after month after month after month.

Again, Mr. Speaker, with the countries that we have had the most problems with in terms of our trade numbers, in terms of loss of jobs, the countries where most of our trade policy has been directed, Mexico and China were where the worst news came from.

The trade deficit with Mexico went up 50 percent from 12 months ago this month, with those trade figures costing, again, thousands of American jobs that have gone south. The trade figures with China, the trade deficit has gone up a billion dollars over 1 year ago in the same month.

Mr. Speaker, we are continuing to go down the path of free trade with larger and larger trade deficits, with a situation that is clearly costing us thousands and thousands of American jobs. At the same time, we are seeing a push from the administration and from Republican leadership in this House asking for fast track for Chile so that we can negotiate another trade agreement, another trade agreement that will not work, another trade agreement that will cost us jobs.

We are seeing the administration push for negotiating for Chinese admittance to the World Trade Organization. Again, a step that clearly will cost more American jobs.

Our trade deficit with China has grown to the point that within a year or so it will overtake our trade deficit with Japan, yet we continue to give most favored nation status recognition to China and continue to give China more trading privileges, as China continues to violate international trading norms, international human rights norms, international norms for all kinds of behavior in the world community.

Just to take a few examples, Mr. Speaker. As we talk about entry into the World Trade Organization, and as we talk later about China getting more trade advantages from this country, as we have unfortunately done year after year, China is a nation that when threatened by free elections in neighboring Taiwan, sent missiles into the straits of Taiwan, shooting in the water near the country of Taiwan, sending them a message about free elections.

China is a country where a relative of the prime minister smuggled some 2,000 AK–47's into San Francisco, in obvious direct violation of American law.

China is a country that sold nuclear technology to rogue nations in south Asia, again in violation of international norms.

China is a country that has violated all kinds of human rights with slave labor, with child labor; a country where 12-year-old children in slave labor camps make toys for 12-year-old children to play with on America's playgrounds.

□ 1345

It is clear that this is not a country we should reward with continued most-favored-nation status, with continued trade advantages. This is not a country we should allow into the World Trade Organization until they improve their policies on human rights, until they improve their policies on the CD roms that they have stolen, intellectual property rights that they have violated across the board.

Indeed, these last numbers from the Commerce Department show clearly again the tens of thousands, the hundreds of thousands of jobs that our policy with China has cost American workers. It is a nation that has violated all kinds of human rights, ignored international norms, has violated all kinds of standards around the world, yet we continue to offer them most-favored-nation status and the administration continues to negotiate with them on admittance to the World Trade Organization.

Congressman GEPHARDT, the minority leader, has introduced legislation with several others of us that Congress should be part of this negotiation, that Congress should have to vote on admittance of China to the World Trade Organization. I would hope that the Speaker and the leaders of this House would see fit that we should, as this body, have input into this decision whether China, whose trade deficit with us continues to mushroom and who continues to violate all kinds of world standards, that we get the opportunity to vote on whether China is admitted into the World Trade Organization.

I ask the Members of this body, particularly on the other side of the aisle, on the Republican side of the aisle, to push their leaders into bringing this to a vote so we in this body can have some input and help make that decision whether we admit China into the World Trade Organization.

CONGRATULATING GREATER ANTIOCH BAPTIST CHURCH'S 125TH ANNIVERSARY

The SPEAKER pro tempore (Mr. HAYWORTH). Under a previous order of the House, the gentleman from Georgia [Mr. CHAMBLISS] is recognized for 5 minutes.

Mr. CHAMBLISS. Mr. Speaker, I rise today to recognize and to congratulate the Reverend Nehemiah Collins and the members of his congregation at the Antioch Baptist Church in Macon, GA as

this weekend they celebrate the 125th anniversary of their church. Antioch Baptist Church was founded in 1872 in a place in Bloomfield, which is a portion of Macon, then called Forks Creek. The church was later moved to the present location on Antioch Road.

This church has been a beacon light of hope throughout the community in striving to influence others to accept Christ as their personal saviour and to live an exemplary life as we walk among others who have already confessed Him as their saviour.

Antioch Baptist Church has made great strides during these 125 years in the spreading of the good news to mankind. One thing that is extremely unusual about Antioch Baptist Church is that though it has been in existence for 125 years, it has only had 5 pastors.

The current pastor, the Reverend Nehemiah Collins, is entering his 26th year as pastor of that church. However, he is not the longest serving pastor of Antioch Baptist Church, for the Reverend E.W. Hoyt, the third pastor of this great church, served his congregation for a total of 52 years.

Mr. Speaker, I wish to recognize not only Reverend Collins but Deacons Joe Heggs, Sorrell Acree, B.T. Reid, James Wimberly, Harold Murphy, and all the members of the congregation of this fine religious organization on the 125th anniversary.

I will be very pleased on Sunday afternoon to participate in the service at Antioch Baptist Church, and I want to enter into the RECORD a proclamation that I will be delivering Sunday afternoon. This is addressed to the Reverend Collins.

It is indeed an honor for me to personally deliver greetings to the Greater Antioch Baptist Church congregation on this most historic day, the church's 125th anniversary.

Since its founding in 1872 at Forks Creek in the Bloomfield area of Macon, Greater Antioch Baptist Church has served as a beacon light of hope throughout the community in striving to influence others to accept Christ as their personal saviour.

The church has made great strides during its 125 years. The accomplishments you and the 4 previous pastors have made to the church and the Macon/Bibb County community are far too extensive to recount here, but rest assured that they are widely known and universally appreciated.

My wife Julianne and my entire family join me in extending to the entire Greater Antioch Baptist Church community our very warmest congratulations and best wishes.

TEEN PREGNANCY PREVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, 30 percent of all out-of-wedlock births are to teenagers below the age of 20. That astonishing reality should be alarming to Congress and to the citizens of our country. More importantly, the recently implemented welfare reform has accelerated the need to address the issue of out-of-wedlock teen births.

As we consider solutions to this issue, we must keep in mind that no other industrialized nation with a standard of living comparable to the United States has a problem of this dimension. On the problem of teenage pregnancy, we have the dubious distinction of leading the world. It is critical that our Nation take a clear stand against teen pregnancy and that this position be widely publicized.

We must encourage and then be engaged in a national discussion about how religious culture and public values influence both teenage pregnancy and the way our society responds to this dilemma. We must encourage and stimulate innovative solutions through local schools, churches, and civic groups, as well as local and State officials.

We must foster community involvement where each community will determine what would be appropriate and acceptable based on the community's standards and values. I think you will agree that these decisions must be made at the community level, by the individuals who care the most and who have the greatest influence with these young people. The parents, families, churches, teachers, scout leaders, and community members who know these teenagers best will determine what kinds of programs their community should use to help their young people avoid becoming teen parents prematurely.

As we consider how and where to reduce spending, we must also not forget that teen pregnancy costs a heavy burden on the Federal budget. If we want to balance the budget, let us begin by working to bring some balance to the lives of thousands and thousands of our teenagers involved in premature childbearing.

Once a teenager becomes pregnant, there is no good solution. There is pain in adoption, there is pain in abortion, there is pain and suffering giving birth and parenting a child prematurely. The best solution is to prevent the pregnancy. Young people who believe that they have a real future to risk have real incentives to delay parenting. This is why when we demand responsible behavior, we have a reciprocal obligation to offer a real future beyond early parenting and poverty.

Reducing teen childbearing is likely to require more than eliminating or manipulating welfare programs. Experience tells us that threats and punishment are not the best way to get teens to behave in a way that is good for them and their future.

The most successful approach to reducing teen childbearing is to design policies and procedures that are targeted to encourage positive developmental behavior through beneficial adult role models and job connections.

We must implement pregnancy prevention programs that educate and support school age youths between the ages of 10 and 21 in high risk situations and their family members through comprehensive social and health services, with an emphasis on pregnancy prevention. Devoting more resources to preventing teen pregnancy will not only save us money in the long run but will improve the lives, health, education, economic opportunities, and the well-being of these young people and their families. Moreover, they will give hope for this Nation and they will have an opportunity to make a positive contribution.

Mr. Speaker, we must be engaged in this effort.

SUICIDE BOMBING IN TEL AVIV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, recall with me for just a moment where you were and where all of our friends were on the day the World Trade Center was bombed and think back for a minute about how that made us feel. It is within that kind of a context that I viewed an occurrence earlier today when I heard that a bomb had been exploded in Tel Aviv by a suicide bomber. I immediately picked up the telephone and called a friend that lives in Tel Aviv with her husband, an elderly, older couple, and she described to me over the telephone what a friend of hers, an eyewitness to this bombing, saw.

It seems that it was lunchtime and the waiter, who was the one who described this, saw a man who looked like he did not belong there enter the streetside cafe with two bags. As the waiter approached the individual to find out why he was there, he simply sat a bag on the chair, which caused the bag to explode. Forty-seven people were wounded and 3 were killed by this fanatic who caused this to happen.

The Associated Press writes an account of what it was like. The Associated Press writes:

The blast scattered chairs, tables and umbrellas on a tree-lined boulevard just yards away from City Hall. Smoke rose from the charred wood and cloth umbrellas, and napkins and half-eaten plates of food were strewn about.

Among the injured was a 6-month-old girl in a red and blue clown costume. Her head was matted with blood as she was carried away screaming.

There was a powerful boom, glass flying everywhere, and there was a lot of blood, said the cafe's shift manager who gave his name as Roi. He sobbed hysterically, sitting back on the sidewalk holding his head.

This happened today. This happened in a cafe that I have visited. This happened within 2 blocks of my friends' home, and it causes us as Americans to wonder why.

Well, one does not have to look far to find out why, because, as the Speaker knows, during Desert Shield and Desert Storm the West proved to those countries that would sponsor these kinds of acts that in order for them to carry out their desired, or to attain their desired goals, they are going to have to find some way to do it other than through conventional military means, and terror is one of the tools they use. What I described is terror. What is in this AP article is something that we as Americans find hard to believe and can only imagine. And yet in that part of the world, this is an all too often occurrence.

As we look to see why the same AP article quotes some individuals who may have had something to do with this. If I can quote an Hamas leader, Ibrahim Maqadmeh, "Jerusalem will not be restored by negotiations, but only with holy war, whatever the sacrifices," he said today, he told a crowd of 50,000 cheering people in Khan Unis in the Gaza Strip.

In the West Bank town of Nablus, a different Hamas leader told the crowd of 10,000 supporters this afternoon, today, "I have good news for you," he said. "There is a suicide operation in Tel Aviv" today.

The crowd clapped and cheered. God is great. This is the only language that the occupiers, meaning the Israelis, the occupiers, this is the only language the occupiers understand, the language of martyrdom, said the Hamas leader Hamed Bitawi.

□ 1400

These are difficult situations to talk about and, for me, quite impossible to understand, and I hope, Mr. Speaker, that the American people and particularly the administration will take note of this event.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORBES (at the request of Mr. ARMEY), for today, on account of family illness.

Mr. OXLEY (at the request of Mr. ARMEY), for today, on account of a death in the family.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. PASCRELL (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. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

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

Mr. GINGRICH, for 5 minutes, today.

Mr. CANNON, for 5 minutes, today.

Mr. HANSEN, for 5 minutes, today.

Mr. CHRISTENSEN, for 5 minutes, today.

Mr. CHAMBLISS, for 5 minutes, today.

Mr. SAXTON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BROWN of Ohio.

ENROLLED BILL SIGNED

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

H.R. 514. An act to permit the waiver of District of Columbia residency requirements for certain employees of the Office of the Inspector General of the District of Columbia.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On March 19, 1997:

H.R. 924. An act to amend title 18, United States Code, to give further assurance to the right of victims of crime to attend and observe the trials of those accused of the crime.

ADJOURNMENT

Mr. SAXTON. Mr. Speaker, pursuant to Senate Concurrent Resolution 14, 105th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. HAYWORTH). Pursuant to the provisions of Senate Concurrent Resolution 14, 105th Congress, the House stands adjourned until 12:30 p.m. on Tuesday, April 8, 1997, for morning hour debates.

Thereupon (at 2 o'clock and 1 minute p.m.), pursuant to Senate Concurrent Resolution 14, the House adjourned until Tuesday, April 8, 1997, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

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

2466. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Popcorn Promotion, Research, and Consumer Information Order; Referendum Procedures [FV–96–709FR] received March 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2467. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Viruses, Serums, Toxins, and Analogous Products; Biologics Establishment Licenses and Biological Product Licenses and Permits [Docket No. 96–055–2] received March 21, 1997, pursuant to 5 U.S.C. 801 (a) (1) (A); to the Committee on Agriculture.

2468. A letter from the Acting Administrator, Agency for Health Care Policy and Research, transmitting the Agency's final rule—Health Services Research, Evaluation, Demonstration, and Dissemination Projects; Peer Review of Grants and Contracts (RIN: 0919–AA00) received March 18, 1997, pursuant to 5 U.S.C. 801 (a) (1) (A); to the Committee on Commerce.

2469. A letter from the Inspector General, Department of Health and Human Services, transmitting a report on Superfund financial activities at the National Institute of Environmental Health Sciences for fiscal year 1995; pursuant to 31 U.S.C. 7501 note; to the Committee on Commerce.

2470. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes; Correction of Designation of Nonclassified Ozone Nonattainment Areas; States of Maine and New Hampshire [ME048–1–6997a; FRL–5802–3] received March 21, 1997, pursuant to 5 U.S.C. 801 (a) (1) (A); to the Committee on Commerce.

2471. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Agreement Between the United States Nuclear Regulatory Commission and the Commonwealth of Massachusetts for the Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the Commonwealth Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended—received March 21, 1997, pursuant to 5 U.S.C. 801 (a) (1) (A); to the Committee on Commerce.

2472. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Policy and Procedure for Enforcement Actions; Policy Statement [NUREG–1600] received March 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2473. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calender year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

2474. A letter from the Acting General Counsel, Department of Energy, transmitting the Department's final rule—Financial Assistance Letter (Guidance on Implementing Section 18 of the Lobbying Disclosure Act of 1995) [Letter No. 97–02] received March 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2475. A letter from the Acting General Counsel, Department of Energy, transmitting the Department's final rule—Unfunded

Mandates Reform Act; Intergovernmental Consultation—received March 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2476. A letter from the Director, Office of Science and Technology Policy, Executive Office of the President, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2477. A letter from the Director, Institute of Museum Services, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2478. A letter from the Chairman, Merit Systems Protection Board, transmitting the 18th annual report on the activities of the board during fiscal year 1996, pursuant to 5 U.S.C. 1206; to the Committee on Government Reform and Oversight.

2479. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996; pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2480. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Ohio Abandoned Mine Land Reclamation Plan (OH–236–FOR] received March 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2481. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Maryland Regulatory Program [MD–040–FOR] received March 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2482. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Texas Regulatory Program [SPATS No. TX–017–FOR] received March 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2483. A letter from the Secretary of Commerce, transmitting the grant-in-aid for fisheries 1995–96 program report, pursuant to 16 U.S.C. 757(a)–757(f) and 16 U.S.C. 4107 et seq.; to the Committee on Resources.

2484. A letter from the Director, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Transfer of Inmates to State Agents for Production on State Writs (Bureau of Prisons) [BOP–1058–F] (RIN: 1120–AA53) received March 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2485. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1998 and 1999 for the U.S. Coast Guard, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Transportation and Infrastructure.

2486. A letter from the Secretary of Health and Human Services, transmitting the Department's report entitled "Child Support Enforcement Incentive Funding," pursuant to Public Law 104–193, section 341(a) (110 Stat. 2231); to the Committee on Ways and Means.

2487. A letter from the Acting Commissioner of Social Security, Social Security Administration, transmitting a report on the implementation of the childhood disability provisions in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, pursuant to Public Law 104–193, section 211(d)(3) (110 Stat. 2191); to the Committee on Ways and Means.

2488. A letter from the Assistant Attorney General of the United States, transmitting a draft of proposed legislation to include American Samoa in the act of October 5, 1984 (90 Stat. 1732, 48 U.S.C. 1662a), dealing with territories of the United States, and for other purposes; jointly, to the Committees on Resources and the Judiciary.

2489. A letter from the Secretaries of Education and the Treasury, transmitting a draft of proposed legislation entitled the "Hope and Opportunity for Postsecondary Education Act of 1997"; jointly, to the Committees on Ways and Means and Education and the Workforce.

2490. A letter from the Secretary of Defense, transmitting the annual report for the National Security Education Program, pursuant to 50 U.S.C. 1906; jointly, to the Committees on Intelligence (Permanent Select) and Education and the Workforce.

2491. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft of proposed legislation to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during the fiscal years 1998 and 1999, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on International Relations, the Judiciary, and Government Reform and Oversight.

2492. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting a study of the long-term alternatives for the District of Columbia Department of Corrections [D.C. DOC] correctional complex in Lorton, VA, pursuant to Pubic Law 104–134, section 151(b)(3) (110 Stat. 1321–102); jointly, to the Committees on the Judiciary, Government Reform and Oversight, and Appropriations.

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. H.R. 752. A bill to amend the Endangered Species Act of 1973 to ensure that persons that suffer or are threatened with injury resulting from a violation of the act or a failure of the Secretary to act in accordance with the act have standing to commence a civil suit on their own behalf; with an amendment (Rept. 105–42). Referred to the Committee of the Whole House on the State of the Union.

CORRECTED PRINT ON H.R. 1048, INTRODUCED MARCH 12, 1997

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

By Mr. SHAW (for himself and Mr. LEVIN):

H.R. 1048. A bill to make technical amendments relating to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and 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.

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. THUNE:

H.R. 1212. A bill to authorize the construction of the Fall River Waters Users District rural water system and authorize the appropriation of Federal dollars to assist the Fall River Water Users District, a nonprofit corporation, in the planning and construction of the water supply system; to the Committee on Resources.

H.R. 1213. A bill to authorize the construction of the Perkins County rural water system and authorize the appropriation of Federal dollars to assist the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system; to the Committee on Resources.

By Mr. BUNNING of Kentucky (by request):

H.R. 1214. A bill to suspend temporarily the duty on the chemical P-Toluenesulfonamide; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 1215. A bill to amend the chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Government Reform and Oversight.

By Mr. KUCINICH:

H.R. 1216. A bill to amend the Communications Act of 1934 to prevent splitting of local communities into multiple telephone area codes; to the Committee on Commerce.

By Mr. METCALF:

H.R. 1217. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes; to the committee on Commerce.

By Mr. PALLONE (for himself, Mr. FOX of Pennsylvania, Mr. LIPINSKI, Mr. DELLUMS, and Ms. BROWN of Florida):

H.R. 1218. A bill to amend title XVIII of the Social Security Act to provide for coverage of pharmaceutical care services under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PELOSI (for herself, Mrs. MORELLA, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BENTSEN, Mr. BERMAN, Mr. BOEHLERT, Mr. BONIOR, Mr. BORSKI, Mr. BROWN of Ohio, Mr. BROWN of California, Mr. CAPPS, Mr. CARDIN, Mrs. CARSON, Ms. CHRISTIAN-GREEN, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DELLUMS, Mr. DIXON, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FARR of California, Mr. FAWELL, Mr. FAZIO of California, Mr. FILNER, Mr. FOGLIETTA, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GEJDENSON, Mr. GILCHREST, Mr. GILMAN, Mr. GONZALEZ, Mr. GUTIERREZ, Ms. HARMAN, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOBSON, Mr. HORN, Mr. HOYER, Mr. JACKSON, Ms. JACKSON-LEE, Mrs. JOHNSON of Connecticut, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. KELLY, Mr. KENNEDY of Massachusetts, Mrs. KENNELLY of Connecticut, Mr. KIND of Wisconsin, Mr. LANTOS, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. LOWEY, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. NADLER, Ms. NORTON, Mr. OLVER, Mr. PALLONE, Mr. PAYNE, Mr. RANGEL, Mr. REGULA, Ms. RIVERS, Mr. ROMERO-BARCELO, Ms. ROYBAL-ALLARD, Mr. SABO, Ms. SANCHEZ, Mr. SANDERS, Mr. SAWYER, Mr. SCHUMER, Mr. SHAYS, Mr. SERRANO, Mr. SKAGGS, Ms. SLAUGHTER, Mr. STARK, Mr. STOKES, Mrs. TAUSCHER, Mr. TORRES, Mr. TOWNS, Ms. VELAZQUEZ, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Ms. WOOLSEY, Mr. WYNN, Mr. YATES, Mr. TIERNEY, Mr. DEUTSCH, and Mr. FALEOMAVAEGA):

H.R. 1219. A bill to amend the Public Health Service Act to promote activities for the prevention of additional cases of infection with the virus commonly known as HIV; to the Committee on Commerce.

By Mr. PETRI:

H.R. 1220. A bill to amend title 13, United States Code, to make clear that no sampling or other statistical procedure may be used in determining the total population by States for purposes of the apportionment of Representatives in Congress; to the Committee on Government Reform and Oversight.

By Mr. PICKETT:

H.R. 1221. A bill to amend title 37, United States Code, to prohibit a reduction in the overseas locality allowance for a member of the uniformed services on duty outside of the United States or in Hawaii or Alaska during the course of the member's tour of duty; to the Committee on National Security.

By Mrs. ROUKEMA:

H.R. 1222. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to require managed care group health plans and managed care health insurance coverage to meet certain consumer protection requirements; to the Committee on Education and the Workforce, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS:

H.R. 1223. A bill to amend the Immigration and Nationality Act to modify the requirements, with respect to understanding the English language, history, principles, and form of government of the United States, applicable to the naturalization of certain older individuals; to the Committee on the Judiciary.

By Mr. WOLF:

H.R. 1224. A bill to amend the Internal Revenue Code of 1986 to provide that the Commissioner of Internal Revenue shall be nominated from individuals recommended by a selection panel and to provide a 6-year term for such Commissioner; to the Committee on Ways and Means.

By Mr. PALLONE:

H. Con. Res. 54. Concurrent resolution recognizing the anniversary of the proclamation of independence of the Republic of Belarus, expressing concern over the Belarusan Government's infringement on freedom of the press in direct violation of the Helsinki Accords and the Constitution of Belarus, and expressing concern about the proposed union between Russia and Belarus; to the Committee on International Relations.

By Mr. RADANOVICH (for himself and Mr. BONIOR):

H. Con. Res. 55. Concurrent resolution honoring the memory of the victims of the Armenian Genocide; to the Committee on International Relations.

By Mr. ROHRABACHER (for himself, Mr. SOLOMON, Mr. COX of California, Mr. ROYCE, Mr. ACKERMAN, Mr. HINCHEY, and Mr. LANTOS):

H. Con. Res. 56. Concurrent resolution favoring strong support by the United States Government for the accession of Taiwan to the World Trade Organization prior to the admission of the People's Republic of China to that Organization; to the Committee on Ways and Means.

By Mr. FILNER:

H.J. Res. 106. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

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

H.R. 4: Mr. OWENS, Mr. CANADY of Florida, Ms. ROS-LEHTINEN, Mr. SHAW, Mr. CRANE, Mr. SAWYER, and Mr. TOWNS.

H.R. 5: Mr. LATHAM and Mr. MCGOVERN.

H.R. 18: Ms. KAPTUR, Ms. SLAUGHTER, Mr. FATTAH, Mr. OWENS, Ms. BROWN of Florida, and Mr. GANSKE.

H.R. 54: Mr. CLYBURN, Mr. CAPPS, and Mr. TAUSCHER.

H.R. 58: Ms. BROWN of Florida, Mr. TIERNEY, and Mr. THOMPSON.

H.R. 96: Mr. FOX of Pennsylvania.

H.R. 158: Mr. BOB SCHAFFER and Mr. BOEHNER.

H.R. 161: Mr. SUNUNU and Mr. LEWIS of Georgia.

H.R. 180: Mr. YOUNG of Florida and Mr. DIAZ-BALART.

H.R. 198: Mr. WICKER.

H.R. 203: Mr. EHRLICH.

H.R. 218: Mr. ROYCE, Mr. DOOLITTLE, and Mr. HOLDEN.

H.R. 264: Mr. LUTHER and Ms. DELAURO.

H.R. 277: Mr. FRANK of Massachusetts.

H.R. 279: Mr. NEAL of Massachusetts, Mr. LAHOOD, Mr. HORN, Mr. FORBES, Mr. FRANKS of New Jersey, Mr. MCNULTY, Mr. SNYDER, Mr. ARMEY, Mr. BERMAN, Mr. BOEHNER, Mr. BUYER, Mr. COX of California, Mr. DUNCAN, Ms. DUNN, Mr. EHRLICH, Mr. GINGRICH, Mr. GOODLATTE, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HUNTER, Mr. JONES, Mr. LEACH, Mr. MCKEON, Mrs. MORELLA, Mr. PACKARD, Mr. PARKER, Mr. PAXON, Mr. PORTMAN, Mr. RADANOVICH, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SOLOMON, Mr. SPENCE, Mr. STEARNS, Mr. TAUZIN, Mr. THOMAS, Mr. WAMP, Mr. YOUNG of Florida, Mr. MCDERMOTT, Mr. BENTSEN, Mr. SUNUNU, Mr. MOLLOHAN, Mr. DICKS, Mrs. CUBIN, Ms. FURSE, Mr. BROWN of California, Mr. OBERSTAR, Mr. EDWARDS, Ms. BROWN of Florida, Mr. HALL of Ohio, Mr. LAMPSON, Ms. KILPATRICK, Mr. DEUTSCH, Mr. SAWYER, Mr. CLEMENT, Mr. RAHALL, and Mr. REYES.

H.R. 282: Mr. ACKERMAN, Mr. BOEHLERT, Mr. FLAKE, Mr. HINCHEY, Mrs. KELLY, Mr. KING of New York, Mr. LAFALCE, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MANTON, Mr. MCNULTY, Ms. MOLINARI, Mr. NADLER, Mr. OWENS, Mr. QUINN, Mr. SCHUMER, Ms. SLAUGHTER, Mr. TOWNS, and Mr. WALSH.

H.R. 339: Mr. EVERETT.

H.R. 342: Mr. DAVIS of Illinois.

H.R. 345: Mrs. FOWLER.

H.R. 409: Mr. ENGLISH of Pennsylvania, Mr. FOX of Pennsylvania, Mr. TRAFICANT, Mr. LUTHER, Mr. CONDIT, Mr. MANZULLO, Mr. TIAHRT, and Mr. PETERSON of Minnesota.

H.R. 411: Mr. WAXMAN.

H.R. 457: Mr. GILCHREST and Mr. BOEHLERT.

H.R. 464: Mr. PETERSON of Pennsylvania and Mr. ADAM SMITH of Washington.

H.R. 465: Mrs. LOWEY.

H.R. 479: Mr. HEFLEY, Mr. MCKEON, Mr. PACKARD, and Mr. RAHALL.

H.R. 484: Mr. PETERSON of Pennsylvania.

H.R. 500: Mr. NEY.

H.R. 521: Mr. FALEOMAVAEGA.

H.R. 530: Mr. PETERSON of Minnesota, Mr. CUNNINGHAM, Mr. POSHARD, Mr. BUYER, Mr. HASTERT, Mrs. EMERSON, Mr. HOLDEN, Mr. PACKARD, Mr. BARRETT of Wisconsin, Mr. STUMP, and Mr. HEFLEY.

H.R. 553: Mr. ACKERMAN and Mr. THOMPSON.

H.R. 586: Mr. CUNNINGHAM, Mr. ETHERIDGE, Mr. LAMPSON, Mr. PARKER, Mr. PICKERING, and Mr. SUNUNU.

H.R. 667: Mrs. MEEK of Florida, Mr. ENGEL, Mr. FLAKE, Mr. TORRES, and Mr. DELLUMS.

H.R. 695: Mr. WATKINS and Mr. FRANKS of New Jersey.

H.R. 699: Mr. METCALF.

H.R. 751: Mr. DAVIS of Illinois.

H.R. 753: Mr. FATTAH and Mr. KIND of Wisconsin.

H.R. 756: Mr. GINGRICH and Mrs. LOWEY.

H.R. 768: Mr. MCINTYRE, Mr. MCKEON, Mr. BACHUS, Mr. BUNNING of Kentucky, and Mr. PAUL.

H.R. 789: Mr. CLYBURN.

H.R. 815: Mr. NEY and Mr. FALEOMAVAEGA.

H.R. 816: Mr. MILLER of Florida and Mr. NEY.

H.R. 826: Mr. DOOLITTLE, Mr. EVANS, and Mr. ROYCE.

H.R. 832: Mr. DAVIS of Illinois.

H.R. 840: Mr. PETERSON of Pennsylvania.

H.R. 841: Mr. TORRES and Mr. MCDERMOTT.

H.R. 842: Mr. WATKINS.

H.R. 843: Mr. KUCINICH.

H.R. 867: Mr. ROEMER and Mr. DELLUMS.

H.R. 879: Mr. RANGEL.

H.R. 895: Mr. VENTO, Ms. CHRISTIAN-GREEN, and Ms. RIVERS.

H.R. 931: Mr. DOOLEY of California, Mr. VENTO, and Mr. FARR of California.

H.R. 937: Mr. PETERSON of Pennsylvania.

H.R. 939: Mr. STEARNS, Mr. DAVIS of Illinois, Mr. WATTS of Oklahoma, and Mr. WICKER.

H.R. 949: Mr. KENNEDY of Rhode Island.

H.R. 983: Mr. DAVIS of Illinois.

H.R. 995: Mr. MILLER of Florida, Mr. MCINTOSH, Mr. KLUG, Mr. GOODLATTE, Mr. ENGLISH of Pennsylvania, Mr. ROHRABACHER, and Mr. STEARNS.

H.R. 1018: Ms. KAPTUR and Mr. BOUCHER.

H.R. 1023: Mr. DAVIS of Illinois, Mr. CLYBURN, Mr. MENENDEZ, Mr. WEXLER, Ms. CHRISTIAN-GREEN, Mr. JACKSON, Mrs. EMERSON, Mr. CARDIN, Mr. MARKEY, and Mr. YOUNG of Florida.

H.R. 1092: Mr. SMITH of New Jersey, Mr. KENNEDY of Massachusetts, Mr. BILIRAKIS, Mr. FILNER, Mr. SPENCE, Mr. GUTIERREZ, Mr. EVERETT, Mr. CLYBURN, Mr. BUYER, Ms. BROWN of Florida, Mr. QUINN, Mr. DOYLE, Mr. BACHUS, Mr. MASCARA, Mr. STEARNS, Mr. PETERSON of Minnesota, Mr. DAN SCHAEFER of Colorado, Mrs. CARSON, Mr. MORAN of Kansas, Mr. REYES, Mr. COOKSEY, Mr. SNYDER, Mr. HUTCHINSON, Mr. HAYWORTH, Mrs. CHENOWETH, Mr. LAHOOD, and Mr. FOX of Pennsylvania.

H.R. 1104: Mr. GEJDENSON, Mr. STARK, Mr. OLVER, and Mr. LAFALCE.

H.R. 1114: Mr. RAHALL, Mrs. MINK of Hawaii, Mr. WAXMAN, and Mr. ABERCROMBIE.

H.R. 1126: Mr. TORRES, Mr. DOYLE, Mr. CUNNINGHAM, and Mr. MILLER of California.

H.R. 1129: Mr. MCNULTY, Mr. MILLER of California, Mr. LEWIS of Georgia, Mr. SABO, and Ms. FURSE.

H.R. 1138: Mr. BARR of Georgia.

H.R. 1140: Mr. OWENS.

H.R. 1150: Mr. BUNNING of Kentucky.

H.R. 1153: Mr. BARTLETT of Maryland.

H.R. 1159: Mr. BROWN of Ohio, Mr. FARR of California, Mr. STRICKLAND, Mr. SERRANO, Mr. LEWIS of Georgia, Ms. WATERS, Mr. JACKSON, Mr. CUMMINGS, Mr. FROST, and Mr. BLAGOJEVICH.

H.R. 1161: Ms. SANCHEZ.

H.R. 1189: Mr. SMITH of Oregon, Mr. COMBEST, Mr. CONDIT, Mr. BISHOP, Mr. DELAHUNT, Mr. HULSHOF, and Mr. JOHN.

H.R. 1203: Mr. KING of New York, Mr. SOLOMON, Mr. DOOLITTLE, Mr. PAUL, Mr. HILLEARY, Mr. CALLAHAN, Mr. LEWIS of Kentucky, Mr. TAYLOR of Mississippi, Mr. TAUZIN, Mr. CHAMBLISS, Mr. COMBEST, Mrs. EMERSON, Mr. BUNNING of Kentucky, Mr. PARKER, Mr. WAMP, Mr. DREIER, Mr. HAYWORTH, Mr. DUNCAN, Mr. BUYER, Ms. PRYCE of Ohio, Mr. HALL of Texas, Mr. EVERETT, Mr. COLLINS, Mr. COBLE, Mr. HEFLEY, Mr. SPENCE, Mr. HERGER, Mr. SAM JOHNSON, Mr. HANSEN, Mr. COOK, Mr. BARTLETT of Maryland, Mr. BATEMAN, Mr. SALMON, Mr. HOSTETTLER, Mr. ROGAN, Mr. SKEEN, Mr. DAN SCHAEFER of Colorado, Mr. BILIRAKIS, Mr. YOUNG of Alaska, Mr. RADANOVICH, Mr. MCDADE, Mr. HASTINGS of Washington, Mr. NORWOOD, Mr. WICKER, Mr. ROGERS, Mr. REGULA, Mrs. CUBIN, Mrs. CHENOWETH, Mr. NEY, Mr. GOSS, Mr. MICA, Mr. THOMAS, Mr. MCCRERY, Mr. CONDIT, Mr. BARTON of Texas, Mr. CRANE, Mr. BAKER, Mr. HYDE, Mr. LAHOOD, Mr. SAXTON, Mr. PACKARD, Mr. HUNTER, Mr. PICKETT, Mr. THORNBERRY, Mr. BRYANT, Mr. WATKINS, Ms. DUNN of Washington, Mr. MCINNIS, Mr. PORTER, Mr. BURTON of Indiana, Mr. BLUNT, Mr. COOKSEY, Mr. BOB SCHAFFER, Mr. HUTCHINSON, Mr. DICKEY, Mr. BILBRAY, Mr. PICKERING, Mr. GIBBONS, Mr. SCARBOROUGH, Mr. POMBO, Mr. MCKEON, Mr. CHRISTENSEN, Mr. ENSIGN, Mr. TIAHRT, Mr. BACHUS, Mr. RILEY, Mr. UPTON, Mr. SMITH of New Jersey, Mr. SHADEGG, Mr. BLILEY, Mr. TAYLOR of North Carolina, Mr. TALENT, Mr. BALLENGER, Mr. JONES, Mr. DELAY, Mr. MILLER of Florida, Mr. DEAL of Georgia, Mr. LIVINGSTON, Mr. MANZULLO, Mr. HASTERT, Mr. KNOLLENBERG, Mrs. FOWLER, Mr. BARR of Georgia, Mr. WELDON of Florida, Mr. WATTS of Oklahoma, Mr. SCHIFF, Mr. BOEHNER, Mr. SHAW, Mr. HOBSON, Mr. CUNNINGHAM, Mr. ARCHER, Mr. COX of California, Mr. HORN, Mr. LARGENT, Mr. PETERSON of Pennsylvania, Mr. LUCAS of Oklahoma, Ms. MOLINARI, and Mr. CAMP.

H.J. Res. 55: Mr. NEY.

H. Con. Res. 13: Ms. DELAURO, Mr. PETRI, Mr. OLVER, AND Ms. HARMAN.

H. Con. Res. 32: Mr. MCGOVERN.

H. Con. Res. 47: Mr. COYNE, Mr. ACKERMAN, Mr. QUINN, Ms. STABENOW, Mr. BARRETT of Wisconsin, Mr. MATSUI, Mr. TAYLOR of Mississippi, and Mr. WALSH.

H. Con. Res. 52: Mr. KING of New York.

H. Res. 22: Mr. BEREUTER.

H. Res. 23: Mr. PETERSON of Pennsylvania.

H. Res. 38: Mr. KIND of Wisconsin, Mr. HASTINGS of Florida, Ms. SLAUGHTER, Mr. BOUCHER, Mr. FOGLIETTA, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. BROWN of California, Mr. ADAM SMITH of Washington, Mr. TIERNEY, Mr. FLAKE, Mr. FILNER, and Mr. OLVER.

H. Res. 48: Mr. FALEOMAVAEGA.

H. Res. 98: Mr. METCALF.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 586: Mr. RYUN.

H.R. 993: Mr. MCKEON.

H.R. 1055: Mr. ARCHER.

H.R. 1062: Mr. BILBRAY.

H.J. Res. 1: Mr. HINOJOSA.

EXTENSIONS OF REMARKS

NATIONAL INSTITUTE FOR ELECTROMEDICAL EDUCATION CELEBRATES 13TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents of the Fifth Congressional District in extending a most welcome congratulations to the members of the National Institute for Electromedical Education [NIEE] in celebrating its 13th anniversary. Founded in 1984, by Stanley H. Kornhauser, Ph.D., the NIEE has diligently serviced the Borough of Queens as an advocate and educator of electromedicine and has been most effective as a medium for the exchange of information on advances in new diagnostic and therapeutic devices in all areas of medicine.

Since its founding, the NIEE has been an active source of informational distribution to the field of medicine and has emerged as a major facilitator in establishing training and seminar programs in electromedical education. Its impact has been guided and nurtured by the organization's advisory board. The board's strong interdisciplinary members have distinguished themselves in diverse fields of medical and scientific research significantly impacting on the field of health care.

Therefore, Mr. Speaker, I ask my colleagues to rise in recognizing the National Institute of Electromedical Education, its founder, Stanley H. Kornhauser, Ph.D., its advisory board and membership as leaders in enhancing the level of understanding and knowledge regarding electromedical education, electromedical technology development, and the effective use of electromedical technology throughout our Nation.

ON THE OCCASION OF THE NATIONAL DAY OF GREECE

SPEECH OF

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. McNULTY. Mr. Speaker, in the 1820's, when the Greeks fought for their independence—after 400 years of domination by the Ottoman Empire—they were inspired by the American Revolution.

In an 1821 appeal to the American people, a Greek Commander—Petros Mavromichalis—declared:

Having formed the resolution to live or die for freedom, we are drawn toward you by a just sympathy since it is in your land that liberty has fixed her abode, and by you that she is prized as by our fathers. Hence, honoring her name, we invoke yours at the same time, trusting that in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you . . . it is for you, citizens of America, to crown this glory.

Greek intellectuals translated our Declaration of Independence and adopted it as their own. And many Americans sailed to Greece to join in the Greek fight for independence.

However, in reality, it is we, the American people, who are indebted to Greece for their great contributions to American democracy.

Thomas Jefferson acknowledged this when he stated:

To the ancient Greeks . . . we are all indebted for the light which led ourselves [American colonists] out of gothic darkness.

American democracy was born in Greece. Two thousand years ago, Pericles declared:

Our Constitution is called a democracy because power is in the hands not of a minority but of the whole people. When it is a question of settling private disputes, everyone is equal before the law . . . And when it is a question of putting one person before another in positions of public responsibility, what counts is not a membership of a particular class, but the actual ability an individual possesses.

It was to preserve our mutual way of life that Greece stood shoulder to shoulder with the United States in every major international conflict in the 20th century.

We owe so much to Helenic civilization, to the people of Greece and to the Greek American community for their contributions to virtually all aspects of American life.

In a broad sense, as the English poet Percy Bysshe Shelley put it:

We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece.

To the people of Greece and to the Greek American Community, I extend heartiest congratulations on the national birthday of this great nation.

PUTTING AMTRAK BACK ON TRACK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. WOLF. Mr. Speaker, in 1971, the National Railroad Passenger Corporation—Amtrak—began operations, taking over intercity passenger rail service from freight railroads. The freight railroads were eager to get out of the passenger rail service which had been unprofitable for many years. So eager in fact, that these freight railroads even donated equipment and provided financial assistance to help launch Amtrak. The Federal Government agreed to assist Amtrak in starting intercity passenger rail service and provide financial help.

Amtrak currently provides almost 20 million intercity rail passenger trips per year in 45 States. While this sounds like an impressive number, these trips constitute less than 1 percent of all intercity travel in the United States. Automobiles account for the bulk of intercity travel, about 80 percent. Another 17 percent of travel between cities is on commercial or private aircraft. Even intercity buses provide more service—and have quadruple the ridership—than Amtrak.

How much assistance has the Federal Government provided to Amtrak for its 1 percent market share? Since 1971 and through fiscal year 1997, the Federal Government has provided over $19 billion for Amtrak operating and capital expenses. That's $19 billion to help this fledgling corporation take over intercity passenger rail service from the freight railroads and provide less than 1 percent of all intercity travel. What have we gotten for our money? Far too little, I'm afraid.

Despite this massive infusion of Federal dollars, Amtrak route miles have increased a mere 1,000 miles since 1971. Moreover, Amtrak has had an operating loss each and every year since it began in 1971, before paying to buy or maintain equipment. None, not a single one, of Amtrak's routes are profitable when equipment costs are included. And the outlook for the future is equally bleak.

The fiscal year 1996 budget resolution approved by Congress assumes a phaseout of Amtrak operating assistance by the year 2002. However, Amtrak is ill-prepared to operate without Federal assistance. In fact, according to the General Accounting Office, Amtrak needs increased operating assistance—above current levels—rather than decreased funding. In addition, $4 billion is needed to replace worn out equipment. On top of the needed operating assistance, on top of the needed equipment assistance, Federal dollars will be needed to repair deteriorating track and signal equipment along the Northeast corridor.

As I mentioned previously, none of Amtrak's routes are profitable, when equipment costs are included. Amtrak's Northeast corridor—the 450 mile route between Boston and Washington, DC—which accounts for about half of the 20 million intercity trips, covers only about 65 percent of its operating and equipment costs. Other routes cover much less, on average, just about 50 percent of the operating and equipment costs.

In 1994, the GAO set off alarm bells about Amtrak's future. In its testimony to Congress, GAO warned that Amtrak's financial condition had deteriorated so significantly, that its projected future costs made recovery difficult. Since then, GAO has continued to warn of Amtrak's precarious financial position. Despite these dire predictions, over the past 2 years,

Congress and the administration have indicated that if Amtrak is going to survive, it cannot be dependent upon Federal operating subsidies beyond the turn of the century.

How can we reconcile Amtrak's enormous Federal assistance needs with the congressional mandate to eliminate its operating subsidies? How do we respond to the growing demands for capital assistance in the face of budgetary constraints.

Quite honestly, I don't know. Amtrak remains heavily dependent on Federal support for both its operating and capital needs. Amtrak developed a strategic business plan in 1995 designed to increase revenues, control costs, and eliminate its need for Federal operating subsidies by the year 2002. This plan has been revised several times, each time to reflect updated realities of its inability to raise additional revenues and/or control costs. According to GAO, in fiscal year 1996, Amtrak's net loss was $764 million, and the gap between its operating deficit and Federal operating support was $82 million. Clearly, Amtrak is ill-prepared to operate without massive help.

There is another important point to make. Amtrak has borrowed heavily since 1993. From fiscal year 1993 to fiscal year 1996, Amtrak's debt and capital lease obligations rose from $527 million to $987 million—nearly doubling in a 3 year period. Not only that, this debt does not include an additional $1 billion Amtrak expects to incur beginning in 1999 to finance high-speed train sets and maintenance facilities for the Northeast corridor and the acquisition of new locomotives.

How has Amtrak been paying off its enormous debt obligations? By using Federal operating support. Over the last 4 years, GAO estimates that Amtrak's interest expenses have tripled—from a fiscal year 1993 level of $20.6 million to fiscal year 1996 level of $60.2 million. In fiscal year 1993, 6 percent of Amtrak's operating assistance was used to make interest payments on its debts but by fiscal year 1996, that percentage rose to an astounding 21 percent. Slightly less than a quarter of all of Amtrak's operating assistance is now going to pay for interest on its debt rather than covering costs associated with day-to-day running of the railroad. As interest payments on its debt consume an ever increasing portion of operating assistance, Amtrak has less and less subsidy agreement for current operating expenses.

What needs to be done to increase Amtrak's profitability? Amtrak will tell you that it has been trying very hard to survive in a competitive marketplace. Yet as a result of declining passenger revenues coupled with price competition from airlines and intercity buses, Amtrak passenger revenues have declined 14 percent in real terms since 1990, further exacerbating a bad financial situation.

Over the past 2 years, Amtrak has been able to restructure the company and route system, thereby making some productivity improvements and reducing annual costs by approximately $400 million. However, restructuring has not always worked as Amtrak planned.

For example, in August 1996, Amtrak announced that it planned to eliminate five routes by November 10, 1996. Many States affected by these route terminations approached Congress, asking that we continue the routes until the State legislatures had an opportunity to meet and discuss whether they could fund these routes from alternative sources. Congress agreed and provided $22.5 million to continue these routes for an additional 6 months.

However, because Amtrak did not correctly calculate the cost to run these routes, the railroad is predicting that it will lose $13.5 million on these routes, even after the Federal subsidy. As a result, Amtrak may need to cut additional routes in order to make up for these losses. And while Congress provided money to give the affected States time to develop alternate funding to continue these routes, I understand that none of the States has taken action to continue these routes. Since I became chairman of the Transportation Appropriations Subcommittee 2 years ago, Amtrak has cut routes four times. It appears that this trend may continue.

Furthermore, for Amtrak to become a competitive railroad, it must complete upgrading and installation of high speed rail service along the Northeast corridor. After a 2-year delay on this program, Amtrak awarded a high speed rail contract and a new electrification contract in 1996. Once the corridor begins providing high speed rail service from Washington, DC to Boston, Amtrak estimates that it will receive an additional $150 million in revenue per year. However, to electrify the corridor and modernize its fleet, Amtrak plans to invest $5.5 billion by the year 2001—$3.2 billion of which is expected to come from Federal capital grants.

I believe this expectation is far-fetched. In a time of declining Federal resources, it is simply unrealistic to assume that the Federal Government will be able to provide $751 million per year in capital grants to Amtrak, when the most recent annual appropriations have been under $400 million—$345 million in fiscal year 1996 and $398.45 million in fiscal year 1997.

What else can Amtrak do to improve its financial picture? Can it reduce its operating expenses by renegotiating labor agreements? Not so far. Amtrak recently renegotiated these agreements, but rather than getting some concessions from labor that would enable it to improve its financial position, Amtrak's labor costs are on the rise.

Amtrak has repeatedly asked Congress to provide it with statutory relief from the most onerous labor provisions which could hold some of its labor costs in check. However, Congress has refused to provide this relief. What is the relief Amtrak seeks? Relief from current law which requires Amtrak to pay unemployment for up to 6 years to any employee whose route has been terminated or reduced to less than three times per week. Of course, other rail providers have similar requirements and they also have sought relief without success. Would it be fair to allow Amtrak to reduce the employment benefits it provides its workers while other transit companies can not? This is an issue Congress must address.

Amtrak—and others—believe that to be free of Federal operating subsidies by the year 2002, it will need a dedicated source of capital funding. Amtrak has proposed receiving a half cent from the Federal gas tax, which would provide Amtrak up to $750 million per year.

If these funds are drawn down from the current gasoline tax, not from the Federal portion allocated to deficit reduction, it will have a significant impact on whether the Federal Government can meet its current full funding grant agreements and other transit commitments, as well as its commitments for highway projects.

Beyond this, if Amtrak receives this half cent, will Congress reduce the Federal subsidy provided to Amtrak, even after the railroad ceases collecting operating assistance? In fiscal year 1996, Congress appropriated $635 million for Amtrak grants and Northeast corridor development. This amount is less than what would be provided to the railroad by the gas tax. In fiscal year 1997, Congress appropriated $763 million, not including a one-time charge for a maintenance facility. This amount is roughly equal to what Amtrak would collect under the half cent proposal.

What does all this mean? It appears that the half cent proposal is really a proposal addressing where Amtrak's money comes from rather than a proposal to wean Amtrak off Federal subsidies.

So, what do we do? Our approach to Amtrak is somewhat like applying a band-aid when surgery is required. The band-aid may provide a temporary fix, but the fix—no matter how many band-aids are used—never addresses the underlying problem. Amtrak needs more than an annual financial band-aid. It is crying out for critical attention.

Where do we go?

Are we committed to Amtrak?

If so, we must address Amtrak's needs in a comprehensive way in an effort to secure its financial footing and future viability. Amtrak is in a fragile state and cannot be expected to survive a piecemeal approach to addressing its problems and needs.

But Congress and the American taxpayers can no longer be asked to throw good money after bad. Instead, if we are committed to Amtrak, we must be prepared to do what is necessary.

I want Amtrak to survive. I believe America needs a national railroad passenger system as a vital part of a balanced transportation network for our nation. But we cannot continue the status quo with Amtrak. We must work to put Amtrak on sound financial footing and make it a viable mass transportation alternative for years to come.

In the 104th Congress I introduced legislation to revitalize Amtrak and today, along with my colleagues, Mr. PACKARD and Mr. DELAY, I am reintroducing the "Amtrak Route Closure and Realignment Act of 1997, a measure which I believe can work to help save intercity passenger rail service in our Nation.

Despite its efforts, restructuring has not always worked as Amtrak planned. Some of Amtrak's unprofitable routes have been mandated by Congress and this has stymied its efforts to operate in a business-like manner. I believe it is imperative that we enable Amtrak to better operate in accordance with business principles. Let's get out of the way and allow Amtrak to operate like a business—a profitable one at that.

My legislation would de-politicize Amtrak decision-making processes by removing from the political realm, painful route closure and realignment decisions, and placing them instead

in the hands of an independent commission modeled after BRAC, the Base Realignment and Closure Commission.

This Amtrak Commission—called TRAC or Total Realignment of Amtrak Commission—would conduct an independent, economic analysis of the entire Amtrak system and then make recommendations on route closings and realignments urgently needed for the survival of a passenger rail system in the United States. TRAC would hold public hearings around the country to ensure that the public and other stakeholders were given the opportunity to be heard and in this way make the realignment process as fair as possible.

In addition to economic data, TRAC would also review nonmonetary data such as the contributions made by certain routes toward alleviation of airport congestion, pollution abatement, and energy conservation. TRAC would also examine alternative modes of transportation in rural areas, as well as look at uses communities could make of abandoned rail lines.

Under my proposal, no segment of the Amtrak system would be exempt from review. All routes would be carefully scrutinized. TRAC would also examine ridership forecasts and other assumptions underlying the Northeast corridor, especially in light of on-going electrification efforts. This electrification project currently has a price tag of about $3.2 billion, with nearly $1.2 billion already appropriated.

There is, however, an important factor which I mentioned earlier that I must reiterate which affects Amtrak's costs and efforts to achieve profitable operations. The Rail Labor Protection Act mandates payment of 6 years of full benefits to any rail worker who loses his or her job due to a route closure. As a result, many of the most unprofitable routes would actually cost even more to close than to keep going, albeit limping along at a loss. In fact, under the "30-mile" rule—also part of current law—an Amtrak employee is entitled to demand the full 6 year severance package if he or she is merely relocated 30 miles or more. No union workers in the private sector are afforded such generous severance compensation, and these astronomical costs are one of the reasons that every trip on Amtrak costs American taxpayers $25.

After conducting a thorough, system-wide economic review, TRAC would make its recommendations to Congress. These recommendations would then be considered by Congress under an expedited procedure—an accelerated time frame for consideration, with no amendments permitted, and an up-or-down vote.

TRAC would be comprised of 11 members. The President would appoint three members including the Secretary of the Department of Transportation, one representative of a rail labor union and one member of rail management. The majority leadership in the House and Senate would each appoint four members, in consultation with the minority leadership in both bodies. Members serving on this commission would offer expertise in rail finance, economic analysis, legal issues, and other relevant areas.

Saving passenger rail service requires objective analysis and urgent remedies. If Amtrak is to survive, and I want to emphasize my support for its survival, we must get out of the way and allow it to be run in a manner consistent with sound business practices. We must allow objective, business principles to govern Amtrak operations rather than outside considerations or constraints. Finally, we must be able to justify to taxpayers, whatever decisions we make regarding Amtrak and this is best accomplished based on sound assessments and recommendations.

I believe the TRAC legislation can help move Amtrak into the next century as a viable part of the Nation's transportation system and I urge my colleagues to support this legislation.

THE MEDICARE MEDICATION EVALUATION AND DISPENSING ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. STARK. Mr. Speaker, today, I am reintroducing a bill that could dramatically improve the quality of medical care received by our Nation's elderly. This legislation calls for implementation of an online prescription drug information management program for Medicare beneficiaries. This system, referred to as the Medicare Medication Evaluation and Dispensing System [MMEDS], would provide beneficiaries and their health care providers with tools and information that are necessary to reduce instances of adverse drug interactions, over-medication, prescription drug fraud, and other problems that plague the elderly related to prescription drug use.

BACKGROUND

The inappropriate use of prescription drugs is a health problem that is particularly acute for the elderly. The elderly not only use more prescription drugs than any other age group, but are more likely to be taking several drugs at once—thereby increasing the probability of adverse drug reactions.

In July 1995, the General Accounting Office reported that 17.5 percent of almost 30 million noninstitutionalized Medicare recipients 65 or older used at least one drug identified as generally unsuitable for elderly patients. In a study published by the Journal of the American Medical Association [JAMA], researchers concluded that nearly one in four noninstitutionalized elderly patients take prescription drugs that experts regard as generally unsuitable for their age group. Accounting for other scenarios, such as incorrect dosage levels, the number of Medicare patients affected by the inappropriate use of prescription drugs would far exceed 25 percent.

Several studies featured in the January 1997, issue of JAMA demonstrate the consequences of adverse drug reactions and errors in medication prescribing. One study found that adverse drug events [ADE's] lead to longer lengths of hospital stay, increased costs of hospitalization, and an almost twofold increase in the risk of death.

Inappropriate use of prescription drugs has been proven expensive as well as dangerous to the health of the elderly. The Food and Drug Administration estimates that 6.4 percent of all hospital admissions are caused by inappropriate drug therapy—imposing costs of $20 billion; others estimate costs to be as high as $77 billion. JAMA also recently reported that drug-related morbidity and mortality have been estimated to cost more than $136 billion per year in the United States. Researchers found that a major component of these costs was ADE's which may account for up to 140,000 deaths annually. The study analyzed one hospital in Salt Lake City and found that a total of 567 ADE's caused direct hospital costs of over $1 million in 1992 alone.

Moreover, another JAMA study concluded that the costs of ADE's are underestimated since they exclude malpractice as well as injuries to patients. The researchers concluded that the high cost of ADE's economically justify investment in preventive efforts. Therefore, the researchers recommended a solution similar to MMEDS—reduction of system complexity, improved education, expanded use of the expertise of pharmacists, and computerization and standardization of the drug prescribing process.

MEDICAID MEDICATION EVALUATION SYSTEM

The concept of using computer-based systems to improve patient care and identify potential problems is not new. Advanced online computer technology that permits prescriptions to be screened before they are filled is available. Thirty States currently operate automated drug utilization review information systems for their Medicaid populations.

In response to widespread knowledge of the high costs of adverse medical reactions, Congress required States to establish prospective prescription review for the Medicaid program. This MMEDS-like system reviews prescriptions before they are dispensed. In June 1996, the General Accounting Office studied five States using an automated prospective drug utilization review [PRODUR] system. Medicaid's online system screens the prescription against the patient's known medical and prescription history and sends the pharmacy a message stating whether any potential drug-therapy problems exist. Over a 12-month period, the automated systems for five States alerted pharmacists to over 6.3 million prescriptions that had a potential to cause ADE's—including drug-drug interaction, preventing overutilization, and pregnancy conflict; over 650,000 (10 percent) of these prescriptions were subsequently canceled.

COST EFFECTIVENESS

The 1996 GAO study found that automated prospective drug utilization review, like that called for in MMEDS, is cost-effective to implement and to operate. The GAO concluded that in addition to increasing patient safety, PRODUR's reduced Medicaid program costs by over $30 million over the course of 1 year. Savings were from rejecting early refills (preventing overutilization), cancellation of potentially wasteful prescriptions, and denials due to ineligibility; yet, a majority of savings were a result of using low-cost technology to avoid hospitalization due to drug reactions. Overall, the GAO found that program savings can more than offset the costs of relatively inexpensive online systems.

Moreover, in 1995, in the State of Tennessee, the GAO observed a reduction of over $4 million in Medicaid drug costs in just a 6-month period, representing 3.9 percent of the total cost of claims processed. In Maryland, over 7,000 prescription doses considered excessive for elderly Medicaid patients were modified, resulting in $385,252 in savings in just 10 months, and a total of $6.7 million in claims were reversed as a result of their online system, accounting for 7.1 percent of the cost of Medicaid claims processed overall.

The GAO recommends implementation of an automated drug utilization review system on a nationwide basis. There is no doubt that if Congress acts to approve this bill, the taxpayer's investment will be saved and Medicare beneficiaries will be healthier as a result.

PRESCRIPTION DRUG FRAUD

The August 18, 1996, edition of the Los Angeles Times featured an article on the massive amount of prescription drug fraud in the United States and the deaths and illnesses that are the result. The abuse of prescription drugs is believed to rival the estimated use of cocaine and crack. Hundreds of millions of prescription pills reportedly enter our Nation's illicit drug market each year. The abuse involves physicians who illegally prescribe drugs, patients who illegally obtain prescriptions, and a double standard of leniency toward doctors and the wealthy who may overuse prescription drugs.

Medicaid's PRODUR system can alert for early refills and therapeutic duplication—providing tools needed to detect potential fraud and to prevent abuse before it occurs. When the GAO analyzed data from five States over the course of a 15-month period, over 2,200 Medicaid recipients were each found to have obtained a 20-months' supply or greater of controlled substances in the same therapeutic drug class. By employing a drug management monitoring program, the MMEDS program would help end prescription drug market abuse, save lives, and avoid billions of dollars in medical injuries and expense.

GOALS

The goal of this legislation is to provide a comprehensive outpatient prescription drug information system available to all Medicare beneficiaries which educates physicians, patients, and pharmacists concerning: instances or patterns of unnecessary or inappropriate prescribing and dispensing practices; instances or patterns of substandard care with respect to such drugs; potential adverse reactions and interactions; and appropriate use of generic products.

MMEDS PROGRAM

The Medicare Medication Evaluation and Dispensing System will build on the existing Medicaid infrastructure. MMEDS will give all Medicare beneficiaries and their health care providers the medication management tools needed to identify the direct threats posed by inappropriate medication. In the process, hospital and other medical costs otherwise absorbed by Medicare as a result of these adverse reactions will be reduced.

The program would provide online, real-time prospective review of drug therapy before each prescription is filled or delivered to an individual receiving benefits under Medicare, as well as retrospective review. The review by a pharmacist would include screening for potential drug therapy problems due to therapeutic duplication, drug-drug interactions, and incorrect drug dosage or duration of drug treatment.

ASSURING APPROPRIATE PRESCRIBING AND DISPENSING PRACTICES

While the MMEDS system will be operated under contract with private entities, the Secretary of DHHS would be responsible for overseeing the development of the program to assure appropriate prescribing and dispensing practices for Medicare beneficiaries. The program would provide for prospective review of prescriptions, retrospective review of filled prescriptions, and standards for counseling individuals receiving prescription drugs. The program would include any elements of the State drug use review programs required under section 1927 of the Social Security Act that the Secretary determines to be appropriate.

As part of the prospective drug use review, any participating pharmacy that dispenses a prescription drug to a Medicare beneficiary would be required to offer to discuss with each individual receiving benefits, or the caregiver of such individual—in person, whenever practical, or through access to a toll-free telephone service—information regarding the appropriate use of a drug, potential interactions between the drug and other drugs dispensed to the individual, and other matters established by the Secretary.

The Secretary would be required to study the feasibility and desirability of requiring patient diagnosis codes on prescriptions, and the feasibility of expanding prospective drug utilization review to include the identification of drug-disease contraindications, interactions with over-the-counter drugs, identification of drugs subject to misuse or inappropriate use, and drug-allergy interactions.

The Secretary, directly or through subcontract, would provide for an educational outreach program to educate physicians and pharmacists on common drug therapy problems. The Secretary would provide written, oral or face-to-face communication which furnishes information and suggested changes in prescribing and dispensing practices.

In addition, the Secretary is instructed to, directly or through contract, disseminate a consumer guide to assist beneficiaries in reducing their expenditures for outpatient drugs and to assist providers in determining the cost-effectiveness of such drugs.

PHARMACY PARTICIPATION

Participation by pharmacies would be on a voluntary basis. Participants would be required to meet standards including, but no limited to, maintenance of patient records, information submission at point-of-sale, patient counseling, and performance of required drug utilization review activities. Participating pharmacies would be required to obtain supplier numbers from the Secretary. Supplier numbers would only be provided to pharmacies that meet requirements specified by the Secretary. Beneficiaries would be notified of which pharmacies are designated Medicare participating pharmacies.

PAYMENT OF SERVICES

Within a 2-year period after the initial operations of the MMEDS system, the Secretary would be required to submit to Congress an analysis of the effect of MMEDS on expenditures under the Medicare Program and recommend, in consultation with actively practicing pharmacists, a payment methodology for professional services provided to Medicare beneficiaries. The payment methodology would be designed in a manner that generates no net additional costs to the Medicare Program, after accounting for the savings to Medicare as a result of demonstrable reductions in the appropriate use of outpatient prescription services. The Secretary would submit a report to Congress regarding such recommendations as the Secretary determines appropriate.

PRIVACY OF PRESCRIPTION INFORMATION

Standards would be established to maintain the privacy of protected health information. Protected health information means any information collected in any form under this provision that identifies an individual and is related to the physical or mental health of the individual, or is related to payment for the provision of health care to the individual.

CONCLUSION

As the number of elderly in our society increases, the number and proportion of drugs used by these older Americans will also grow. It is true that drugs, when used appropriately, can reduce or eliminate the need for surgical and hospital care, prevent premature deaths, and improve quality of life. Unfortunately, a good deal of drug use among older persons is inappropriate, and often results in hospitalization. While some drug-related hospital admissions are unavoidable, many can be attributed to errors in prescribing. Utilizing an online prescription drug management program to reduce the cases of adverse drug reactions is clearly cost effective. Although the primary goal of MMEDS is safety, dollar savings are also a result. Most importantly, by implementing the Medicare Medication Evaluation and Dispensing System Act, we stand to greatly improve the quality of medical care received by our Nation's elderly.

THE AMERICAN HEALTH SECURITY ACT OF 1997

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. McDERMOTT. Mr. Speaker, I rise today to once again introduce the American Health Security Act. The single payer plan I propose is the only plan before Congress that will guarantee health care universality, affordability, security and choice.

While this Congress lacks the political will to enact comprehensive health reform, the underlying needs for reform remain prevalent: health care costs are more unaffordable to more people and the number of people without health insurance continuous to rise. These problems are compounded by increasing loss of health care choice and autonomy for those people who have insurance leading to disruptions in care and in relationships with providers.

The American Health Security Act I am introducing today embodies the characteristics of a truly American bill. It will give to all Americans the peace of mind—the security—to which all citizens should be entitled. It creates a system of health care delivered by physicians chosen by the patient. No one will have to leave their existing relationships with their doctors or hospitals or other providers. It is federally financed but administered at the state level, so the system is highly decentralized. And it provides new mechanisms to improve the quality of care every American receives.

The American Health Security Act (the bill) provides universal health insurance coverage for all Americans as of January 1, 1999. It severs the link between employment and insurance. The Federal Government defines the standard benefit package, collects the premium, and distributes the premium funds to the states. The States, through negotiating panels comprised of representatives from business, labor, consumers and the state government, negotiate fees with the providers and

the government controls the rate of price increases. The result is health care coverage that never changes when your personal situation does, never requires you to change the way you seek health care, and never causes disruptions in your relationships with your providers.

The bill provides the coverage under a mechanism of global budgets to achieve controllable and measurable cost containment that will yield scorable savings over the next five years. Unlike other single-payer proposals of the past, it provides for almost exclusive State administration provided the States meet federal budget, benefit package, guarantee of free choice of provider, and quality assurance standards. This bill explicitly preserves free choice of provider by providing a mechanism for fee-for-service delivery to compete effectively with HMO's. It will not force Americans into HMO models.

The insurance mechanism of the American Health Security Act is easy to use and understand. Quite simply, a patient visits the doctor or other provider. The provider then bills the State for the services provided under the standard benefit package and the State pays the bill on the patient's behalf, just as insurance companies pay medical bills on the patient's behalf now. The difference is that complicated and expensive formulas for patient copayments, coinsurance, and deductibles in addition to premium costs are eliminated.

The standard benefit package is in fact extremely generous. It covers all inpatient and outpatient medical services without limits on duration or intensity except as delineated by outcomes research and practice guidelines based on quality standards. It provides for coverage of comprehensive long-term care, dental services, mental health services and prescription drugs. Cosmetic procedures and other "frill" benefits such as private rooms and comfort items are not covered.

The extent of State discretion is substantial. The Federal budget is divided into quality assurance, administrative, operating, and medical education components. The system is financed 86% by the Federal Government and 14% by the States. That Federal pie is then apportioned among the States. For example, States with large elderly populations can be expected to require a larger volume of higher intensity services and will receive a larger Federal contribution. However, the States are free to determine how that money is allocated among types of providers and to negotiate those allocations according to the State's individual needs, provided Federal standards are met. The ability of HMO's to operate and compete on a capitated basis is preserved.

The States must demonstrate the efficacy of their methodologies or Federal models will be imposed. However, States are not required to seek waivers in advance. While the Federal Government will not make separate allocations to states for capital and operating budgets, the states are free to allocate capital separately to assure adequate distribution of resources throughout the State and to develop their own mechanisms for doing so.

The financing package reflects the CBO scoring of this bill's predecessor, H.R. 1200, in the 103d Congress. The numbers were provided by the Joint Committee on Taxation [JCT] on the basis of the CBO scoring. Accordingly, the Bill is fully financed. In fact, JCT estimates that the American Health Security Act will lead to deficit reduction approximating $100 billion per year by the year 2004.

Everyone will contribute to the health insurance system, except the very poor. Employers will pay 8.7 percent of payroll and individuals will pay 2.2 percent of their taxable income. A tobacco tax equal to $0.45 per cigarette pack is also imposed. These payroll deductions are lower than current insurance costs for most businesses and individuals, even while providing universal coverage and a more generous benefit package than exists in the private market today. The key is that the money necessary to provide coverage to people who cannot afford it comes from the administrative savings achieved through the elimination of the insurance company middle man. Americans are freed from the hassle of obtaining and keeping their insurance and have a federal guarantee that their health care costs will be paid for, regardless of who their employer is, where they move, or how their personal or family situation changes.

In addition to providing realistic and affordable financing, the Bill provides quality assurance mechanisms that enhance systemwide quality and truly protect the consumer. It attempts to end the interference between doctor and patient. It establishes a system of profiling practice patterns to identify outliers on a systematic basis. Pre-certification of procedures and hospitalization—getting permission from insurers before your doctor can treat you—is prohibited except for case management of catastrophic cases.

Practice guidelines and outcomes research are emphasized as the main quality and utilization control mechanisms which gives physicians latitude to deviate from cookbook medicine where required for individual cases without going through intermediaries. Only if practitioners consistently deviate are they subject to review to ascertain the basis for the pattern of practice. This system includes mechanisms for education and sanctions including case-by-case monitoring when the review indicates serious quality problems with a specific provider.

The need for a 1:1 ratio of primary care physicians to specialists is explicitly set forth. Federal funding to graduate medical education is tied to achieving this ratio. Funding to the National Health Service is also provided to achieve this goal.

Special grants are provided to meet the needs of underserved areas through enhanced funding to the community health centers, both rural and urban, to enable outreach and other social support mechanisms. In addition, states have discretion to make special payment arrangements to such facilities to improve local access to care. It is anticipated that the revenue streams established for the public health service, community health centers, and education of primary care providers will double the primary care capacity of rural and other underserved areas in this country.

In summary, the American Health Security Act will provide all the citizens with the health care they need at a price both they and their country can afford. It is clear that we cannot afford the price of doing nothing.

WILLIAM J. "BUD" FLANAGAN ADMIRAL, U.S. NAVY, RETIRED

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. PICKETT. Mr. Speaker, I rise today to recognize and applaud the career of Adm. William J. "Bud" Flanagan, Jr. Admiral Flanagan retired on February 1, 1997, after 29 years of service, having successfully served in several of the Navy's most demanding jobs and concluding that service as the Commander in Chief of the U.S. Atlantic Fleet. "Bud Flanagan", the private citizen, has moved on to new and exciting challenges. "Admiral Flanagan", Naval career officer, left a legacy of unique accomplishments and an impact on the Atlantic Fleet, Southeastern Virginia, and the Navy at large that invites our praise and deserves our applause.

I first came to know Admiral Flanagan in 1987, when he served as Navy's Deputy Chief of Legislative Affairs to the House of Representatives. He worked tirelessly to represent the U.S. Navy and facilitate the Department's liaison with the Congress. After successfully meeting his responsibilities as Commander of Destroyer Squadron Five, he returned to Washington and served from 1988 to 1991 as the Department of the Navy's Chief of Legislative Affairs. Following that tour, in 1992 Bud was assigned command of the U.S. Second Fleet. In 1994, he was nominated to the rank of Admiral and assigned Commander in Chief of the U.S. Atlantic Fleet.

I have had the pleasure of working with and knowing some of this nation's finest military officers in all branches of the armed forces, and I include Bud Flanagan in that honored company. He is a noted operational strategist, an "operator's operator", who brought a distinctive combination of vision, strength and humanity to the various responsibilities he carried out, in and out of Washington. I worked with him on many issues impacting the second district of Virginia and the Tidewater region. Bud was unfailing in his genuine concern for the welfare of the communities where he commanded and the Navy he led and loved. Admiral Flanagan developed innovative solutions to community needs, most especially for the Tidewater region, as our community moved to address the changing demands of the next millennium. Admiral Flanagan's initiatives, all of which were innovative, ranged from working intermodal transportation issues; housing initiatives for sailors and marines that would facilitate home ownership, public/private ventures to facilitate local economic development and modernization of Naval Base Norfolk, and the application of business practices in the management of the fleet. Bud's innovative ideas saved taxpayers and the Department of the Navy millions of dollars. These were just the latest in a series of contributions that have been the hallmark of Admiral Flanagan's career.

Today I say congratulations to an outstanding career that made a real difference in the lives of many Americans. I extend my sincerest best wishes to the Admiral and his family in the next phase of their life's journey. I

know whatever Bud Flanagan decides to accomplish, he will be successful. Fortunately, despite retirement, the Admiral remains a true Virginian, maintaining a home in Eastville, VA. Fair winds, following seas and Happy Birthday.

MIDDLE EAST PEACE DEPENDS ON ECONOMIC DEVELOPMENT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. MORAN of Virginia. Mr. Speaker, I rise to express my support for more projects like the new Marriott Hotel to be built on the beachfront in Gaza. I offer the recent essay by my constituent, Mr. Ralph Nurnberger, from the Christian Science Monitor (3/6/97), as an excellent recognition of the need for more targeted economic aid to the West Bank and Gaza. As Mr. Nurnberger states, ". . . the real test of the peace process is how it affects the daily lives of Israelis and Palestinians. If substantive and visible improvements do not result, no international agreements can succeed." He is absolutely right. Only the development of a strong economic infrastructure will ensure that progress and peace will succeed.

[From the Christian Science Monitor, Mar. 6, 1997]

NOT A HEARTBREAK HOTEL

(By Ralph Nurnberger)

The day before he left for his official visit to the United States, Yasser Arafat presided over the groundbreaking ceremony for a Marriott Hotel to be built on the beachfront in Gaza.

This project says, symbolically, that the Middle East peace process might, finally, produce tangible benefits for the people in the area, especially through direct involvement of the private sector. The construction and later operation of this hotel will provide employment for hundreds of Palestinians. It will contain a modern commercial center to enable international visitors and Palestinians to conduct business as it is done elsewhere in the world. The project will include a self-contained telecommunications center for international calls, faxes, and e-mail as well as excess telephone capacity for the local market.

This project will be the first major American private sector involvement in Gaza. The total investment will be approximately six times more than all other American investments in Gaza—combined!

While diplomatic achievements are essential, the real test of the peace process is how it affects the daily lives of Israelis and Palestinians. If substantive and visible improvements do not result, no international agreements can succeed. For the majority of Israelis, the key element is security. Israelis must feel safe riding buses, shopping in malls, and sending their children to schools. If random acts of violence occur, they must be assured that the Palestinian Authority will work with Israeli officials to find and prosecute the terrorists.

PEACE DIVIDEND: LOWER INCOMES

Although more Israelis have been killed through terror attacks since the Sept. 13, 1993, signing than in any comparable period, it appears that the Palestinians finally understand their responsibility to work with Israelis to enhance security concerns. The test for most Palestinians is whether the peace accords will result in an improved quality of life. Developing a thriving economy that provides new employment opportunities will not only minimize hatreds and tensions, but will also bring about the promise of a new life.

Rather than growing to absorb these workers, the Palestinian economy has declined over the past two years. Thus, workers have fewer opportunities to find employment within Palestinian areas. The unemployment rate in Gaza, always high, is now estimated at approximately 50 percent, with the rate in the West Bank estimated at 30 percent. Unemployment is highest among young, single men—the most likely recruits for terror-oriented groups.

BIG AID PLEDGES, LITTLE FOLLOW-THROUGH

The US hosted an international meeting on Oct. 1, 1993, at which $2.4 billion in assistance to the West Bank and Gaza was pledged. Most of these funds have not been delivered or have been diverted from long-term projects to emergency programs and costs of running the Palestinian Authority.

The United States committed $500 million, of which $75 million annually for five years is managed by the Agency for International Development (AID). The other $125 million was to come from the Overseas Private Investment Corporation (OPIC) to assist American investors through a combination of loans, loan guarantees, and political risk insurance.

AID has assisted a number of worthwhile projects, including $12 million for construction of six housing units with 192 apartments in Gaza called Al Karam Towers. AID is also helping to improve uses of scarce water resources and assisting private sector economic growth through technical assistance, training, loans to local firms, and establishment of industrial parks. But AID funds have been diverted from long-term projects to help in establishing Palestinian self-rule. For example, AID committed $2 million to support local elections in the West Bank and Gaza, and to assist Palestinians in promoting more responsible and accountable governance.

AID has minimized help for the agricultural sector, the one area where Palestinians could immediately develop profitable exports, especially under a new Free Trade Agreement with the US. Allocating additional funds to farm exports would be cost efficient.

OPIC made a major effort to seek private sector projects to assist or insure. But most private investors have avoided Gaza, so OPIC funds committed to date have been modest.

Mr. Arafat would be wise to stress the solving of such economic problems as a prime way to reduce tensions, improve the quality of life, and enhance opportunities for peace. He should build on momentum from the hotel project and stress the need for private sector involvement in the Palestinian economy.

THE IMPORTANCE OF ORPHAN DRUG RESEARCH

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am pleased to introduce today, along with my distinguished senior colleague from the Ways and Means Committee, ROBERT MATSUI, the orphan drug tax credit of 1997, legislation to extend this credit permanently. Similar legislation was recently introduced in the Senate by Senators ORRIN HATCH and MAX BAUCUS.

In 1983, the Congress enacted legislation that granted a 50-percent tax credit to biomedical research companies for the clinical testing of drugs used to treat rare diseases with limited commercial potential, commonly referred to as orphan drugs. Because the process of research, development, and approval for new pharmaceuticals is so costly, the small market for a drug discourages drug companies from undertaking it. Often, drugs designated as orphan drugs are for conditions that affect as few as 1,000 persons in the United States. This means that without some incentive there is simply no possibility for a firm to profit from its decisions to develop drugs that treat these diseases.

This legislation, in conjunction with orphan drug market exclusivity, has been successful in encouraging the type of narrow research critical to finding answers to the many questions posed by rare diseases. Currently, there are approximately 600 drugs that have received orphan drug designation and more than 100 of those have been approved for marketing. Because of the orphan drug legislation, we now have drugs to treat such diseases as cystic fibrosis, hepatitis B, multiple sclerosis, renal cell carcinoma, and pituitary dwarfism.

The bill we are introducing today would make the orphan drug tax credit, which is set to expire May 31, 1997, permanent. Uncertainty over the future of the tax credit has caused a significant decline in the investment of capital in the biotechnology industry. The bill would also maintain a change made to the credit in last year's legislation to allow companies to carry the tax credit back or forward pursuant to section 39 of the Internal Revenue Code. Most of the companies engaged in research or orphan drugs do not qualify for the tax credit. Under current law, a company can only claim a credit against their current year tax liability. Since most companies involved in orphan drug research are biotechnology firms that are still developing and have yet to market a product, they have no tax liability against which to claim the tax credit. This structural change would allow a developing company, such as a biotechnology firm, to use the tax credit at such time that it had a tax liability.

I am pleased to note that this bill is endorsed by leading patient groups and national organizations including; the Biotechnology Industry Organization, the National Organization for Rare Disorders, Inc. [NORD], the National Multiple Sclerosis Society, and the Leukemia Society of America.

I urge my colleagues to support this important legislation and I look forward to its prompt approval by the Congress.

FRANCHISE BILL OF RIGHTS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. ACKERMAN. Mr. Speaker, I am calling to the attention of the Congress today legislation that I have introduced which would ensure that franchisees be guaranteed their fair and equitable rights for the franchises that they have developed through extraordinary work and sacrifice. Our main streets through out America are populated by a wide variety of franchises today. They are a significant component of businesses for working families and in middle-income communities. These businesses are also threatened due to the inequitable balance of power between the franchisee and franchisor.

Franchisors should not be allowed to simply pull the rug out from under franchisees who have been working diligently and successfully in promoting the parent company's product. Some value must be assigned to the years of hard work, expertise, and equipment that has been invested in the franchise business. Current law, both at the State and Federal level, does not sufficiently address this problem.

The current crisis facing the Canada Dry and Coors distributors in the New York metropolitan area is a very clear illustration of this problem and over 300 jobs could be lost for our region if the rights of franchisees are not protected. After building up distribution routes for Canada Dry and Coors over many years, and investing up to $250,000 per distribution route to buy the equity rights to their franchises, these distributors now face the termination of their livelihoods. The parent companies in New York have now taken the position that the distributors own nothing, despite their prior commitment to the distributors that they had equity ownership. The distributors deserve much of the credit for making these routes more profitable. This legislation would make it unlawful for franchise companies to sell franchises and distributorships, and then take back those franchises without fair compensation.

Franchises employ more than 8 million people nationwide, and account for more than 35 percent of U.S. retail sales. Current trends suggest this explosion will continue, providing a certain urgency to our cause to correct inequities and unfair trade practices sooner, rather than later.

Many issues deserve exploration such as proper disclosure by franchisors and parent companies. Our basic goal, however, should be to prevent unfair practices that do not properly recognize or compensate for the equity ownership rights that many franchisees and distributors have in their franchises, and ultimately devalue franchising as a successful way of conducting business.

TRIBUTE TO DR. O.C. SMITH

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. DIXON. Mr. Speaker, on Saturday, April 19, the men's club of the City of Angeles Church will sponsor a roast of church pastor, Dr. O.C. Smith. Dr. Smith, better known to many as the multiple Grammy nominee and singer of the million seller standard, "Little Green Apples," is the founder of the City of Angeles Church of Religious Science. In recognition of his numerous contributions to the church and to the Los Angeles community, and in appreciation of his lasting contributions to the music industry, I am pleased to have this opportunity to recognize Dr. Smith today.

Prior to embarking on his legendary musical career, O.C. attended and graduated from Southern University in Baton Rouge, LA, earning a degree in psychology. Following graduation, he entered the U.S. Air Force and Special Services, where as an entertainer he toured bases all over the world. Looking to break into the music business after his tour with the Air Force had ended, O.C. settled in New York City. During the winter months, he made the rounds in many of the small clubs in the city, giving nightly performances. In the summer months, he would travel to the renowned "Borsch Belt" hotels in the Catskills, where he entertained audiences with some of his most soulful hits.

O.C.'s big break occurred when he learned that the great Count Basie was looking for a replacement for the legendary Joe Williams. O.C. was selected and for the next 3 years, he toured with the "Count" developing a huge, loyal following throughout the United States. He left Basie's orchestra to pursue a solo career and struck gold with his memorable hits of "Little Green Apples," "Hickory Holler's Tramp," and "Daddy's Little Man." He sang the theme song from the motion pictures, "The Learning Tree," and "Shaft's Big Score." Other well known hits of his include "Help Me Make It Through the Night," "For the Good Times," "That's Life," "Don't Misunderstand," "Dreams Come True," and "What 'Cha Gonna Do."

Several years into his highly successful musical career, Dr. Smith opted to redirect his career focus to the ministry. He felt a great need to assist humanity and with his background in psychology, determined that the ministry would be the perfect place to impact the lives of his fellow brothers and sisters. After years of studying the ministry, he emerged to found the City of Angeles Church of Religious Science in 1985. Shortly thereafter, he founded the Children's Charities and Scholarship Foundation, thereby fulfilling a lifetime commitment to creating a viable organization dedicated to helping children. In the ensuing years, the church and its foundation have made innumerable contributions to the Los Angeles community.

Dr. O.C., as he is affectionately known by his congregation, continues to give concert performances and ministers to people throughout the world. Because of his commitment to humankind, he serves as a perfect role model for individuals—both young and old. I am proud to have this opportunity to commend him for his distinguished contributions to our society, and on behalf of the citizens of the 32d Congressional District, I salute him and wish him many more years of sweet, soulful music and fellowship as he continues to provide outstanding leadership as the spiritual head of the City of Angeles Church of Religious Science.

COMPREHENSIVE HIV PREVENTION ACT OF 1997

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mrs. MORELLA. Mr. Speaker, today I am introducing legislation, along with Congresswoman NANCY PELOSI and more than 100 of our colleagues, to provide a comprehensive approach to HIV prevention.

Our country faces 40,000 new HIV infections each year. The HIV epidemic is leaving no population untouched, and it is spreading particularly rapidly among our young people, women, and people of color. Women are the fastest growing group of people with HIV; AIDS is the third leading cause of death in women ages 25 to 44. Low-income women and women of color are being hit the hardest by this epidemic. African-American and Latina women represent 75 percent of all U.S. women diagnosed with AIDS.

Our bill authorizes funding for family planning providers, community health centers, substance abuse treatment programs, and other providers who already serve low-income women, to provide community-based HIV programs. These provisions were part of my women and AIDS prevention bill from the last Congress. Our bill also creates a new program to address concerns about HIV for rape victims.

The legislation also authorizes programs to build on the HIV Prevention Community Planning Process implemented by the Centers for Disease Control and Prevention in 1994. Similar provisions were included in previous legislation introduced by Congresswoman PELOSI, who worked to reform the CDC prevention programs and to develop the community planning process. This process has ensured that States and local health departments, in partnership with community planning groups, make the decisions on how best to target their prevention dollars. The epidemic varies from State to State, and from locality to locality. What works best to prevent HIV infections in San Francisco may not be what is most effective in Baltimore. This local approach is consistent with efforts to place decisionmaking in the hands of states and localities, rather than pursuing a one-size-fits-all solution.

In my work focusing on the needs of women in the HIV epidemic, the effectiveness of community-based prevention programs has been demonstrated time and time again. Providers with a history of service to women's communities understand that prevention efforts must acknowledge and respond to the issues of low self-esteem, economic dependency, fear of

domestic violence, and other factors which are barriers to empowering women.

Our bill is a comprehensive approach to HIV prevention. I urge my colleagues to join us as cosponsors of this important legislation.

HONORING JOSIE POITIER FOR 39 YEARS OF OUTSTANDING AND CONTINUED SERVICE TO THE COMMUNITIES WITHIN DADE COUNTY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mrs. MEEK of Florida. Mr. Speaker, it is my pleasure to recognize Josie Poitier, from Liberty City, who has contributed greatly to the communities of my district. For 39 years, Ms. Poitier has volunteered her time, effort, and hard work creating many programs that have helped unite the community. She is an outstanding individual who has generated respect, helped shape community pride, and manifested hope that was once lost.

The Miami Herald recognized Josie Poitier in an article titled "Building Bridges Between Communities," published January 20, 1997, which commemorated her honorable civic service. I would like to submit a portion of this inspiring article for the RECORD.

"Every morning," says Josie Poitier, "I go outside to pick up my paper and I look up at the sky and pray, 'Lord, let me help somebody today.'"

For the last 39 years, Poitier has found plenty of people to help—from senior citizens who had never been on an airplane until she took them to the Bahamas, to the people from a myriad of heritages she invites to her now famous Good Friday/Passover brunch to share in a spirit of community.

And that's only two of the projects of her page-long list that includes: coordinating a holiday turkey meal for the elderly at St. Mary's Towers, pulling together an anti-drug workshop for 18 inner city schools, making sure her neighborhood's lights are all working properly and promoting scholarships and a college education for black youth.

Ask her why she does it, why she runs so hard, and Poitier will tell you it's because the elderly are lonely and their children are too busy to visit, and because, in South Florida, there's a need to build "a bridge between people."

"This opened a lot of avenues," she says of the brunch that started at her Liberty City home 11 years ago and has grown to 200 people who gather at Holy Redeemer Catholic Church. "Everyone comes together as one, like a family."

Poitier, 52, a volunteer specialist with the Miami Police Department, plunged into activism when she was 12 and the Youth Club was formed in Overtown to keep kids busy and off the streets. She became a member and as a result, Poitier says, she developed "respect" and a commitment to help the police department improve relations with the community.

Throughout the years, Poitier has served on several city boards and today is president of her neighborhood Crime Watch. Beyond that, friends say, it's the small things Poitier does for other people that make a big difference, like remembering the loss of someone's loved one when she is leading a prayer

"It's my business to remember," Poitier simply says.

Her goodwill doesn't stop at home.

She helps her daughter Vandetta, who is working on a master's degree in business, and son-in-law Harold Scott care for their twins, Harold and Vaniecia. "My Josie," the children call her. Whenever she can, Poitier takes the children to her volunteer work.

"And they help," she said. "I make sure they know what I do. It enriches them."

Josie Poitier has demonstrated her commitment to strengthening and linking the communities in Dade County. Her enthusiasm and exceptional service to the community are special qualities. By any standard, she is a remarkable individual who is greatly appreciated by so many. Mr. Speaker, on behalf of our entire community, I offer Josie Poitier my deepest thanks for her outstanding service and our best wishes for her continued success.

TRIBUTE TO PENINSULA HIGH

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Ms. HARMAN. Mr. Speaker, I rise to pay tribute to the Palos Verdes Peninsula High School's Academic Decathlon team, which took fourth place statewide and first place in its division during last weekend's California Academic Decathlon held in Pomona, CA.

This nine-member team earned 44,540 points in events designed to test academic knowledge in areas ranging from economics to science. They came away with 29 gold, silver, and bronze medals for various events and overall performance. In addition, one of the team members, Chris Luhrs, scored the most points of any student in Peninsula's division.

I am proud to represent these intelligent and talented students, and I ask my colleagues to join me in congratulating them and their families for their achievements.

HONORING MARK NICHOLS

HON. DALE E. KILDEE

OF MICHIGAN

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. KILDEE. Mr. Speaker, it gives my colleague, Mr. TORRES, and me great pleasure to pay tribute to Mr. Mark Richard Nichols of the Cabazon Band of Mission Indians, who will be recognized on April 12, 1997, as man of the year by the East Valley Jewish Community Center of Palm Desert, CA.

Mr. Speaker, it is truly fitting that Mark Nichols is being honored for all of his work as a tireless advocate in his community. For almost two decades, Mark Nichols has worked for the Cabazon Band of Mission Indians, helping the tribe become self-sufficient and maintain a strong cultural heritage. Since 1989, Mark has served as the chief executive officer of the tribe, where he had earned a national reputation as an outspoken advocate on behalf of Native American sovereign rights.

It is the work of people like Mark Nichols that reminds us of the importance of being involved in one's community. Mark understands that an investment in education of a person, is an investment in the future of our country. In his service on the University of California chancellor's executive roundtable, Mark has worked to make sure education is accessible and affordable for every person that desires to learn. Mark has also dedicated himself to helping those who are the most vulnerable in our society. He is the president of the Desert Chapter of the American Diabetes Association, he volunteers at Martha's Kitchen/Food and Shelter for the homeless, and he serves as the telethon sponsor for the Arthritis Foundation.

What Mark Nichols has accomplished, and what this award represents, is the recognition of the difference one individual can make if they put their mind to it. It is the devotion, dedication, and spirit of Mark Nichols that makes him such a unique person. We are proud to call him our friend.

Mr. Speaker, we respectfully request that the Members of the U.S. House of Representatives join us in honoring the work and life of Mr. Mark Nichols. The community of Palm Desert, CA, is truly fortunate to have a person like Mark Nichols as a community leader. His commitment and dedication has improved the quality of life for so many people in our country.

LEGACY OF LEADERSHIP REMEMBERED

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a member of my community who passed away this week after a long bout with cancer. Judge Thomas M. Burns will leave a great void, not only to his family who mourns this loss, but to the City of Saginaw, the State of Michigan and our Nation.

Thomas Burns was a unique spirit in many respects. His dedication and deep commitment to public service distinguished his career. He graduated fro St. Stephen's High School in 1932, attended Bay City Junior College and graduated from the Detroit College of Law in 1939. From the beginning of his long career, he dedicated his life to the community.

Almost 60 years ago, Thomas Burns started his career as an assistant prosecuting attorney in Saginaw, MI. He served in that capacity from 1939 to 1952. His civilian service, as with so many of our citizens, was interrupted by World War II. From 1942 to 1946 he exchanged the front lines of prosecution for the battlelines of war.

As Captain in the Armored Infantry Battalion, 14th Armored Division under General Patton, he served his country admirably. Mr. Burns was recognized for his valor not once, but several times. He was awarded many honors including the Combat Infantryman Badge,

the Bronze Star, three Battle Stars and earned the Purple Heart for wounds sustained in battle. When the war was over, he put his legal background to work as a special prosecutor in the Nuremberg Trials.

Six years after his military service, Thomas Burns became interested in polities. He was elected to the Michigan State House of Representatives and served honorably from 1952 to 1956. Following his term, he was appointed to the Michigan Public Service Commission and eventually became its chairman in 1962.

In 1962, Mr. Burns found his final calling. This time when he ran for office it was for the Michigan Court of Appeals. Elected appellate judge in 1968, Judge Burns served honorably in that capacity for the next 18 years. In 1981, he was elected Judge of the Year by the Michigan Trial Lawyers Association. He was a member of the Society of Irish American Lawyers and the Michigan Supreme Court Historical Society.

Thomas M. Burns was predeceased by his son Thomas, who, as a lawyer and brewmaster, founded one of the first micro breweries in Michigan. Judge Burns is survived by his wife, Alice, and his daughters, Bridgett Spence and Mary Neer.

Mr. Speaker, from his distinguished background it is easy, even for those who never had the pleasure of knowing Judge Burns, to envision his leadership. His résumé pays only partial tribute to his distinction as a man and as a public servant. Judge Burns was not distinguished solely by the titles he held, but by the manner in which he fulfilled his responsibilities.

Drawing from his vast experience, Judge Burns served as a vanguard of civil rights. His opinion always focused on the welfare of his community. One lawyer in my community remembered that Judge Burns "was able to simplify things, so much so that most complicated issues could be explained in layman's terms." And he did so without ever failing to lose his sense of humor.

Mr. Speaker, my community, and our Nation, would benefit if there were more outstanding individuals like Thomas M. Burns. He is an outstanding role model and a shining example of positive community leadership in our complicated and often cynical world. In all of his various roles as prosecutor, legislator, judge and father, Judge Burns instilled in others a devotion to life and service that was deeply evident in his words and deeds.

Judge Thomas M. Burns enriched our lives, bettered our community and showed the rest of us, by example, what public service is all about. I urge my colleagues to join me in paying tribute to an outstanding individual who will be missed by his family and all those whose lives he has touched.

DR. MARGUERITE HUNG: A LIFETIME COMMITMENT TO A HEALTHY COMMUNITY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor the outstanding contributions of Dr. Marguerite Hung to the community of San Diego and to the acupuncture community of California and the Nation.

Dr. Hung was born in Taiwan, graduated from the Doctor Tsao Acupuncture Institute, and taught at the Taipei Acupuncture and Moxibustion Clinic until 1978. She then joined the staff of the Tri Service General Hospital in Taipei as an Acupuncture Practitioner—treating Army, Navy and Air Force personnel and their families. She was also a research member of the Research and Training Center for Acupuncture Science.

In 1979, Dr. Hung moved to California. As a private practitioner, she has been an active member of the acupuncture profession, giving generously of her time and experience. She has served as vice president of the American Association of Acupuncture and Oriental Medicine and was chosen by this group as Acupuncturist of the Year in 1994.

In 1992, she was appointed by the Governor of California to the Medical Board of California, Acupuncture Committee. She represented this board at the International Acupuncture Conference held in Italy and hosted by the World Health Organization.

Dr. Hung helped to found the Acupuncture Institute for Addiction-Free Life, a statewide, non-profit corporation organized to make a difference in our communities in the area of drug and alcohol abuse. She continues to serve as the president of this organization. She is a volunteer for the Holistic AIDS Response Program [HARP] in San Diego County. She also volunteers at the University of California, San Diego Medical Center.

She has traveled to Washington, DC to successfully persuade the Food and Drug Administration on behalf of acupuncture issues.

Her active role in the community and her lifetime contribution to Chinese medicine is being recognized at the 68th Annual Chinese Medicine Day celebration on Sunday, March 23, 1997. Chinese Medicine Day is historically a day of celebration of the unique place that traditional Chinese medicine has in the health care system and the benefits it bestows on the health and quality of life of our citizens.

It is truly fitting that the House of Representatives join in this recognition of Dr. Marguerite Hung. I appreciate this opportunity to call attention to the lifelong work of Dr. Hung toward making this world a better and healthier place.

CONGRATULATIONS TO PAT COLLINS FROM A SOUTH BAY FRIEND

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Ms. HARMAN. Mr. Speaker, I rise today to honor Pat Collins, a long-time activist, community leader, and champion of family planning in the 36th District. She is being recognized on Sunday, April 6, by the South Bay Friends of Planned Parenthood Los Angeles which she successfully cofounded in 1989.

Pat has worked tirelessly for the combination of education, advocacy, and clinical services that define Planned Parenthood Los Angeles' mission. South Bay Friends has complemented this mission by establishing a speakers bureau for high schools, attending health fairs, planning fundraising efforts, and monitoring public policy concerning reproductive issues.

Furthermore, Pat's enthusiasm and dedication were strong forces in expanding clinical services through the opening of the Planned Parenthood Los Angeles South Bay Center in 1993 which provided family planning services to 5,200 clients last year.

Applying her "big picture" approach, her work in 1995 became international in scope. While serving on the board of the Population Communication Committee, Pat attended a collaborative meeting at the United Nations preceding the Cairo Conference on World Population.

It is said that, "If you want something done, ask a busy person"—and that certainly applies to Pat Collins.

In addition to her exceptional work with South Bay Friends and issues of population control, Pat has raised three daughters with her husband Richard, served as PTA President, church school director, Girl Scout leader, and vice president of the South Bay Law Wives. She directed 100 teachers aides in the schools, developed a peer counseling program at Miraleste High School, earned two masters degrees, and had a private practice as a marriage, family, and child counselor for several years.

Mr. Speaker, I wish to join South Bay Friends of Planned Parenthood in honoring Pat Collins whose tireless contributions have enriched our community. She will be moving from Rancho Palos Verdes to northern California and our loss will be their gain.

CALIFORNIA FLOODS EMERGENCY REPAIR ACT OF 1997

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. FAZIO of California. Mr. Speaker, today I have introduced the California Floods Emergency Repair Act of 1997.

California experienced a major flood catastrophe during December and January which resulted in nine deaths and an estimated 2 billion dollars' worth of damages to homes, businesses, and property. Agricultural losses are estimated to exceed $150 million, and losses to our national forests exceed $100 million.

Eight national parks in California were damaged including $176 million in damage to one of the National Park System's crown jewels—Yosemite National Park.

More than 100,000 Californians were evacuated from their homes.

Fortunately, the President, at the urging of the California delegation, has submitted a dire emergency supplemental appropriation request to assist the many emergency agencies who have been working night and day both during the catastrophe and during the recovery period. We owe a great debt to the Federal Emergency Management Agency, the Corps of Engineers, the Bureau of Reclamation, and the Department of Agriculture among

many agencies who have provided skilled and timely assistance to many Californians.

During January, flood-fights were a common occurrence in California as the Corps of Engineers worked with State and local officials to repair breached levees, strengthen weak spots, and ensure that further lives and property would not be lost.

The Fish and Wildlife Service announced on January 23 that emergency natural disaster provisions of the Endangered Species Act of 1973 [ESA] are in effect for 42 California counties and will remain in effect throughout the 1997 flood season. Interior Secretary Babbitt has reiterated this pledge to suspend the ESA during this year's flood season.

The purpose of my bill is to give this decision the force of law and to make it crystal clear to those involved in maintenance and repair of our flood control system that Congress stands behind this pledge.

Emergency repair work should go forward without normal ESA consultation and without the specter of costly mitigation once the repairs are made and the Sun is shining.

The bill makes it clear that any work performed by FEMA, the Corps of Engineers, the Bureau of Reclamation, or the National Resources Conservation Service under their emergency authorities, are exempt from provisions of ESA.

My bill also goes one step further. The Corps of Engineers has been directed to do a complete assessment of the flood control system throughout California in order to identify short-term and long-term plans for strengthening the existing system. Such a study may point out the need for maintenance or repairs to damaged facilities that are necessary to bring the facilities to substantially the same condition that existed prior to the floods.

My bill would ensure that the exemption to ESA covers such necessary repairs as well, even if the repairs are pushed past this year's flood season.

Unfortunately, some have seen the catastrophe of the California floods as an opportunity to allow sweeping changes in the Endangered Species Act that would alter it dramatically. Although I believe that some refinements in the ESA may be in order based on our experience base in California and elsewhere, our catastrophe is not the time to consider a major policy overhaul. My bill is a simple exemption linked to the emergency, a concept already given credence by the actions of Interior Secretary Bruce Babbitt and the Fish and Wildlife Service.

I urge my colleagues on the Appropriations Committee and in the House to move the President's request forward with all deliberate speed. California is not the only State affected by winter disasters, and Americans in many parts of the country need this assistance immediately. It is my intention to offer this bill as an amendment to the dire emergency supplemental appropriations bill to put the authority of Congress behind these important considerations.

In short, California faces a significant challenge in assessing and repairing our flood control system, and in restoring the level of confidence of our citizens as the same time we restore our system. While lives and property remain at risk, our normal procedures under the Endangered Species Act must, temporarily, stand aside.

The California Floods Emergency Repair Act of 1997 will ensure that the lives and property of our people will continue to be paramount.

RECOGNIZING THE INTERCOMMUNITY CHILD GUIDANCE CENTER ON THE OCCASION OF ITS 40TH ANNIVERSARY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize the Intercommunity Child Guidance Center of Whittier, CA, which will celebrate its 40th anniversary on April 10, 1997. I ask my colleagues to join me in congratulating the staff and volunteers who have worked diligently to provide counseling and treatment to the children and families of greater Los Angeles County.

The Intercommunity Child Guidance Center is a nonprofit agency, founded in 1957 by members of the Whittier Coordinating Council to provide low-cost quality mental health services for children, adolescents, and families who could not afford care elsewhere. Any family in need of services, regardless of income, is eligible if they reside within the County of Los Angeles.

Services provided include individual, family, and group treatment to children and adolescents with serious emotional problems. In 1994, a crisis intervention program was implemented to address the needs of children and families who have experienced recent crises, which includes follow up care to help alleviate serious emotional trauma. Also offered are parenting classes, which are provided free to the community, in both Spanish and English. These classes have become an essential part of client treatment plans in many cases. Psychological testing is available, when necessary, to assist in the treatment of a client, and medications are prescribed when needed.

The Intercommunity Child Guidance Center is a model public-private partnership committed to serving the mental health care needs of area families. Funded in part by the Los Angeles County Department of Mental Health, the State Short-Doyle Program, and the United Way, the center also receives support from the communities it serves.

Mr. Speaker, I ask my colleagues to join me in recognizing the staff and volunteers at the Intercommunity Child Guidance Center as they gather to celebrate 40 years of providing mental health services to the greater Los Angeles County.

HONORING BOB BROWN

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. HINCHEY. Mr. Speaker, I wanted to take a moment tonight to recognize the accomplishments of Robert T. Brown who will soon be retiring after 23 years as president of the Ulster County Community College. Bob Brown embodies a rare combination of qualities: visionary and doer; philosopher and achiever.

As Ulster County Community College's leader, he has planned for and overseen important campus expansions during times of growth and developed innovative and bold programs and partnerships to respond to economic downturns. He is an educator who has never lost his commitment to putting students first.

Bob has been recognized locally, regionally, and nationally for his strong advocacy on behalf of 2-year colleges and the importance of their academic and community-based missions. He has been honored to receive the Northern Arizona University Distinguished Alumni Award, the Americanism Award from the Anti-Defamation League of B'nai B'rith, and the University of Texas at Austin's Outstanding Community College President Award, among many others.

Mr. Speaker, tomorrow night I will be with Bob Brown and his family and his many friends to celebrate his life and his achievements, and most of all to thank him for being there for me and for our community. He is someone who has truly made a difference.

IN HONOR OF A GREAT MAN OF THE BENCH: FRED BORCHARD

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a man of great distinction from Saginaw, MI—the Honorable Fred J. Borchard, who is celebrating 50 years in the judicial profession. Saginaw is extremely lucky to have a man like Fred Borchard serve on its bench. He has a great judicial mind, believes in the values of hard work and education, runs a disciplined and efficient courtroom, and tempers his decisions with compassion and common sense.

Fred Borchard grew up in Saginaw and put himself through the University of Michigan Law School by working at boiler and iron metal companies. Upon graduation, his law practice was put on hold almost immediately by World War II. Fred signed up with the U.S. Naval Reserve as an ensign, and then became a forward observer, where he went ashore in search of enemy gunfire and then signaled naval guns for fire power. He participated in landings at Leyte and Luzon, and then Okinawa where he was wounded by sniper fire. Fred received the Purple Heart Medal for his courage and commitment to this country.

Upon returning to Saginaw 3 years later, Fred won the seat of municipal judge, which he held for 7 years until he ran and won the position of probate judge. In 1958, 4 years later, then Governor G. Mennen Williams appointed Fred to the Saginaw circuit bench, making Fred one of few to serve in all three judicial posts.

Fred's long and auspicious career ended on January 1, 1989 at which time he was the oldest judge in the State of Michigan, a distinction he still holds since he continues serving

on assignment. Fred also has the honor of being considered the Lou Gehrig of the bench, as he has the longest term of service.

In addition to his professional involvement with the Saginaw County and Michigan Bar Associations, and the Michigan Judges Association, where he served as president, Fred makes it a priority to be involved in civil organizations. He served as president of the University of Michigan Club, and belonged to the Kiwanis Club of Saginaw and the Arthur Hill Letterman's Club. He has served on the board of directors of St. Luke's Hospital and on the board of directors for the Saginaw County Chamber of Commerce and the Alcohol Information Center. He also involves himself with Big Brothers of America, the Lutheran Children's Friend Society, and numerous veterans organizations.

Fred Borchard is a credit to the legal profession and to the community. I am extremely proud to know him and to say that we have both represented the people in Saginaw.

A SPECIAL SALUTE TO JOSEPH S. KREINBERG

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. STOKES. Mr. Speaker, I am honored to salute today a very distinguished individual who resides in my congressional district. On April 22, 1997, Mr. Joseph S. Kreinberg will be celebrating his 95th birthday. Mr. Kreinberg has devoted much of his life to improving the quality of life for citizens in Cuyahoga County. Today, I rise to pay tribute to this outstanding American. I also want to share with my colleagues and the Nation some of the many achievements made by this remarkable citizen.

Joseph S. Kreinberg obtained his undergraduate and law degrees from the Ohio State University. He began the practice of law in Cleveland in the late 1920's with his brother, Herman. After World War II, Joseph began practicing law with A.E. Bernstein, whom, according to Joe, had a major impact on his legal career and served as Joe's professional mentor.

Mr. Kreinberg's distinguished career has enabled him to interact with prominent politicians such as Robert Taft and William Saxbe. Mr. Kreinberg was also afforded the opportunity to work with former U.S. Supreme Court Justice Harold Burton when Justice Burton served as mayor of Cleveland. As mayor, Mr. Burton appointed Mr. Kreinberg to the Cleveland Board of Zoning where he diligently served for 39 years. Mr. Kreinberg has also worked with public servants such as the late Senator Bricker, mayor and U.S. Senator Thomas Burke, and Mayor Frank Lausche. Mr. Kreinberg also had the privilege of working under my brother, the late Carl B. Stokes, former mayor of Cleveland, on many important issues. This extraordinary gentleman remains one of the most respected and vital members of the Cleveland community.

Certainly, Mr. Kreinberg's long and productive tenure as a public servant will forever remain in the hearts and minds of many citizens in Cleveland. However, for one to truly understand and appreciate the impact that Mr. Kreinberg has made in the city of Cleveland, they need only to talk to a few citizens in my congressional district. Mr. Kreinberg's peers describe him as a highly ethical and moral man. Mr. Kreinberg's character and integrity serves as a portrait of what a public servant should be. To celebrate Mr. Kreinberg's birthday and many contributions to his community, his family has graciously created an endowed scholarship at the Levin College of Urban Affairs at Cleveland State University to assist students who desire a career in public service and urban development.

Mr. Speaker, I take a tremendous amount of pride and honor in saluting Joseph Kreinberg, whose entire life stands as a picture of achievement. Today, I along with his family, friends, and colleagues, would like to take this opportunity to applaud Mr. Kreinberg's strong leadership and desire to improve his community and our Nation.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. OXLEY. Mr. Speaker, I will be unavoidably absent from the House Chamber during today's proceedings. If I were present, I would vote "yea" on both H.R. 1122, the Partial-Birth Abortion Ban Act of 1997, and House Resolution 91, a resolution providing amounts for the expenses of certain committees of the House of Representatives in the Congress.

SALUTING THE SANTA MONICA MOUNTAINS PLAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. BERMAN. Mr. Speaker, 20 years ago this month the Santa Monica Mountains Planning Commission produced its comprehensive plan. There are few dates more important in the history of the environmental movement in southern California.

The plan that commission produced had many valuable components, including calling for the establishment of a Santa Monica Mountains Conservancy. As a member of the California Assembly, I carried the bill that implemented the plan and established the conservancy. In the past two decades the performance of the conservancy has exceeded even my high expectations. Anyone who cares about the environment and the need to maintain the natural beauty of southern California is in the organization's debt.

While I do not necessarily subscribe to the "Great Man" theory of history, it seems evident that the conservancy would not have come this far without the superb leadership of Executive Director Joe Edmiston. I have known Joe a long time, and count him as one of my close friends. Putting aside friendship, however, I can say without bias that Joe knows how to get things done and get them done right. His utter commitment, his boundless energy, his no-nonsense style and his clear sense of direction have provided guidance to the conservancy and are responsible in large measure for its success.

Indeed, the conservancy has many accomplishments in which its friends and supporters can take pride. For example, the organization administers programs designed to serve minority and disadvantaged groups and those who otherwise can never get to southern California's mountains. The quiet, cool and serene setting is a welcome contrast to the often grim realities of urban living. The conservancy has also acquired over 21,000 acres of parkland in 20 years, which has increased the opportunities for people of any background to enjoy nature.

The work of the conservancy to preserve the environment, especially in an area growing with the speed of southern California, is of monumental importance. I ask my colleagues to join me today in saluting the 20th anniversary of the Santa Monica Mountain comprehensive plan, which has proven to be a most effective weapon in the arsenal of environmentalists. I applaud the conservancy's efforts, and wish it the best of luck for all the decades to come.

HONORING ROCK GROUP LOS LOBOS FOR THEIR CONTRIBUTIONS TO OUR YOUTH

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. TORRES. Mr. Speaker, I rise today to honor the internationally acclaimed rock group, "Los Lobos", for their commitment to the youth of our community. On April 11, 1997, Los Lobos will donate their time and talent to raise funds for the Broadoaks Children's School of Whittier College in Whittier, CA.

Los Lobos has received numerous distinctions for their innovative style of music, including two Grammy Awards, seven additional Grammy Award nominations, and was designated as having released the "Album of the Year" in 1992 by the Los Angeles Times, the Chicago Tribune, the Chicago Sun Times, and the Nashville Banner. Since 1978, Los Lobos has released over 48 film, television and commercial works. Their broad appeal has allowed them to perform for royalty in England, and for audience at Carnegie Hall.

What makes Los Lobos bandmembers truly exceptional, however, is their commitment to the education of our community's youth. In the last 4 years, Los Lobos has performed for three sold-out benefit concerts, each in the name of education. Proceeds from April's concert will enable Broadoaks to expand its services to children, families, teacher preparation, and professional development programs throughout the greater Los Angeles area.

To acknowledge the band's commitment and dedication to this endeavor, Broadoaks has named a building in the group's honor.

The "Los Lobos Learning Center" includes two classrooms for fourth through sixth grade students, many of whom require special educational services. All students in the Los Lobos Learning Center are required to participate in volunteer service projects to instill the value of giving something back to our community. Los Lobos' generosity enables these young children to attend a school where volunteerism is part of the curriculum.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in honoring Los Lobos bandmembers, Cesar Rosas, Louie Perez, David Hidalgo, Conrad Lozano, and Steven Berlin, for their generous spirit and contributions to our community. These truly exceptional musicians have become lifelong friends of our community through their commitment to promoting the welfare and education of our children.

IN MEMORY OF E.M. KNIGHT OF HOUSTON, TX

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of a valuable member of the Houston community, E.M. Knight, who passed away on Saturday, March 8, 1997.

E.M. Knight was among Houston's most prominent community leaders, acting as a beacon for social justice and equality. He was a man of great character and great action, who gave Houston his all. Whether as a local chapter president of the NAACP or as Sunday school superintendent, precinct judge, or deacon at East Macedonia BC, E.M. Knight made a difference in so many lives. His legacy of service to the Houston community will be felt far beyond his passing. He was truly one of a kind who will be greatly missed.

E.M. Knight treated everyone in Houston as if they were family, and now that family mourns his passing. I ask unanimous consent to insert in the RECORD at this point an article and obituary which appeared in the Houston Chronicle on March 13, 1997.

E.M. KNIGHT

Ellis M. Knight (E.M.) departed this life on March 8, 1997, at the age of 84 years, 9 months and 5 days. He was born in Odenburg, Louisiana to Mary Smoot and Ellis M. Knight Sr. The family moved to Houston after devastating floods. He was preceded in death by his parents, 14 brothers and sisters, and his wife Elease. He leaves to mourn his passing his wife Janet, sons Ellis III, Ronald and Alan Wayne Knight, sisters Mary Harris and Loys Davis Gatterson, daughter-in-law Edna, grandchildren Sharmane Stewart, Andre and Terrion Knight, great-grandson, Quentin Ellis Stewart, 4 stepdaughters, 9 stepgrandchildren, brother-in-law Cleve Gatterson, 6 sisters-in-law, a host of cousins, nieces and nephews and many, many friends.

He served in the United States Army. He retired from Southern Pacific Railroad after 37½ years of service, and since has been actively involved in community service, church activities and the political arena.

During his lifetime he served in many capacities: as NAACP local chapter president, president of HCCO, founding and life member of NCNW Elease J. Knight section, chair of Gulf Coast Community Services Board of Directors, coordinator for Operation Big Vote, chair of Martin Luther King Health Center Council and chair of the Council-at-Large (HCHD), PTA president and VIPS at Fairchild Elementary, chairperson of the Keenage Klub, Sunday School Supt. and deacon at East Macedonia BC, and chair of deacon board, benevolence and building committees at South Park Baptist Church.

In spite of serious health problems, he remained active as Precinct Judge in Pct. 0240, a position he held faithfully since 1966; deacon at South Park BC, director for the Houston Food Bank Pantry at South Park BC, and chair of Community Services for the church. He was a Mission Service Corps Volunteer under the Home Mission Board of the Southern Baptist Church. He was a member of Magnolia Lodge #3. He was a mover and a shaker who wanted to see things accomplished for his country, state, city, community and church.

His motto was Matthew 25:34 "For I was hungry and you fed me." His will be "hard shoes to fill" and he will be missed by many. Visitation at the funeral home on Thursday from 8 to 10 p.m. Body will lie in state at South Park Baptist Church, 5830 Van Fleet, 10–11 a.m. Friday followed by the funeral at 11:00 a.m. with Rev. Marvin C. DeLaney officiating. He will join his beloved Elease at Houston National Cemetery.

INTRODUCING THE 21ST CENTURY CLASSROOMS ACT FOR PRIVATE TECHNOLOGY INVESTMENT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. CUNNINGHAM. Mr. Speaker, today, I introduce the 21st Century Classrooms Act for Private Technology Investment.

Our children and our country's future depend upon the investment we make today in their classrooms. We know that advanced technology has improved America's economic competitiveness, transformed commerce and communications, and improved the quality of life for millions of Americans. By the year 2000, some 60 percent of American jobs will require technological skills.

Unfortunately, the revolution in technology has not yet transformed the education of our children. Our classrooms lack the technology our children need to succeed. More big Government is not the answer; I believe that only by harnessing the power and ingenuity of private enterprise will we bring our classrooms into the 21st century.

We can hasten that work through my new proposal: The 21st Century Classrooms Act for Private Technology Investment. It provides new, expanded incentives for businesses to invest equipment and cash to prepare 21st century classrooms. By taking advantage of employers' constant need to update computer systems, schools, and certain nonprofits can vastly multiply the technology available to our young people.

First, it encourages employers to donate computer technology, equipment and software for K–12 education. It does this by expanding the incentive that encourages donations to scientific research institutions to also include donations to schools and nonprofits involved in K–12 education.

Second, it provides employers a 110-percent tax credit for cash contributions to K–12 education to purchase computer technology, equipment and software. Every dollar contributed for this purpose reduces the employer's taxable income by $1.10, up to the usual limits.

And third, and most importantly, these new incentives will increase private involvement in our local schools. That's something everybody agrees we need more of.

Members of the House have already received a packet of information and the text of the 21st Century Classrooms Act. It is also available on my Internet website, http://www.house.gov/cunningham, on my "What's New" link.

America is confronted with three possible solutions to the gap in technological literacy. First, we can do nothing, which has a huge cost in terms of our future competitiveness, our well-being as a nation, and the lives of our young people. Second, we can create more Federal programs and increase Government spending. Or third, we can harness the power and energy of private enterprise to create true 21st century classrooms, which is the motivation behind my 21st Century Classrooms Act.

As a former teacher and coach, as one who once trained the Navy's Top Gun fighter pilots, and most of all as a father, I am tremendously excited by the potential of this initiative. I welcome Members' support.

SECTION-BY-SECTION ANALYSIS 21ST CENTURY CLASSROOMS ACT

(By Representative Randy "Duke" Cunningham, R–CA)

SECTION 1: SHORT TITLE

"21st Century Classrooms Act for Private Technology Investment."

SECTION 2: FINDINGS AND PURPOSE

The purpose of the legislation is "to direct the innovation and energy of private enterprise to the education of our young people, expand technological literacy, and bring the education of our young people into the 21st Century."

SECTION 3: CONTRIBUTIONS FOR COMPUTER TECHNOLOGY AND EQUIPMENT FOR ELEMENTARY OR SECONDARY SCHOOL PURPOSES

This section establishes tax incentives for corporations to donate equipment or cash to help being classrooms into the 21st Century.

(a) Section 170(e) of the Internal Revenue Code of 1986 is amended by creating a new special rule (6) for contributions of computer technology and equipment for elementary or secondary school purposes.

(A) When a corporation contributes computer technology or equipment to a qualified recipient, it may deduct from its taxable income an amount to one-half the market value of the donated material, not to exceed twice the cost of producing it.

(B) A qualified contribution is a charitable contribution of computer technology or equipment by a corporation that is:

(i) Made to a public or private elementary or secondary school, or to a non-profit 501(c)(3) organization that is "organized primarily for purposes of supporting elementary and secondary education;"

(ii) Made within two years after the property to be donated was either acquired or produced;

(iii) To benefit K—12 education;

(iv) Donated free of charge, except for shipping and installation;

(v) Productive to the recipient's education plan;

(vi) Beneficial to K—12 educational and donated free (except for shipping and installation), in the case of a recipient that is a nonprofit that is not a school.

(C) A corporation's contribution of computer technology or equipment to its own private foundation, particularly if the foundation is not "organized primarily for purposes of elementary and secondary education," is eligible for the tax deduction in (A) if:

(i) The contribution is made within two years after the property to be donated was either acquired or produced, and donated free of charge, except for shipping and installation;

(ii) The recipient foundation forwards the contribution to an eligible school or nonprofit within 30 days, and notifies the corporate donor.

(D) Applies a technical definition relating to the determination of contributors' stake in the donated property.

(E) Applies current law definitions of computer technology and corporations into the Act.

(b) Amends Section 170(a) of the Internal Revenue Code so that corporate contributions of cash for schools and qualified nonprofits to purchase computer technology and equipment are provided a 110 percent credit against the corporation's taxable income.

(c) The Act takes effect at the beginning of the taxable year following enactment.

A TRIBUTE TO CHARLES E. YOUNG

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and far-reaching accomplishments of Charles E. Young who is retiring on June 30, 1997 after 29 years as chancellor of UCLA. The country's longest serving university chief executive, he has been a powerful force in UNCLA's ascent to the ranks of the nation's most comprehensive and distinguished universities. Three-quarters of the diplomas held by UCLA's 285,000 living alumni bear his signature. Chancellor Young's leadership is reflected in innumerable contributions to the UCLA campus, to the broader community, and to higher education.

Dr. Young's association with the University of California dates to 1953 when he enrolled as a transfer student at UC Riverside. After graduating with honors in 1955, he pursued doctoral studies in political science at UCLA, earning his M.A. in 1957 and Ph.D. in 1960. He participated in the creation of the master plan for higher education in California while working on the staff of UC President Clark in 1959. Dr. Young returned to UCLA in 1960 to serve in a series of executive posts in the administration of Chancellor Franklin D. Murphy. Following Chancellor Murphy's resignation, Dr. Young was named his successor by the UC Regents on July 12, 1968.

Under Chancellor Young's leadership, UCLA has become an internationally renowned center of scholarship and discovery. Building a university for the future, he has guided UCLA to dramatic advances in every facet of its enterprise: recruitment of outstanding students and award-winning faculty, acclaimed programs in the visual and performing arts, development of a world class medical enterprise, a doubling of library holdings and of campus facilities, and an unparalleled tradition in intercollegiate athletics.

Chancellor Young is respected throughout academe as a passionate spokesman for educational opportunity, inclusiveness, and the intellectual richness born of diverse perspectives. Unwavering in his commitment to academic freedom, he has cultivated at UCLA an open and stimulating environment in which the pursuit of knowledge thrives without limits or boundaries. His advocacy resonates in the classroom, in the laboratory, and every corner of the campus where a theory can be tested, a point of view expressed, an idea challenged, or a concept debated.

In the belief that its home city is UCLA's foremost partner and greatest resource, Chancellor Young has engaged the university in myriad ventures and partnerships with the surrounding community. Furthermore, just as Los Angeles has emerged as a world city, UCLA, too, has become a world university and a magnet to students and scholars from around the globe under the leadership of Chancellor Young.

As he prepares to retire, Chancellor Young deserves recognition for shepherding UCLA toward academic greatness, founded on the cornerstone of intellectual freedom. On this occasion we salute Charles "Chuck" Young, his wife, Sue, and his two children and seven grandchildren in celebration of a splendid legacy to American higher education.

INTRODUCTION OF LEGISLATION TO RESTRICT FLIGHTS OVER CERTAIN AREAS OF HAWAII'S NATIONAL PARK SYSTEM

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I rise to introduce legislation limiting adverse impacts of commercial air tour operations on national park units in the State of Hawaii. Natural quiet is as much an experience in our parks as enjoying the beauty of treasures the parks were established to protect and preserve.

A decade ago, Congress recognized that noise problems within our parks nationwide created by overflights had reached a point critical enough for congressional intervention, by passing the National Parks Overflights Act of 1987.

Not much happened since then to solve the problem until President Clinton on Earth Day 1996 called upon the Transportation and Interior Departments to issue regulations to restore quiet to our parks. As a result of this action, new regulations were released in January of this year for Grand Canyon National Park. To take effect May 1, these regulations would double the current flight-free area, limit the number of tour aircraft that may overfly the park, ban flights from sunset to sunrise, and develop rules requiring quiet aircraft technology.

The National Park Service and Federal Aviation Administration are currently constructing regulations for overflights above Hawaii's parks. However, I understand these could be years in coming and, in the meantime, air tours are operating under voluntary agreements that have not been effective in controlling overflight noise. I continue to receive complaints from hikers and visitors to Hawaii's parks, as well as residents living next to the parks. My bill is necessary to enforce noise controls on these operations.

Main provisions of my bill include prohibitions of flights over Kaloko Honokohau, Pu'u honua o Honaunau, Pu'u kohola Heiau, and Kalaupapa National Historical Parks, as well as sections of Haleakala and Hawaii Volcanoes National Parks. A minimum 1,500-foot altitude restriction is enforced for all other parts of Haleakala and Hawaii Volcanoes National Parks.

The need for restrictions on Hawaii's commercial air tour industry for safety reasons was made clear in July 1994 with two helicopter tour crashes near the Island of Kauai and on the Island of Molokai, the former resulting in three fatalities. In response, the FAA put in place SFAR 71 emergency regulations applying to Hawaii's commercial air tour operators. As a byproduct, these regulations worked to partially alleviate noise problems in Hawaii's parks. However, the SFAR 71 will expire in October. My legislation is necessary to continue controls on Hawaii's air tour industry.

I strongly urge my colleagues' support of my legislation.

FOR THE RELIEF OF GLOBAL EXPLORATION AND DEVELOPMENT CORP., KERR-McGEE CORP., AND KERR-McGEE CHEMICAL CORP.

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. McCOLLUM. Mr. Speaker, today I am introducing legislation to right a longstanding wrong involving the Federal Government and Global Exploration and Development Corp. and Kerr-McGee Corp. Global and Kerr-McGee became embroiled in an ongoing dispute with the Department of the Interior more than 20 years ago. In January 1991, I introduced legislation for the relief of Global and Kerr-McGee for any damages incurred due to wrongful governmental actions. That bill was successfully referred to the U.S. Court of Federal Claims in July 1992.

The U.S. Court of Federal Claims ruled in September 1994 that the Government had, in fact, committed a wrongful act against Global and Kerr-McGee and that they would be entitled to equitable relief once damages were proven. After an evidentiary hearing, but before the court reached a decision, the parties reached a settlement, the terms of which are embodied in this legislation.

Mr. Speaker, I am hopeful that successful passage of this legislation will bring long-

awaited, and long-overdue, relief for the parties involved. If we are truly to be a government of the people, we must be ever vigilant in protecting private rights and rectifying public wrongs. I urge all my colleagues to support this legislation.

STATEMENT OF THE HONORABLE STENY H. HOYER COMMENDING THE DEPARTMENT OF THE TREASURY FOR THEIR PARTNERSHIP WITH THE D.C. PUBLIC SCHOOLS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. HOYER. Mr. Speaker, I want to commend the Department of the Treasury and Secretary Rubin for their efforts to support students of the District of Columbia Public Schools.

We have all read about the significant challenges the students in our Nation's Capital face daily, including substandard buildings and less than adequate education. I am pleased that, with the support of Treasury and it's employees, some students are benefiting.

In 1995, Treasury established a Partnership in Education program with two high schools in the District, Eastern and Woodrow Wilson. They initially offered internships for students after school, providing many of them their first exposure to a professional office setting. During the summer of 1996, they employed more than 100 students.

Based on that successful experience, they decided to institutionalize the program, and in addition to internships have added workshops in career planning, resume writing, college admissions standards, and related topics. These workshops are conducted by local university professionals from Georgetown, Howard, American, and George Washington University.

Treasury's mission is a commendable one—to fill those gaps in education that can help students acquire the necessary tools and skills to go on to college or a profession after high school graduation.

In addition to this work, Treasury also manages the Academy of Law, Justice and Security, a program with 200 students at Anacostia High School. I want to note that the Department of Justice and the Department of Defense also support this effort to prepare students for careers in law and law enforcement.

In addition, Treasury bureaus, like the Internal Revenue Service, the Bureau of Engraving and Printing, the Comptroller of the Currency, the Bureau of Alcohol, Tobacco, and Firearms, and the Secret Service are supporting D.C. students and teachers with activities including tutoring, mentoring, equipment, and employment.

Overall, 150 employee volunteers are involved in these activities. This is a great effort and I look forward to Treasury expanding it to include schools in Maryland and in my district.

I commend the work of Secretary Rubin and his staff and encourage other Federal agencies to become more involved in supporting their local school districts.

TRIBUTE TO BENJAMIN REZNIK

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. SHERMAN. Mr. Speaker, I am honored today to rise in tribute to Benjamin Reznik. Today Mr. Reznik is being recognized by the San Fernando Valley Interfaith Council for his outstanding work and enhancement of human relations within the San Fernanado Valley.

Ben's parents were natives of Poland forced to leave their homeland under Nazi occupation. They were fortunate to escape to Israel, where Ben was born. As a 9-year-old boy his family overcame great obstacles and immigrated to America in search of a better life. As a young man Ben excelled in the public school system, and completed his undergraduate studies at UCLA. The culmination of his formal education came with his graduation from USC School of Law. Throughout his academic career Ben had to hold down jobs and take out loans to make ends meet. He has since served as a role model to those having to struggle through similar circumstances.

In 1976, upon graduation, Ben obtained a small loan from a local bank and opened his own law office. Six years later his wife, Janice, joined him in the firm and they established their professional partnership of Reznik & Reznik. The firm has grown steadily since and today is one of the city's most respected law firms.

When not working in the firm, Ben gives freely of his time and resources to those less fortunate than himself. It is well known throughout the community that Ben constantly lends a hand to others facing adversity. His altruistic nature manifests itself in the very personal responsibility he feels to our community.

His service ranges from his current position as president of the Valley Job Recovery Corp., a nonprofit economic development corporation assisting our community in job creation and retention, to his past chairmanship of the Economic Alliance, a nonprofit group developing an economic strategic plan for the San Fernando Valley. His expertise and hard work were noted by Mayor Richard Riordan, when he appointed Ben to serve on the development reform committee which recommended ways of streamlining the development process. Ben was also asked by the mayor to oversee implementation of a Federal grant aimed at producing an economic development strategy for the changing economy of Los Angeles. Beyond work and various philanthropic pursuits, Ben and Janice are dedicated parents to their three wonderful children.

Ben is held in the highest esteem within our community, and is frequently looked to for his sage advice. Ben Reznik's life is truly a remarkable story, he is living proof that dedication and hard work are still the formula for success.

HOME-BASED BUSINESS FAIRNESS ACT

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mrs. SMITH of Washington. Mr. Speaker, I am pleased to join my colleagues, Representative TALENT from Missouri, and Representative PORTMAN from Ohio, in introducing the Home-Based Business Fairness Act. I also wish to compliment Representative TALENT for his unfailing commitment to relieving the tax and regulatory burdens affecting small businesses as chairman of the House Committee on Small Business.

With tax season upon us, most Americans are focused on one overwhelming problem: Our antiquated and complex Tax Code. There is growing consensus on the need to change and simplify our tax system. It penalizes hard-working, responsible Americans, and inhibits their ability to save for themselves and for their children and grandchildren. The time is ripe, Mr. Speaker, for a commonsense approach to providing tax relief to individuals and to small and women entrepreneurs. Home-based businesses, in particular, need our attention and commitment.

One of the most exciting trends in small business today is the burgeoning of home businesses. The majority of them are created and operated by women. There are now more than 9 million home-business owners, and, according to the Small Business Administration, an estimated 300,000 women in this country are starting home-based businesses each year. The entrepreneurial spirit of these men and women is breaking through existing barriers to work, and driving economic growth and jobs. These jobs give parents greater freedom and flexibility to balance and meet their families' needs, including those of their children, grandchildren, and aging parents.

While the technology explosion in our world is facilitating this new phenomenon, our Tax Code is hindering it. We must treat women-owned and home-based businesses more fairly. The Home-Based Business Fairness Act is a strong, commonsense approach to providing tax relief for this dynamic and vital sector of America's working families. It would allow small entrepreneurs to deduct their health insurance costs and the expenses of their home offices. It would give them the freedom to use independent contractors to grow and expand their operations without the fear of onerous back taxes, penalties, and interest small entrepreneurs too often face because of subjective and inconsistent reclassifications of independent contractors as employees by the IRS.

With this bill, Representative TALENT and I have tried to address the three problems which we believe are critical to helping self-employed men and women succeed in home business. I look forward to working with my colleagues in the House on this important legislation.

COMMITMENT TO EDUCATION

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. STUMP. Mr. Speaker, in this very Chamber, during his State of the Union Speech, the President spoke to us of his commitment to education and his desire to increase its Federal funding. Many Americans support any effort that would improve our Nation's schools and our students' ability to meet the challenges of the future.

Mr. Speaker, many Americans also want to be certain that the educational bureaucracy does not waste the money that we seek to invest in our Nation's children. Too often when Members of Congress question the effectiveness of some of these costly Federal programs and mandates, we are accused of being against education. Frankly, that accusation is not true.

In fiscal year 1997, Congress appropriated $14 billion for elementary and secondary education. What was the result? In one case, it was motivation for the Oakland, CA, school board to declare Ebonics as a language worthy of Federal bilingual education funding. While Oakland claimed it would not seek new Federal funds for this program, the school system is using Chapter I education funds for Ebonics classes.

There is a larger point to be made here, Mr. Speaker. When the American people hear that the Government will spend more money on education, they believe the money will be spent for needed items such as textbooks, computers, and new desks. Unfortunately, we squander the taxpayers' hard earned money on bureaucracy and social engineering schemes.

We have seen this done for 30 years in our bilingual education programs. We were told such programs would teach immigrant children English. Thirty years later, we are told that the research is still inadequate to determine whether these programs are successful. Meanwhile, the children and parents relying on us to help students learn English are cheated of a proper education. Now, through Ebonics programs, education bureaucrats want to rob African-American children of an appropriate education. They want to create what is effectively a program of bilingual education for English-speaking African-American children by declaring Ebonics their native language.

Supporters of Ebonics instruction claim that the children already speak Ebonics and that they are merely teaching the children the particulars of their chosen language. Evidently, they do not equate teaching Ebonics with teaching about Ebonics. Rather than learning the grammar of Ebonics, these children deserve to be learning math, science, and English. The parents of the children involved agree.

That is why I am introducing legislation that will get Washington out of the vernacular English instruction business for good. My bill assures the taxpayers that we will not waste their money and our students' time teaching regional dialects that are not recognized foreign languages. Every child deserves a challenging curriculum that prepares them for the 21st century rather than a feel-good program designed to enhance self-esteem. This legislation is simply common sense and merits all Members' support.

THE DEFENSE OF THE ENVIRONMENT ACT OF 1997

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. WAXMAN. Mr. Speaker, 2 years ago Congress adopted procedural steps that ensured that unfunded mandates and tax increases could not be enacted unless specifically considered and approved by the House. Today I am introducing the Defense of the Environment Act of 1997 with Representative GEPHARDT and Representative MILLER of California. This legislation would extend this same protection to environmental policies.

The Defense of the Environment Act is a commonsense safeguard that could dramatically improve the consideration of environmental legislation at virtually no cost. Nothing in the Act would prevent Congress from weakening or eliminating any existing environmental protection, even though a December 1996 Roper poll indicates that only 19 percent of our constituents favor rolling back environmental policies. Instead, the Act only takes the modest step of requiring a brief time for debate and a vote on any weakening legislation.

This is a practical measure which will simply ensure that environmental legislation receives adequate consideration before becoming law. I encourage my colleagues to consider the Defense of the Environment Act. I believe it is one environmental bill that we can all agree on.

REITSA FLOOR STATEMENT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. SHAW. Mr. Speaker, today I am introducing H.R. 1150, the Real Estate Investment Trust Simplification Act of 1997 ["REITSA"], a bill to amend portions of the Internal Revenue Code dealing with real estate investment trusts, or REIT's. The legislation responds to the need for simplification in the regulation of the day-to-day operation of REIT's. REITSA is cosponsored by Mr. MATSUI, Mr. CRANE, Mr. THOMAS, Mrs. JOHNSON, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. CAMP, Mr. JOHNSON, Ms. DUNN, Mr. COLLINS, Mr. ENGLISH, Mr. ENSIGN, Mr. WELLER, Mr. STARK, Mr. LEVIN, and Mr. CARDIN. The Joint Committee on Taxation has determined that REITSA has a negligible effect on Federal fiscal year budget receipts.

In 1960, Congress created REIT's to function as the real estate equivalent of the regulated investment company, or mutual fund. As such, they permit small investors to participate in real estate projects that the investors could not undertake individually and with the assistance of experienced management. Over time, the REIT industry has matured into its intended role with the greatest strides made in this decade.

This development of the REIT industry is a result of a number of factors. As important as any other were the changes Congress enacted in 1986 to the REIT rules themselves and the tax landscape in general. With respect to the general provisions, throughout the 1980's limited partnerships used the offer of multiple dollars of tax paper losses for each invested dollar to attract investors away from solid investments like REIT's, which seek to provide investors with consistent distributions from economically feasible real estate investments but provide no opportunity to receive a pass-through of tax motivated losses. Accordingly, the elimination of those tax loss loopholes led investors to look for income-producing investment opportunities.

Also included in the 1986 tax legislation were important modifications to the REIT provisions of the Code. Among the changes made as part of that modernization of the REIT tax laws (the first in a decade and the most recent comprehensive revision of the REIT laws), the most significant was the change allowing REIT's to directly provide to tenants those services customary in the leasing of real estate as had been permitted to pension plans and other tax-exempt entities engaged in the leasing of real property. Prior to that change, a REIT was required to use an independent contractor to provide those services.

These legislative changes and the lack of credit to recapitalize America's real estate produced a suitable environment for the substantial growth in the REIT industry and the fulfillment of Congress' original hopes for the REIT vehicle.

From 1990 to present, the industry has grown from a market capitalization of approximately $9 billion to nearly $100 billion. Fueling that growth has been the introduction of some of America's leading real estate companies to the family of long existing, viable REITs. As a result, the majority of today's REIT's are owners of quality, income-producing real estate. Thus, hundreds of thousands of individuals that own REIT shares through direct investment (plus the many more who are interest holders in the growing number of mutual funds or pension funds investing in REIT's) have become participants in the recapitalization of tens of billions of dollars of America's best real estate investments. Likewise, investors in mortgage REIT's have the opportunity to participate in the ever growing market for securitized mortgages, further contributing to the recapitalizaton of quality real estate.

The benefits of the growth in the REIT industry were addressed in a 1995 Urban Land Institute White Paper title The REIT Renaissance. That White Paper concluded that "[f]rom an overall economic standpoint, the real estate industry and the economy should be well served by the expansion of the REIT industry—the broadening of participation in real estate ownership, the investment in market information and research that the public market will bring, and the more timely responsiveness to market signals that will result from better information and market analysis."

To assist the continued growth of this important industry, H.R. 1150 was developed to address areas in the existing tax regime that present significant, yet unnecessary, barriers to the use of the REIT vehicle. The proposals represent a modernization of the most complex parts of the regulatory structure under which REIT's operate, while leaving intact the basic underlying ownership, income, asset, and distribution tests introduced in the original REIT legislation. The proposals are supported by the National Association of Real Estate Investment Trusts, the National Realty Committee, the International Council of Shopping Centers, the National Multi-Housing Council, the Building Owners and Managers Association International, the National Association of Industrial & Office Properties, and other national organizations.

SUMMARY OF KEY PROVISIONS OF H.R. 1150

A. Title I contains three proposals to remove unnecessary "traps for the unwary." These proposals would address current requirements that are not necessary to satisfy Congressional objectives, that carry a disproportionate penalty for even unintentional oversights, or that are impracticable in today's environment. Title I's overriding intention is not to penalize a REIT's many small investors by stripping the REIT of its tax status as a result of an act that does not violate Congress' underlying intent in creating the REIT vehicle.

Section 101. Shareholder Demand Letter. The potential disqualification for a REIT's failure to send shareholder demand letters should be replaced with a reporting penalty. Under present law, regulations require that a REIT send letters to certain shareholders within 30 days of the close of the REIT's taxable year. The letters demand from its shareholders of record, a written statement identifying the "actual owner" of the stock. A REIT's failure to comply with the notification requirement may result in a loss of REIT status.

The failure to send so-called demand letters may result in the disqualification of a REIT with thousands of shareholders that easily satisfies the substantive test because of a purely technical violation. As a result of disqualification, a REIT would be compelled to pay taxes for all open years, thereby depriving their shareholders of income generated in compliance with all of the REIT rules. Fortunately, the Internal Revenue Service has not enforced any such technical disqualifications and instead has entered into closing agreements with several REITs. The proposal would alleviate the need to enter into such closing agreements on a prospective basis.

H.R. 1150 provides that a REIT's failure to comply with the demand letter regulations would not, by itself, disqualify a REIT if it otherwise establishes that it satisfies the substantive "five or fewer" ownership rules. But under these circumstances, a $25,000 penalty ($50,000 for intentional violations) would be imposed for any year in which the REIT did not comply with the shareholder demand regulations and the REIT would be required, when requested by the IRS, to send curative demand letters or face an additional penalty equal to the amounts related above. In addition, to protect a REIT that meets the regulations, but is otherwise unable to discover the actual ownership of its shares, the bill provides that a REIT would be deemed to satisfy the "five or fewer" share ownership rules if it complies with the demand letter regulations and does not know, or have reason to know, of an actual violation of the ownership rules.

Section 102. De Minimus Rule for Tenant Services Income. The uncertainty related to qualifying services for a REIT should be addressed by a reasonable de minimus test. In 1986, Congress modernized the REIT's independent contractor rules to allow them to directly furnish to tenants those services customary in the management of rental property. However, certain problems persist. Under existing law, a REIT's receipt of any amount of revenue as a result of providing an impermissible service to tenants with respect to a property may disqualify all rents received with respect to that property. For example, if a REIT's employee assists a tenant in moving in or out of an apartment complex (a potentially impermissible service), technically the IRS could contend that all the income from the apartment complex is disqualified, even though the REIT received no direct revenue for the provided service. The disqualification of a large property's rent could seriously threaten, or even terminate, the REIT's qualified status.

Interestingly, at the same time a REIT could be severely punished for providing services to tenants or their visitors, the REIT rules properly provide that up to 5% of a REIT's gross income may come from providing services to non-tenants. Thus, under present law a REIT is better off providing services to nontenants than providing the same services to tenants.

In addition to the potential disqualification of rents, the absence of a de minimus rule requires the REIT to spend significant time and energy in monitoring every action of its employees, and significant dollars in attorney fees to determine whether each potential action is an impermissible service. The uncertainty regarding the permissibility of services also requires the IRS to expend considerable resources in responding to private ruling requests.

To lessen the burden of monitoring each REIT employee's every action and to eliminate unnecessary disqualification of tenant rents, H.R. 1150 provides for a de minimus exception. The exception would treat small amounts of revenue resulting from an impermissible service in a manner similar to revenue received from providing services to non-tenants, and protect the classification of rents from the affected property as qualifying REIT income. The de minimus exception is equal to 1% of the gross income from the affected property. The de minimus exception is based on gross income to be consistent with the REIT's income tests, and is set at 1% to reflect an amount large enough to provide the requisite safe harbor (note that it is 1% of the income from an affected property, regardless how small, and not all properties owned by the REIT), yet small enough not to encourage disregard of the independent contractor rule. Because many of the services in question would not result in a direct receipt of gross income, the bill provides a mechanism for establishing the gross income received relative to an impermissible service. The gross income would be deemed at least equal to the direct costs of the service (i.e., labor, cost of goods) multiplied by 150%.

For example, if the IRS determined that a REIT's providing wheelchairs at a mall is an impermissible service, the cost of the wheelchairs would be multiplied by 150% to achieve the gross income realized from the impermissible service. If that and any other gross income related to impermissible services provided to tenants of that mall does not exceed 1% of the malls gross income for the year, the impermissible service income would be classified as non-qualifying income. However, rents received from tenants of the mall would not be disqualified.

A REIT's actions are still policed under this change. First, if a REIT's gross income from impermissible services exceeds 1% of the gross income from the affected property, that income and the rents from that property would be disqualified as under current law. Second, as previously noted, a REIT's gross income from non-qualifying source is limited to 5% of total gross income. Accordingly, gross income from impermissible sources that does not exceed the 1% threshold would be included in that small basket, thereby placing a second check on the REIT's activities.

Section 103. Attribution Rules Applicable To Tenant Ownership. Unintended double attribution under section 318 should be minimized, while preserving the intended purpose of the attribution rule. The attribution rules of section 318 are interjected to ensure that a REIT does not receive rents from a 10% or more related party, in which case the rents are deemed disqualified income for the REIT gross income tests. While the intention of that rule is proper, a quirk in the application of section 318 to REITs as called for under section 856(d)(2) may result in the disqualification of a REIT's rents when no actual direct or indirect relationship exists between the REIT and tenant.

Under section 318(a)(3)(A), stock owned directly or indirectly, by a partner is considered owned by the partnership. In addition, under section 318(a)(3)(C), a corporation is considered as owning stock that is owned, directly or indirectly, by or for a person who also owns more than 10% (in the case of REITs) of the stock in such corporation. Those attribution rules may create an unintended result when several persons who collectively own 10% of a REIT's tenant, also own collectively 10% of the REIT. So long as those persons are unrelated, because their individual interests in both the REIT and tenant do not equal 10% the REIT is not deemed to own 10% of the tenant. However, if those persons obtain interests, regardless of how small, in the same partnership the REIT will be deemed to own 10% of the tenant. This results from the partnership's deemed ownership of the partners' stock in both tenant and the REIT. Further, because the partnership becomes a deemed 10% owner of the REIT under section 318(a)(3)(A), REIT is deemed the 10% owner of tenant under section 318(a)(3)(C).

In essence, the REIT becomes the deemed 10% owner of its tenant as a result of a variation of the partner-to-partner attribution that section 318(a)(5)(C) specifically was enacted to prevent. It is only through the combination of the partners' various interests in the REIT and tenant that a disqualification of the rents occurs. This is true regardless of the purpose for the partnership's existence. The partners may have no knowledge of the other's existence and may be partners in a huge limited partnership completely unrelated to the REIT.

H.R. 1150 addresses this problem by modifying the application of section 318(a)(3)(A) (attribution to the partnership) only for purposes of section 856(d)(2), so that attribution would occur only when a partner holds a 25% or greater interest in the partnership. This threshold presumes that such a partner would have knowledge of the other persons holding interests in the partnership, and

would have an opportunity to determine if those persons hold an interest in the REIT. By not suspending the double attribution entirely, the bill prevents the potentially abusive practice of placing a "dummy" partnership between the REIT and those persons holding interests in the tenant.

B. Title II of REITSA contains two proposals that would assist in carrying out Congress' original intent to create a real estate vehicle analogous to regulated investment companies ("RICs").

Section 201. Credit For Tax Paid By REIT On Retained Capital Gains. Current law taxes a REIT that retains capital gains, and imposes a second level of tax on the REIT shareholders when later they receive the capital gain distribution. H.R. 1150 provides for the REIT rules to be modified to correspond with the mutual fund rules governing the taxation of retained capital gains by passing through a credit to shareholders for capital gains taxes paid at the corporate (REIT) level. This modification is necessary to prevent the unintended depletion of a REIT's capital base when it sells property at a taxable gain. Accordingly, the REIT could acquire a replacement property without incurring costly charges associated with a stock offering or debt.

Section 202. Reduction in the 95% Distribution Requirement. H.R. 1150 calls for reducing the REIT distribution requirement of taxable ordinary income from 95% to 90%. RICs have a similar distribution requirement, which is set at 90%. The REIT distribution requirement was 90% from 1960 until 1976. As part of the Tax Reform Act of 1976, REITs were granted a special "deficiency dividend procedure" designed to protect their status in the face of a redetermination of distributable income pursuant to an IRS audit. In exchange for this decreased risk of inadvertent disqualification, REITs were asked to distribute a higher percentage of their income. However, when the deficiency dividend procedure was extended to RICs in 1978, no corresponding change was made to the RIC distribution requirement. Accordingly, H.R. 1150 calls for a reduction in the REIT distribution requirement to restore conformity between REITs and RICs.

C. Title III of REITSA would simplify several technical problems that REITs face in their organization and day-to-day operations. Many of these proposals would build on simplifications that Congress has adopted over the years.

Section 301. Modification Of Earnings And Profits Rules For Determining Whether REIT Has Earnings and Profits From Non-REIT Year. Only for purposes of the requirement that a REIT distribution all pre-REIT earnings and profits ("E&P") within its first taxable year as a REIT, a REIT's distribution should be deemed to carry out all pre-REIT earnings before shareholders are considered to be receiving REIT E&P. Under existing law, a REIT must not only distribute 95% of its REIT taxable income to shareholders, but it must in its first year distribute all pre-REIT year E&P. If the company mistakenly underestimates the amount of E&P generated while operating as a REIT it may fail to satisfy those requirements because the ordering rules controlling the distribution of E&P currently provide that distributions first carry out the most recently accumulated E&P. Thus, if a REIT distributes the pre-REIT E&P and the expected REIT E&P in its first REIT taxable year, the year-end receipt of any unanticipated income would result in the reclassification of a portion of the distribution intended to pass out the pre-REIT E&P.

While REITs have methods available to make distributions after the close of their taxable year that relate back to assure satisfaction of the 95% income distribution requirement (to be changed to 90% under REITSA), those methods can not be used to cure a failure to distribute pre-REIT E&P after the close of the REIT's taxable year. Accordingly, by allowing the REIT's distributions to first carry out the pre-REIT E&P, the REIT could satisfy both distribution requirements by using one of the deferred distribution methods to distribute the unanticipated income discussed in the example.

Section 302. Treatment of Foreclosure Property. Rules related to foreclosure property should be modernized. For property acquired through foreclosure on a loan or default on a lease, under present law a REIT can elect foreclosure property treatment. That election provides the REIT with 3 special conditions to assist it in taking over the property and seeking its re-leasing or sale. First, a REIT is permitted to conduct a trade or business using property acquired through foreclosure for 90 days after it acquires such property, provided the REIT makes a foreclosure property election. After the 90-day period, the REIT must use an independent contractor to conduct the trade or business (a party from whom the REIT does not receive income). Second, a REIT may hold foreclosure property for resale to customers without being subject to the 100% prohibited transaction tax (although subject to the highest corporate taxes). Third, non-qualifying income from foreclosure property (from activities conducted by the REIT or independent contractor after 90 days) is not considered for purposes of the REIT gross income test, but generally is subject to the highest corporate tax rate. The foreclosure property election is valid for 2 years, but may be extended for 2 additional terms (a total of 6 years) with IRS consent.

Under H.R. 1150, the election procedure would be modified in the following ways: (1) the initial election and one renewal period would last for 3 years; (2) the initial election would remain effective until the last day of the third taxable year following the election (instead of exactly two years from the date of election); and (3) a one-time election out of foreclosure property status would be made available to accommodate situations when a REIT desires to discontinue foreclosure property status.

In addition, the independent contractor rule under the election would be modernized so that it worked in the same manner as the general independent contractor rule. Currently, a REIT may provide to tenants of non-foreclosure property services customary in the leasing of real property. However, this previous modernization of the independent contractor rule was not made to the rules governing the required use of independent contractors for foreclosure property.

Section 303. Special Foreclosure Rules For Health Care Properties. In the case of health care REITs, H.R. 1150 provides that a REIT would not violate the independent contractor requirement if the REIT receives rents from a lease to that independent contractor as a tenant at a second health care facility. This change recognizes the limited number of health care providers available to serve as an independent contractor on a property acquired by the REIT in foreclosure, and the REIT's likely inability to simply close the facility due to the nature of the facility's inhabitants.

In addition, the health care rules would extend the foreclosure property rules to expirations or terminations of health care REIT leases, since similar issues concerning a limited number of operators arise in those circumstances. However, foreclosure property treatment in these cases would be limited to a two-year period, unless the Secretary grants one or two possible two-year extensions.

Section 304. Payments Under Hedging Instruments. H.R. 1150 would extend the REIT variable interest hedging rule to permit a REIT to treat as qualifying any income from the hedge of any REIT liability secured by real property or used to acquire or improve real property. For example, this provision would apply to hedging a REIT's unsecured corporate debenture or the currency risk of a debt offering denominated in a foreign currency.

Section 305. Excess Noncash Income. H.R. 1150 would expand the use of the excess noncash income exclusion currently provided under the REIT distribution rules. The bill would (1) extend the exclusion to include most forms of phantom income and (2) make the exclusion available to accrual basis REITs. Under the exclusion, listed forms of phantom income would be excluded from the REIT 90% distribution requirement. However, the income would be taxed at the REIT level if the REIT did not make sufficient distributions.

Section 306. Prohibited Transaction Safe Harbor. H.R. 1150 would correct a problem in the wording of Congress' past liberalization of the safe harbor from the 100% excise tax on prohibited transactions, *i.e.*, sales of property in the ordinary course of business. Involuntary conversions of property no longer would count against the permitted 7 sales of property under the safe harbor.

Section 307. Shared Appreciation Mortgages ("SAM"). In general, section 856(j) provides that a REIT may receive income based on a borrower's sale of the underlying property. However, the character of that income is determined by the borrower's actions. The SAM provision would be modified and clarified so that a REIT lender would not be penalized by a borrower's bankruptcy (an event beyond its control) and would clarify that a SAM could be based on appreciation in value as well as gain.

Section 308. Wholly Owned Subsidiaries. In 1986, Congress realized the usefulness of a REIT holding properties in subsidiaries to limit its liability exposure. H.R. 1150 would codify an IRS private letter ruling position providing that a REIT may treat a wholly-owned subsidiary as a qualified REIT subsidiary even if the subsidiary previously had been owned by a non-REIT entity. H.R. 1150 would allow a REIT to treat a corporation as a qualified REIT subsidiary when it acquires for cash and/or stock all the stock of a non-REIT C or S corporation.

The effective date would be for taxable years beginning after the date of enactment.

CONNECTICUT PAYS TRIBUTE TO SECRETARY RON BROWN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Ms. DELAURO. Mr. Speaker, on Monday, March 24, 1997 Connecticut will become the first State to participate in a State to State Day for the Ronald H. Brown Foundation. I am

very pleased to rise today to pay tribute to the life and work of Ronald Brown and his family's efforts to continue his work through the Ronald H. Brown Foundation.

Secretary Brown spent a lifetime working to improve and expand opportunities for Americans. He spent 12 years working for the National Urban League as Deputy Executive Director, General Counsel and vice president for its Washington organization. He will always be remembered for his tremendously successful tenure as chairman of the Democratic National Committee when he was instrumental in President Clinton's election. The President referred to Ron as "a strong and independent leader and a forceful advocate" when he nominated him to be the 30th United States Secretary of Commerce.

Dynamic and persuasive, Ron Brown used his position in the Commerce Department to be a tireless crusader for economic policies which build a partnership between the public and private sectors. While Secretary of Commerce, Ron made working with small business and minority entrepreneurs one of his priorities. However, Ron Brown's focus did not stop at the United States borders. He realized that America had to retain the lead in international commerce to continue to grow and provide economic opportunity for all of its citizens. To this end, he traveled the world to promote trade and the export of United States goods and services. Indeed, he will long be remembered for his far-reaching vision and unique style.

Ron Brown believed that economic opportunity would come from the integration of education, political development and international commerce. His legacy to us is the challenge of making his goals a reality. His family has taken on that challenge and founded the Ronald H. Brown Foundation to ensure that Ron Brown's lifetime of work will be carried on. The Foundation will focus on three areas: policy development, global commerce, and education.

I am proud that Connecticut is the first State to participate in the State to State effort to get the Ronald H. Brown Foundation on its way. I thank Ron Brown's wife Alma and his children, Michael and Tracy, for allowing me to be a part of this exciting new venture. We all have great hopes for the Foundation and I know that Ron Brown would be pleased to see that the vision he dedicated his life to is now closer to reality. My congratulations to everyone involved in this extraordinary project.

TRIBUTE TO RICHARD KATZ

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Richard Katz for his years of service to the people of California, especially to the residents of the San Fernando Valley. This week Mr. Katz is being recognized by the San Fernando Valley Interfaith Council with the "Spirit of the Valley" award which is the highest honor the Council bestows on former public officials, recognizing Mr. Katz's enormous contributions to our area and our State.

During his 16 years in the State government he served as chairman of the Transportation Committee and later as the Democratic Leader of the Assembly. His career is a record of distinguished service, as Mr. Katz was on the forefront of a number of issues important to Californians. The impact of his work varied widely from supporting the Mountain Lion Protection Act which banned the sport hunting of mountain lions and restored lost habitat, to aiding the victims of the Northridge Earthquake in the form of immediate tax relief.

Transportation improvements is the area in which Richard perhaps left his most enduring legacy. He authored Proposition 111, which raised more money for mass transit and highways than any effort in the history of California and created the Congestion Management Program which required cities to measure the impact of land use decisions on their roadways. He helped initiate California's Smog Check Program, which is still the strongest anti-smog program in the Nation. Finally, he worked to retire unsafe school buses with newer fuel efficient replacements, which benefits both the kids that depend upon them and the local environment.

It has been said that, the politician thinks of the next election, the statesman thinks of the next generation. Richard Katz's work in helping the children of California certainly classifies him as a statesman. He played a leading role in the Gang Risk Intervention Program which targets at-risk youth before they get involved with gangs. He recognized early on the importance of educating our children on computer use, as he developed and galvanized support for computer education programs in our public schools.

During his 16 years in the California legislature, Mr. Katz was known as a hard working and effective legislator. The effects of his leadership will be felt in areas ranging from crime prevention, environmental and consumer protection, transportation improvements and family issues. Throughout his career he maintained a relaxed and informal demeanor making him very approachable to Valley residents. Indeed the people of the San Fernando Valley are fortunate to have had Richard Katz as their representative. The area will reap the benefits of his work for generations to come.

TRIBUTE TO ROBERT W. WALSH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to Robert W. Walsh, the executive director of the 14th Street, Union Square Business Improvement District [BID/LDC], and the man responsible for the renaissance of a New York neighborhood desperately in need of amelioration. Robert will be leaving New York for Charlotte, NC, where he has been named president of the Charlotte, NC, Uptown Development Corp.

During his 8 year tenure at BID/LDC. Robert initiated and oversaw a revitalization of the Union Square community that has transformed the neighborhood into one that is immeasurably better for residents, businesses, and visitors. In fact, improvement in the neighborhood has been so vast, Mayor Rudolph Guliani recently singled out the 14th Street, Union Square organizations as models for community development.

Robert has been responsible for many notable projects in the community, including the rezoning of the East 14th Street corridor which has stimulated recent developments such as an NYU student residence, many new retailers, restaurants, and other businesses; and the establishment of an award winning public/private partnership with Washington Irving High School. One of Robert's most indelible marks on the neighborhood is the completion of the Genesis apartments, a 94-unit building for formerly homeless families.

During Mr. Walsh's tenure, the 14th Street, Union Square neighborhood has become one of the most attractive and exciting areas of New York City.

Mr. Speaker, it is my pleasure today to rise in honor of Robert Walsh, a man who has served the New York community throughout his career at a variety of city agencies—the New York City Departments of General Services, Personnel, Parks and Recreation, Transportation, and the major's Office of Operations. I ask my colleagues to join with me today in this well-deserved tribute to Mr. Walsh for his commitment to New York City and to the outstanding work he has done for the 14th Street, Union Square community.

TRIBUTE TO VENA G. EDWARDS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. SKELTON. Mr. Speaker, after 32 years of civilian service in the Department of the Army, Vena G. Edwards is being honored by her friends and peers.

Vena began her long and distinguished career in 1965 in the Officer Personnel Management Directorate at the U.S. Army Personnel Command, then known as the Military Personnel Command. Once she had established herself through other assignments, she advanced to the office of the assistant deputy chief of staff for Personnel in February 1977. A professional in every sense of the word, she was the mainstay and guiding force for the entire agency. She has trained many other agency members and has successfully managed the careers of the many general officers for whom she worked.

She always took a genuine interest in people and often went out of her way to help. You could say that she was truly one of those people who always walked the extra mile. She has been a lifesaver for many a general officer and hapless newcomer who found out they could always depend on Vena for the right answer or the right place. As the institutional memory for the organization, she will be sorely missed as it will take all of us much longer to look up what she already knows.

A master of efficiency, she has worked tirelessly to ensure the agency goals are met and that a quality of life is maintained for all members of the U.S. Army.

Vena has earned the admiration and respect from those in the highest levels of the Army, of the Department of Defense, Congress, and for the genuine caring for the well being of those who make soldiering their career.

Mr. Speaker, I would like to take this opportunity to extend our heartfelt congratulations upon the retirement of Vena Edwards. I know Vena will be just as successful in her future endeavors as she was at the Department of the Army.

BART EXTENSION OF THE SAN FRANCISCO INTERNATIONAL AIRPORT IS ESSENTIAL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. LANTOS. Mr. Speaker, I rise today in strong support of the reauthorization of the Intermodal Surface Transportation Efficiency Act [ISTEA]. Bipartisan passage of ISTEA in 1991 unveiled a new era in transportation funding by establishing a critical balance between meeting national policy objectives and providing flexibility to States and local governments. ISTEA works well and major changes to this important law are not necessary.

Mr. Speaker, last week, I testified before the House Subcommittee on Surface Transportation in support of ISTEA reauthorization. ISTEA must maintain its focus on national priorities, intermodalism, local and public involvement, and consideration of environmental concerns. It must also be adequately funded.

Mr. Speaker, I would like to share my thoughts with my colleagues here in the House of Representatives on the effectiveness of ISTEA programs in my region and in support of the reauthorization of the BART Extension to San Francisco International Airport. I respectfully request that my statement be included in the RECORD.

STATEMENT OF CONGRESSMAN TOM LANTOS BEFORE THE HOUSE SUBCOMMITTEE ON SURFACE TRANSPORTATION

Good afternoon, Mr. Chairman and members of the Subcommittee. Thank you for giving me the opportunity to testify on what is one of the most significant issues before the 105th Congress: the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA). Passage of ISTEA by a large bipartisan majority of the Congress in 1991 was a watershed event for federal transportation policy. As you know, the new law was designed to make federal programs in the post-interstate era better, not bigger, by emphasizing system preservation, the efficient operation of existing networks, improved intermodal integration, and increased state and local control over investment decisions. ISTEA has been a visionary document, fostering a more diversified and strengthened transportation infrastructure to enable Americans to meet future challenges and opportunities.

A key ISTEA provision for the San Francisco Bay Area is the Section 3 New Rail Starts authorization for the BART Extension to the San Francisco International Airport. As you know, the BART Extension was authorized in the last authorization of ISTEA and I strongly urge its reauthorization. The project, which is located in my Congressional district, will dramatically improve mobility and alleviate traffic congestion by creating a state-of-the-art connection between the 81-mile BART system and the bustling San Francisco International Airport (SFO). The SFO Extension enjoys the unanimous support of the entire Bay Area Congressional delegation and I am wholeheartedly committed to ensuring that we build this long-awaited, national-significant transit project. In a few minutes, BART Board Director Dan Richard will elaborate on the region's reauthorization request for the SFO Extension.

In the San Francisco Bay Area, I am happy to report, that the overall implementation of ISTEA has had a profound and decidedly beneficial impact on transportation planning and project selection. Thanks to the superb guidance and leadership of our nine-county Metropolitan Transportation Commission (MTC), which has overseen implementation of the program, our region has been able to seize upon the new opportunities provided by ISTEA and immediately put our federal dollars to work.

Barely one month after the passage of ISTEA, MTC formed the Bay Area Partnership—a consortium of local, state and federal agencies—to collaborate on the optimum use of ISTEA dollars. The Partnership quickly initiated a process to screen and rank project proposals based on ISTEA goals for efficiency, equity and multi-modalism. Working by consensus engendered strong local support, which enabled the Bay Area to obligate nearly 200 of its first round of Surface Transportation Program (STP) and Congestion Mitigation and Air Quality (CMAQ) Improvement Program projects years ahead of official obligation deadlines.

In terms of the MTC region, ISTEA's flexible funding provisions have been pivotal to the program's success. ISTEA has literally revolutionized the way transportation priorities are set and how projects are selected for funding in the Bay Area. Instead of the rigid funding categories of the past, Bay Area communities have the latitude to invest in smaller, more cost-effective projects that deliver more immediate results.

Local flexibility has also enabled many worthy projects to advance—everything from a joint intermodal terminal at the Port of Oakland to BART rail rehabilitations to expansion of MIC's popular roving Freeway Service Patrol tow trucks and various highway and local street improvements throughout the region. In all, MTC, with the Partnership's help, has approved 432 projects worth more than $460 million in STP and CMAQ funds. Along the way, the process continues to be refined and improved to elevate only the most efficient, effective transportation projects for funding. The success of each of these transportation projects is an extraordinary testament to the value of local decision-making coupled with the inherent flexibility of ISTEA.

Mr. Chairman, as your Subcommittee prepares to mark up a surface transportation reauthorization measure, I urge you to retain ISTEA's basic program structure, which has proven so successful in the San Francisco Bay Area and in other parts of the country. I also encourage you to oppose efforts to repeal or reduce the federal gas tax. These ill-advised policies would wreak havoc on the federal Treasury, weaken our economic competitiveness, and could undermine national security interests. Finally, I urge members of the Subcommittee to consider the financial burdens that transit operators must bear in meeting the paratransit requirements of the Americans with Disabilities Act. Transit operators are already reeling from steep reductions in Section 9 operating assistance and can ill-afford to absorb these new costs without federal assistance.

Mr. Chairman, at this time I would like to introduce Dan Richard, a member of the BART Board of Directors, who is here to address the BART Extension to the San Francisco International Airport, our region's number one priority for federal New Rail Starts. I look forward to the day in the not too distant future when BART initiates service to the airport. With your Subcommittee's continued support, Mr. Chairman, I am confident that we will reach that goal, and when we do, it will be a proud achievement for all Americans.

Again, thank you for the opportunity to testify. I look forward to continuing to work with you and in supporting your efforts to enact a strong surface transportation bill which will meet our nation's transportation infrastructure needs in the next century.

IN SUPPORT OF THE CREDIT UNION MEMBERSHIP ACCESS ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. BROWN of California. Mr. Speaker, I rise today to join with my distinguished colleagues on the House Banking Committee, Mr. LATOURETTE and Mr. KANJORSKI, and 15 other bipartisan colleagues, in introducing the Credit Union Membership Access Act. The bill will preserve the rights of millions of Americans to join and continue their access to credit unions.

In a ruling against the AT&T Family Federal Credit Union, the U.S. Circuit Court of Appeals for the District of Columbia, ruled on July 30, 1996, that a credit union cannot have among its members more than one group having a common bond of occupation. That appeals court decision, as a result of a full court lobbying by large banks, casts in doubt the ability of a credit union to serve multiple groups of employees by overturning 15 years of established National Credit Union Administration [NCUA] policy as it relates to who is eligible to join a credit union.

If fast action is not taken, millions of Americans will be forced to give up their access to the financial services they otherwise would receive through a credit union. The Credit Union Membership Access Act is a bipartisan effort to bring a legislative remedy as quickly as possible to the common bond issue. The bill would preserve the longstanding policy of the NCUA with regard to field of membership in Federal credit unions. It would also clarify that it is the intent of Congress that the NCUA has authority to determine occupational, associational, and community charters for Federal credit unions.

The measure, which I had been helping develop for the past several months, was carefully drafted in close consultation with local and national leaders of the credit union community. As a longtime supporter of the credit union movement in the United States, I am

honored to be part of this effort and to be included on the ground floor of the bipartisan congressional group submitting this important measure to the House of Representatives. To reaffirm my continued support for our Nation's credit unions, I urge my colleagues from both sides of the aisle to support the passage of the Credit Union Membership Access Act.

TRIBUTE TO HELEN HORRAL

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. OBERSTAR. Mr. Speaker, I rise today to pay tribute to Helen Horral of Duluth, MN.

Helen Horral has rendered long and distinguished, dedicated service to the people and city of Duluth. She served on the Housing Redevelopment Authority [HRA] from 1985–1995, acting as president of the authority for 1 year. The HRA sets policy for Duluth's low-income housing and creates solutions to the city's low-income housing needs.

Helen has also served on the Single Room Occupancy Commission [SRO]. The SRO advises the city of Duluth on homelessness and the use of shelters and food banks, and it oversees grants and loans to SRO building owners to improve living standards and make housing more affordable. While serving on the SRO, Helen was a staunch advocate for the residents, making sure that the tenants were treated with respect. She was known as the resident caretaker of the SRO Commission.

The motivation for Helen's laudable efforts on behalf of the HRA and SRO is that she wants to help people less fortunate than herself. Many years ago, she saw that numerous Duluthians, especially senior citizens, had financial difficulties and could not afford decent housing. Helen decided to attack the problem head-on and take an active role in finding solutions. As a result of Helen's hard work, there has been real improvement in Duluth's low-income housing; there are now more low-income, high-quality units in Duluth, and low-income senior citizens can live in dignity. Even though she is now 82 years old, Helen continues to help others by planning meals and serving as a volunteer cook at senior citizens' centers around the city, which she has done for many years.

In addition to actively helping senior citizens, Helen has been involved in politics in Duluth for more than 25 years. She works as a volunteer for candidates in Minnesota during election years and is involved in grassroots politics all year long. Helen also provides transportation to seniors who do not drive, and she hosts political dinners and meetings on numerous occasions each year.

The 1996 election provided a good example of Helen's devotion to the political process. At one point near the end of the election, Helen worked at a campaign office in Duluth for 24 hours in a 2-day period. She did this not because she was asked to, but because she wanted to help. On many cold Minnesota winter days, when the next election may be more than a year away, Helen is still the first person at political meetings. And she rarely shows up for meetings or at the campaign headquarters alone—she is the best volunteer recruiter in the district and frequently encourages senior citizens to become involved in the political process.

Helen says, with very simple, honest modesty that she has been blessed in her life and wants to share that blessing by working to assist those less fortunate. Helen truly understands the value of life and the worth of helping others. I am proud and honored to share with my colleagues this brief, but deserved tribute to Helen Horral, who has given so much of herself to enrich the lives of others and to serve her community. She is both a role model and an inspiration.

STATE REPRESENTATIVE ANGELO "SKIP" SAVIANO HONORED AS MAROONS SOCCER CLUB "MAN OF THE YEAR"

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Mr. BLAGOJEVICH. Mr. Speaker, this weekend in Elmwood Park, IL, the Maroons Soccer Club, organizer of the first Italo-American soccer team in Chicago, will hold its 68th annual banquet. The Maroons are the proud sponsors of both soccer teams for the young and soccer teams for the "ageless" of the Chicagoland area. The purpose of the banquet is to honor two individuals who have actively contributed to the club in the same spirit that the club actively contributes to the community as whole. We join the Maroons in proudly honoring their Man and Lady of the Year for 1996–1997, Mr. Angelo "Skip" Saviano and Ann Mele. This is such a great honor. I am greatful to have the opportunity to recognize them in this way.

But I would like to take this special opportunity today to rise in the U.S. House of Representatives and publicly congratulate my long-time friend and colleague in the Illinois State House of Delegates, Skip Saviano.

Skip has been involved with youth soccer in our district for many years. He actively contributes to the well-being of our children and our community in many ways. In the most traditional sense, Skip Saviano is a role model. He is a strong legislator, and a champion of communities throughout Chicago and its suburbs. And his accomplishments are a direct result of his success as a community leader and as a good citizen.

I hope that my distinguished colleagues will join me in recognizing Skip Saviano for this much deserved honor. Further, I hope that they will join me in applauding his continued dedication to our communities and to the lives of the young people growing up in Chicago.

INTRODUCTION OF THE QUALITY HEALTH CARE AND CONSUMER PROTECTION ACT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise today to introduce the Quality Health Care and Consumer Protection Act of 1997.

The past several years have seen an increasing and disturbing trend of the health insurance industry putting bottom-line medicine ahead of quality medical care. The evidence is everywhere.

First were the documented reports that women were being discharged from hospitals 24 hours—even 12 hours—after giving birth. Then came reports of women being shown the door after having outpatient mastectomies. In addition, physicians are barred from telling a patient about a lifesaving or life-improving treatment option or specialized care if it is more expensive than the insurer is willing to pay. Doctors were literally being gagged, in violation of their professional oaths. Men and women are not allowed to call for an ambulance without receiving prior approval from their managed care plan. Enrollee records are not kept confidential.

These practices, and others, spell an alarming trend in managed care. It would appear that managed care has allowed—or even forced—insurance companies to place company profits ahead of patient care. To many of us, this smacked of third world medicine. Are we to abandon our historical position as the world's leader in medical care?

As a result, many individual States have started to mandate the coverage that insurers must provide. While I understand the States' desire to protect the quality of care, I am not sure this commonsense regulation is best executed at the State level.

Congress should go beyond taking these issues on a piecemeal basis and take broad comprehensive action. Consequently, I am introducing the Quality Health Care and Consumer Protection Act. Based on a series of proposals from Women in Government, a bipartisan group of State legislators from across the country, my bill represents a consensus on steps to ensure that managed-care networks provide high-quality, efficient care, not just low-cost care that boosts profits.

I am aware that there are other health reform plans pending in Congress. My bill, however, goes further because it also includes the millions of American workers whose health plans are regulated under ERISA. ERISA is the Federal law that regulates large corporations that self-insure and these companies would be exempt from the other legislation pending before this House. We must provide the same high standard of quality of medical care for all Americans, not just some.

This legislation would protect consumers without denying managed care's potential for legitimate innovation and cost control. This measure would return the power over medical decisions to those with the medical training and expertise—the doctors and the nurses.

Better Access to Personnel and Facilities—Ensures that enrollees are given meaningful

choice of available physicians and specialists, which includes reasonable access to acute care hospital services, primary care practitioners, registered nurses, specialists and specialty medical services such as physical therapy and rehabilitative services.

Continuity of Care—Requires that enrollees are provided continued coverage with the established primary care practitioners for 60 days, when the health care professional's contract is terminated without cause.

Emergency Service Coverage—Ensures that the health plan reimburse expenses for treatment of an emergency medical condition, when prior authorization was not obtained, if a prudent layperson would reasonably assume that the condition required immediate medical treatment.

Adequate Choice of Health Care Professionals—Ensures that the health plan permit enrollees to choose their own primary care practitioner from a diverse list of qualified professionals who are accepting new enrollees. In addition, when the enrollee's medical conditions warrant it, the enrollee shall be permitted to use a medical specialist primary care practitioner.

Point of Service Option—Ensures that the plan have an option for an enrollee to receive benefits by a nonnparticipating health care professional for an additional reasonable premium.

Prohibition of Gag Rules—Ensures that there is open communication between health care professionals and enrollees.

Coverage of Drugs and Devices—Requires that a health plan that provides benefits with respect to drugs and medical devices shall provide coverage for all drugs and medical devices approved by the Food and Drug Administration so long as the primary care practitioner or other medical specialist determines the drug or device is medically necessary and appropriate.

Coverage of Experimental Treatment—If a health plan limits coverage for services, then the plan shall define the limitation and disclose the limits in any agreement of coverage. When a plan denies coverage for an experimental treatment, then the plan shall provide a letter explaining the denial, along with a description of alternative treatment covered by the plan.

Quality Assurance Program—Requires that the health plan develop comprehensive quality assurance standards which are adequate to identify, evaluate and remedy problems relating to access, continuity and quality care.

Data Systems and Confidentiality—Ensures that the health plan provide information on the plan's structure, decision making process, health care benefits and exclusions, cost and cost-sharing requirements, list of participating providers as well as grievance and appeal procedures to all enrollees, the Secretary of Labor, and the Secretary of Health and Human Services.

Reporting of Data—Requires that the health plan report annually to the Secretary of Labor and the Secretary of Health and Human Services data including the number and types of enrollee grievances or complaints during the year, the status of decisions, and the average time required to reach a decision. In addition, the health plan must report the number, amount, and disposition of malpractice claims resolved during the year.

Medical Records and Confidentiality—Requires that the health plans establish policies and procedures for keeping enrollee information confidential.

Disclosure about Financial Arrangements—Requires that the health plan inform enrollees of the financial arrangements between the plan or issuer and participating providers and professionals.

Grievance Procedures—Provides a grievance procedure that all health plans must follow, while also requiring that the plan provide written notification to enrollees regarding the right to file a grievance concerning denials or limitations of coverage under the plan. In addition, the plan shall report to the Secretary of Labor and the Secretary of Health and Human Services the number of grievances and appeals received by the plan.

Mr. Speaker, managed care has a legitimate role to play in today's health care system. However, no health care system should be allowed to sacrifice patient care on the altar of corporate profits. The Quality Health Care and Consumer Protection Act makes significant steps toward returning medical decisions to doctors and other health care professionals and away from gatekeeper bureaucrats in HMO offices.

Medical professionals for generations have worked long and hard to give the United States the highest standard of medical care in the entire world. Our physicians, nurses, and medical researchers have performed miracles in combating dreaded disease, repairing ghastly injuries, and correcting infirmities. We cannot allow green-eyeshadded bean counters in insurance company accounting departments to throw that progress away. With a health care system that is the envy of the world, we must not allow the United States of America to slip to third world standards of medicine.

HONORING REV. RAPHAEL ZBIN, MONK OF THE YEAR, THE BENEDICTINE ORDER OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Rev. Raphael Zbin, pastor of St. Andrew's Parish in Cleveland, OH. He is celebrating his 50th ordination jubilee and was honored as "Monk of the Year" at a ceremony on March 16, 1997, in Lakewood, OH.

The following tribute was contained in the St. Clair & Suburban News, February 1997 Edition:

He was ordained a priest in 1947 and then began teaching biology at Benedictine High School and served on Cleveland Diocese School Board for many years. In 1976, he was appointed pastor of St. Andrews.

There is no greater tribute to a Benedictine education than to dedicate one's life to the service of the Benedictine Order and its values in education. And that summarizes the life-long efforts of Fr. Zbin.

TRIBUTE TO COLLEEN SMITH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Ms. KAPTUR. Mr. Speaker, I rise today to recognize Colleen Smith of Bowling Green, OH, who has retired as the city's administrator. Throughout her distinguished tenure, she was a model of a dedicated public servant.

Colleen began working for the city of Bowling Green in 1967 as a bookkeeper, monitoring maintenance costs of city vehicles. Working her way up through the municipal structure, she became the city's municipal administrator in 1989. As a testament to her talent and commitment to fiscal responsibility, the city's books held no operating debt upon her retirement.

In addition to leaving Bowling Green on sound financial grounds, Colleen may take pride in her retirement in knowing she played a key leadership role in the development and promotion of her community. As assistant municipal administrator and later as municipal administrator, she helped revitalize the downtown area and aggressively assisted in economic development. She was involved in recruiting commercial and industrial business and in negotiating an enterprise zone agreement between business, industry, and government. Ever mindful that a community is more than simply a collection of business enterprises, Colleen worked to ensure Bowling Green remained the warm and pleasant place to live and visit it has always been. Her efforts have grown trees, parks, and playgrounds which people have enjoyed and will for generations to come. She helped make Bowling Green a true slice of Middle America.

More than a municipal employee, Colleen expanded the boundaries of public servant by committing her time and talent to various volunteer groups and charities: the American Cancer Society, Muscular Dystrophy Association, and Arthritis Foundation to name a few. For her selfless efforts, Colleen was honored and recognized by many civic and community organizations. The recognition culminated in 1996, when she received an honorary alumnus degree from Bowling Green State University for a lifetime of achievement and civic-mindedness.

The English poet/philosopher John Donne wrote that "no man is an island, entire of itself" by which he meant that every person touches every other living being. Colleen Smith is an example of this sentiment. Although retiring from public service, I am certain she will carry on in the ideal of Donne's philosophy for many years to come. I know my colleagues join me in thanking Colleen Smith for 30 years of dedicated service, and wish her an enriching retirement.

CONGRATULATIONS TO THE LADY EAGLES BASKETBALL TEAM OF WEST VALLEY HIGH SCHOOL

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. NETHERCUTT. Mr. Speaker, today I want to congratulate the girls basketball team of West Valley High School. On March 15, the Lady Eagles won the Washington State AA High School basketball championship, handily defeating the Prosser High School girls squad 61 to 44. The Lady Eagles won 18 of their 22 games in the regular season, defeating many tough teams.

Under the leadership of Coach Mark Kuipers and assistant coaches Steve Lawler, Shelli Totten, Robyn Schumacher, and Renee Nilles, the girls squad demonstrated athletic skill, teamwork, and persistence, qualities which helped them play good basketball and win the State championship.

Players for the State championship team are Abby Monasmith, Angela Kaltas, Sherry Shollenberger, Cindy Simpson, Gabby McClintock, Chantelle Frost, Dawn Salfer, Kiesha Sowers, Stacey Roberts, Danna Vermeers, Heather Huffman, and Alisha Pedey. Jill Nihoul, Heather Sweet, and Megan Lawk served as the team's managers.

Principal Cleve Penberthy, Athletic Director Wayne McKnight, and residents of the West Valley district should be proud of the Lady Eagles' success. I join them in saluting the players, managers, and coaches for their accomplishment.

I hope the Lady Eagles' success will encourage others to pursue their goals, recognizing that to succeed, players need to practice and work together as a team. While necessary to their triumph, athletic skill alone was not enough. I hope that my neighbors in eastern Washington—and Americans across the Nation—will learn from their success, that they will not let the odds discourage them, they will remain confident in their abilities and work together to reach their goals.

Skill, teamwork, and persistence allowed the Lady Eagles to triumph on the basketball court. And these qualities will enable students across the country to succeed, whether in an athletic arena or in any other endeavor they would like to pursue.

IN HONOR OF NOMAN M. COLE, JR.

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it is with deep sadness that I rise today to announce the passing of Mr. Noman M. Cole, Jr., whose contributions to the northern Virginia area, are beyond measure. Noman died suddenly in a skiing accident on February 2, 1997, and it is hard for me, and the entire Fairfax community to believe that such a vibrant and dynamic citizen is gone.

I would like to take this opportunity to inform others of what an outstanding activist and advisor Noman was. As past chairman of the Fairfax County Board of Supervisors, I had the opportunity to work with Noman and I viewed him as one of the fathers of modern Fairfax. He served on my commission to study the county's budget in 1992 and his insight helped the county to achieve a balance without a tax increase. He was a visionary who saw the big picture in the way government operates, and he was able to put together the coalitions to get things done. Noman was former chairman of Virginia's State Water Control Board and an activist who frequently spoke out in defense of measures to protect northern Virginia's water supply. While chairman, Noman initiated the State standards for treating sewage before it was released into the Potomac River.

No one had more to do with protecting the Potomac River and shaping the region's water supply. Many of Norman's other brilliant ideas have been adopted by the Virginia General Assembly. Noman also served as a member of the Occoquan Sewage Authority and most recently was involved in assessing Dominion's semiconductor's plans to build a $1.7 billion computer chip plant in northern Virginia. He also was a fighter for such causes as conserving energy and decreasing government spending.

Noman will be missed by all the residents of northern Virginia that were among the lucky to know him, and my deepest condolences goes to his wife, Janet, and his family. Noman will be a friend I will never forget, and he will be missed by the community he served. A recent editorial in the Washington Post clearly defines Mr. Cole's contributions to the region.

IN HONOR OF NORMAN M. COLE, JR.

[From the Washington Post, Feb. 9, 1997]

The Potomac River is far cleaner today than it was 30 years ago, and the credit for this transformation goes to one man whose expertise, persistence and political skills forced the issue on officialdom until he got results. Norman Cole Jr., who died in a skiing accident last weekend at the age of 63, was the undisputed champion of efforts to achieve what presidents and other elected leaders all talked about but never seemed ready to do: rid the Potomac of serious pollution. Poll anyone who ever got involved in the revival of the river and they point to Mr. Cole, the caring man who knew more than anyone else about water quality.

Mr. Cole served in a variety of state and local assignments pertinent to the longtime health of the region. He did stints as technical and policy adviser to Govs. John Dalton and Linwood Holton on energy and water pollution abatement. The government of Fairfax County leaned on Mr. Cole constantly for guidance, and civic groups sought him out for help, which he generously provided. Mr. Cole also was principal author of the 1971 Occoquan Watershed Policy, which prompted creation of a sewage authority there as well as of a world-class treatment plant.

Mr. Cole's expertise extended to global issues. He was a nuclear engineer who was a leader in the inspection and rectification of problems involving the reactor after the Three Mile Island accident in Pennsylvania. He served on the Ukrainian international jury reviewing proposals to stabilize Chernobyl Unit No. 4 after the disaster there. Mr. Cole assisted the Russian government in defueling its nuclear-powered submarines.

Mr. Cole was the man who was always testing the waters—literally as well as in his elaborate charts brightened by his famous multicolored underliners. When the Potomac started passing his tests, he would organize group swims. When the attention spans of government officials got short, he would nag and educate them until they at least listened some more. He did what he did out of a deep concern for the safety and pleasure of his own children and out of a love of the outdoor life and a special affection for the Potomac. His legacy is a unique treasure.

IN MEMORY OF A GREAT POLKA BAND LEADER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Joe Toriskie, a Garfield Heights resident who played his special brand of Cleveland-style polka music to countless fans of his band, "The Casuals."

Born in Cleveland, Mr. Toriskie started his first band while a student at South High School. He spread the joyous message of polka for the rest of his life. Over the past 30 years, Mr. Toriskie led his band, the Casuals, to the peaks of the polka music profession. He was nominated as Musician of the Year by the Cleveland Style Polka Hall of Fame last year. The Casuals were also nominated as Band of the Year in 1995 and 1996.

Mr. Toriskie had a distinctive style. He liked to mingle with his audience during breaks. He exuded the good, happy, honest life. His friends knew him as a genuine person and a truly nice man.

He is survived by his wife, Dolores, daughters, Christine Mackerty and Nancy Adams; and grandchildren, Michael and Katie Mackerty.

He will be deeply missed.

IRS COMMISSIONER LEGISLATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. WOLF. Mr. Speaker, today I am introducing legislation to ensure that the job of Internal Revenue Service Commissioner is filled by a person well qualified for this important, sensitive position who is insulated from political vagaries and undue influence.

Are certain nonprofit groups the targets of IRS audits? Is the IRS motivated by politics in determining which individuals or groups are audited? Shortly after the White House Travel Office employees were fired in 1993, IRS auditors began auditing UltraAir, a charter air company which had done business with the Travel Office and which was the subject of unfounded rumors about securing Travel Office work using kickbacks. Two years later, and after untold costs to the Government and the airline, UltraAir was cleared of any wrongdoing. Was this audit one of political retribution or an attempt to justify Travel Office firings?

Are IRS functions governed by objective interpretation and application of the tax code or are they directed by other interests? Almost daily, news reports are filled with allegations that the IRS is actually being run by politicians rather than career professionals, mindful of the fact that a well-placed, well-timed audit could have significant political rewards.

Far too many believe the IRS is an agency manipulated by powerful people with political motives. Far too many believe that the IRS is used as a political tool of the presidency—perhaps used to distract the opposition—perhaps an audit will work to divert the opposition's time, attention, and resources toward tax compliance matters rather than in pursuing their ideological goals. Can we call in the IRS and neutralize the opposition?

Ask your constituents what they fear most from the Federal Government and nearly all will say that one of their greatest fears is learning that they are being audited by the IRS. Not only does the IRS audit raise great concern, but for many who find themselves the focus of an audit, those concerns are compounded by the strongly held view that the agency may be politically motivated.

When the IRS Commissioner serves at the pleasure of the President, the perception is that the Commissioner may be swayed to operate the IRS in a manner that pleases the White House and may even agree to pursue audits as directed or do other things to be assured continued employment. Is this perception reality? Stories abound of misuse or abuse of IRS power for political purposes—in this administration and in previous administrations throughout history.

This is wrong. The IRS must be above partisan politics. Taxpayers—individuals and organizations alike—must be assured that one of the most important agencies in the Federal Government is run in a fair, nonpartisan manner. Americans deserve to rest easy knowing that the IRS is working in an objective, even-handed way to assess and collect taxes owed to the Federal Government. Americans deserve this.

That is why I am today introducing legislation which bolsters the integrity of the Internal Revenue Service by ensuring that the IRS is managed by an independent Commissioner, judged by his or her peers to be well-qualified to run the agency. My bill does two important things. First, the legislation establishes a new objective selection process for the IRS commissioner. Second, the legislation establishes a set 6-year term for the Commissioner, and thereby provides an important degree of independence from the President.

Under the provisions of this legislation, 150 days prior to the expiration of the Commissioner's term, or when a vacancy occurs, a special selection commission is established to consider potential candidates for commissioner. This commission will be comprised of peers qualified to assess the qualifications of potential candidates.

Specifically, the commission will consist of five individuals having professional contacts with the IRS, appointed by the following organizations: First, a representative from the American Institute of Certified Public Accountants who is a certified public accountant; second, a representative from the American Bar Association who is a member of the Tax Division; third, a scientist from the National Academy of Scientists; fourth, an engineer from the Institute for Electronic and Electrical Engineers; and fifth, an economist from the American Economics Association.

No later than 60 days after the commission is established, the commission submits to the President a slate of qualified candidates. The President then selects his nominee from that slate. Once approved by the Senate and sworn in, the new IRS commissioner then serves for a 6-year term.

This selection process is similar to the process used to select the comptroller of the General Accounting Office. In that instance, a special commission—comprised of members of the House and Senate—is established to consider potential candidates for the position and to present to the President a slate of qualified candidates for his consideration. This process has worked well for many years and has resulted in well-qualified persons serving as comptroller. I am convinced that the position of IRS Commissioner would benefit from a similar commission comprised of qualified individuals routinely doing business with the IRS. Let us follow the model provided and establish a selection commission for the IRS Commissioner.

My legislation ensures that strong, qualified candidates are selected for IRS Commissioner and further ensures that the Commissioner is afforded necessary insulation and distance from attempts to make the IRS a tool for the party in power in the White House. We must give taxpayers renewed confidence in the IRS and in its ability to fulfill its mission in an unbiased, even-handed manner. My bill will do just that and I urge its support.

PAYING TRIBUTE TO THE FORWARD

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. FORBES. Mr. Speaker, I rise today to ask my colleagues in the U.S. House of Representatives to join me in paying tribute to the Forward, the king of New York's ethnic newspapers that has given voice to this city's Jewish community since 1897.

For 100 years, Forverts has brought the news to New York's Jewish immigrant community in their native tongue, Yiddish. Considered by many as the exemplar of ethnic newspapers in a metropolis that supports more than 100 of these, the Forward has been hailed by no less than legendary New York newspaperman Pete Hamill as the model for all newspapers.

The story of the Forward begins with one of the landmark developments of this Nation's history, the great European immigration that began during the latter part of the 19th century. The forward, and thousands of journals like it, was published for the 2½ million Jews from Eastern Europe who poured through great immigrant ports like Ellis Island between 1881 and 1925. Its first great editor was Abraham Cahan, a literary genius and acclaimed author who created a daily that was best described as a kind of running Talmudic text for the secular cultural life of the Yiddish-speaking masses. Its mix of sensationalism and seriousness was supplemented by the fictions, essays and poetry of the great names of Yiddish literature. Though he won a Nobel Prize for literature in 1978, Isaac Bashevis Singer first published his fictional work in the Forward.

In the 1920's when the Forward wielded more influence than many of New York's English-language newspapers, this Yiddish daily boasted a circulation of more than a quarter million. In 1947, the paper's 50th anniversary party was so large it was staged in Madison Square Garden. It has even been said that the Forward's influence was so great, that it helped elect Meyer London to the U.S. House of Representatives in 1914.

May 25, 1990, was a historic day in the life of the Forward. After 93 years of publishing solely in Yiddish, the Forward produced its first English-language edition. Not an English translation, but a new entity that shares only a Manhattan office and the rich heritage of the original Forward. Led by president and editor Seth Lipsky, formerly an editor of the Wall Street Journal, the English-language edition has quickly staked its claim as the leading secular newspaper covering the Jewish-American community. Today, the Forward also publishes a Russian-language edition.

Though the Forward has always had a select readership, the issues and events found on its news pages are as diverse as the city it class home and the world that it covers. From politics to the arts, editorial cartoons to commentary, the Forward covers the entire range of the Jewish diaspora.

In its early years, the Yiddish Forward helped generations of European Jews absorb the American way of life, and today this legendary newspaper is still the paper of record covering the Jewish community. That is why I ask my colleagues in the U.S. House of Representatives to join me in saluting the Forward on its 100th anniversary.

TRIBUTE TO BRENDA AND ROY TANZMAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. PALLONE. Mr. Speaker, on Thursday, April 10, 1997, the first annual Chaver Award will be presented by the Highland Park Conservative Temple of Highland Park, NJ, at its donor dinner dance to Brenda and Roy Tanzman of South Brunswick, NJ, for extraordinary community service.

The Chaver Award was inspired by President Clinton's eulogy to Prime Minister Yitzhak Rabin—"Shalom, Chaver—Peace, Friend." The award will be given to those community leaders whose commitment involves an emotional and personal feeling for the value of continued giving of themselves for the greater good of all—in short, those who are true friends of the community.

Mr. Speaker, it is a great honor and pleasure for me to join the Highland Park Conservative temple in paying tribute to Roy and Brenda Tanzman. The Tanzmans have been community leaders in many ways, having served on numerous civic and religious boards, given assistance to a wide range of projects, and led missions to Israel. They and their entire family have been excellent role models for the entire community. The list of organizations that they have led, supported, or been involved with is a long one.

Roy Tanzman serves as first vice president of the Highland Park Temple. He is the president-elect of the Jewish Federation of Greater Middlesex County, chairman of AIPAC of Middlesex County and chairman of the Middlesex County Israel Bond Organization. Among other activities and associations, Mr. Tanzman has served with the National Conference of Christians and Jews, the New Brunswick Cultural Arts Committee, the Woodbridge Township School District, the South Brunswick Democratic Committee, and as a coach for youth soccer, basketball and baseball in South Brunswick. A partner with the law firm of Wilentz, Goldman and Spitzer, Mr. Tanzman serves on the Middlesex County Bar Association, the New Jersey Bar Association, the New York Bar Association and the Middlesex County Board of Realtors.

Brenda Tanzman is a former board member of the Highland Park Temple, and has chaired many temple projects, including being dinner dance co-chairwoman. She has served as chairperson of the children's holiday projects of the sisterhood of the temple. She is a former vice president and board member of National Council of Jewish Women. She is also a member of the Auxiliary of Central New Jersey Home of the Aged. A life member of Hadassah, she has been an active volunteer in the South Brunswick school system for the past 14 years, where she has served as cultural arts chairperson, and also worked on the Anne Frank exhibit.

The Tanzmans reside in South Brunswick with their two children, Jill and Brett.

The gala will be held at the Excelsior in Manalapan, NJ. I would also like to pay tribute to the chairperson for the event. Al and Lynn Rappaport, and Elliot and Jackie Brooks, and Ad Journal chairpersons Stuart Mitnick, Walter Rogers, Justin and Gittel Footerman and Bernie Sadof, for all their hard work in putting together what will be, I am sure, a tremendously successful event.

TRIBUTE TO SIDNEY A. THOMPSON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. DIXON. Mr. Speaker, on Sunday, May 18, 1997, the Los Angeles Unified School District [LAUSD] family will gather at the Ritz-Carlton Hotel in Marina Del Rey to pay homage to their leader Superintendent Sidney A. Thompson. Sid, as he is affectionately known by his colleagues, family, and many friends, is retiring from the school district after a distinguished and exemplary career spanning more than 40 years. An educator's educator, I am privileged to count him as my friend, and am pleased to share this brief retrospective of this extraordinary individual with my colleagues.

Born in Los Angeles, CA, on May 9, 1932, Sid attended Dayton Heights Elementary School, Virgil Junior High School, and graduated at the age of 16 from Belmont High School.

After graduation, Sid was faced with genuine conflict concerning his career choices. Imbued with a deep love of the sea, yet keenly aware of the necessity and importance of a college education, he arrived at the perfect solution to combine both dreams. He successfully passed the entrance exam for the U.S. Merchant Marine Academy, located in Kings Point, NY, but was forced to sit out the year since he was not yet 17.

Sid graduated from the academy in 1952 with a bachelor of science degree and soon thereafter enlisted in the U.S. Navy, rising to the rank of lieutenant. He was stationed aboard the U.S.S. *Rochester* during the Korean war.

Following his tour of duty, he returned to Los Angeles. In 1956 he joined the faculty of Pacoima Junior High School where he taught mathematics, rising to department Chair. While at Pacoima, he entered California State University, Los Angeles, earning a master's degree in school administration in 1960. His assent to greater heights and responsibilities was just beginning.

In 1965, Sid was named Assistant Principal at Maclay Junior High School. Four years later, he became Principal of Markham Junior High School and from 1971–1976, served as Principal of Crenshaw High School. His impressive administrative and managerial skills led to his promotion in 1976 to the post of Deputy Area Administrator for area 2. This position was followed in fairly rapid succession by a series of increasingly responsible positions within the school district's administrative offices.

On October 5, 1992, Sid became the 42d Superintendent and the first African-American to lead the Nation's second largest school district. His appointment catapulted him into the limelight as he confronted the mammoth challenge of overhauling and restructuring the school district—a move directed at concentrating greater decisionmaking authority at the local school level.

An affable and forthright individual, Sid has worked diligently with community groups and with local, State, and Federal officials in pursuit of his goals. He has been a strong, forceful, and effective advocate on behalf of children and viable educational policies designed to enhance their potential for future academic success.

Mr. Speaker, as the 19th century English essayist John Ruskin once noted, "The first duty of government is to see that people have food, fuel, and clothes. The second, that they have means of moral and intellectual education." I would submit that by his exemplary career and example, Sid Thompson embodies this principle. Largely because of his dedication, his love of education, and his leadership, the children of Los Angeles are better prepared to face the challenges of the future.

I am, therefore, proud to have this opportunity to congratulate him on his outstanding contributions to the citizens of Los Angeles. He has been a true champion of quality education for all children, and his presence at the helm of the Los Angeles Unified School District will be sorely missed.

As Sid prepares to embark on what I trust will be a long, prosperous, and healthy retirement, I wish him and his lovely wife, Julia, calm seas and cloudless skies as they sail aboard their beloved sailboat "Havarim." Thank you Sid. Well done, my friend.

IN MEMORY OF A FIGHTING IRISHMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of Martin Patrick Cooney, Sr., a native of the west side of Cleveland who was dedicated to the Irish community.

Because of his tireless efforts on behalf of the Irish community, in 1994 he was chosen Man of the Year by the very Irish Heritage Club he helped to found. He was once host to the Archbishop of Dublin and a member of Irish Parliament.

Mr. Cooney, a member of Pipefitters Local 120, retired after 30 years as a pipefitter for the city of Cleveland.

Mr. Cooney was a gifted Irish tenor. And throughout his 76 years of vibrant life and more than 20 trips to Ireland, he accumulated a wealth of knowledge on his heritage as well as the lineage of several Irish families in Cleveland.

He is survived by three daughters, a son, and seven grandchildren; as well as a sister and brother, and dear friends.

We will miss him terribly.

HONOR OUR POW/MIA'S

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Ms. HARMAN. Mr. Speaker, yesterday, I introduced legislation that requires the flying of the POW/MIA flag, a symbol of the Nation's commitment to service men and women held prisoner or missing, at Federal facilities, including U.S. post offices. The bipartisan bill, H.R. 1161, is in response to a recent incident where South Bay veterans were barred from flying the flag at U.S. post offices in Lomita and Rolling Hills Estates.

There is no doubt that we need to secure a full accounting of the men and women who fought for our Nation's flag and who were captured by the enemy or listed as missing. Having the POW/MIA flag flown at Federal offices and facilities will help us remember the work still to be done for these courageous individuals and their families. One of the individuals leading the effort to have the POW/MIA flag flown prominently around the Nation is David Albert, a councilman in the city of Lomita.

Mr. Speaker, I drafted the bill in response to complaints from Councilman Dave Albert and

veterans' groups who were recently denied permission to fly the distinctive black and white flag at a POW/MIA memorial at the Lomita Post Office. A short time later, a POW/MIA flag flying over the post office in Palos Verdes was ordered removed by postal authorities.

The apparent intent of the Postal Services' regulation was to insulate local postmasters from requests to fly flags other than the U.S. flag. When recently asked, Postmaster General Marvin Runyon responded that he saw no need to change the regulations. I'm disappointed by his answer. Postmasters are members of local communities and should be permitted to accommodate requests to fly flags, particularly one like the POW/MIA flag, which Congress has officially recognized as the symbol of our Nation's commitment to those still missing and unaccounted for.

Currently, the POW/MIA flag is required to be flown only at national cemeteries on at most 3 days a year. H.R. 1161, supported by the National League of Families of American Prisoners and Missing in Southeast Asia, expands the number of Federal sites where the flag will be flown. It also requires that the flag be flown on several specific national holidays associated with patriotism: Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, and National POW/MIA Recognition Day.

I thank International Relations Committee Chairman BEN GILMAN, Rules Committee Chairman GERALD SOLOMON, STEVE HORN, JIM RAMSTAD, PETER KING, MIKE MCNULTY and TIM HOLDEN for joining me as original cosponsors of this bipartisan bill.

I invite my other colleagues to join as well and I am pleased to share the text of the bill with them.

H.R. 1161

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) the United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

(2) many of these Americans are still missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships;

(3) as a symbol of the Nation's concern and commitment to accounting as fully as possible for all Americans still prisoner, missing, or unaccounted for, Congress has officially recognized the National League of Families POW/MIA flag and seeks further to honor those Americans who in future wars may be captured, or listed as missing or unaccounted for; and

(4) the American people observe and honor with appropriate ceremony and activity the third Friday of September each year as National POW/MIA Recognition Day.

SEC. 2. DISPLAY.

The POW/MIA flag shall be displayed on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, National POW/MIA Recognition Day, and on the last business day before each of the preceding holidays, on the grounds or in the public lobbies of—

(1) major military installations as designated by the Secretary of Defense;

(2) Federal national cemeteries;

(3) the national Korean War Veterans Memorial;

(4) the national Vietnam Veterans Memorial;

(5) the White House;

(6) the official office of the—

(A) Secretary of State;

(B) Secretary of Defense;

(C) Secretary of Veterans Affairs; and

(D) Director of the Selective Service System; and

(7) United States Postal Service post offices.

SEC. 3. REPEAL.

Public Law 102-190 (36 U.S.C. 189 note), relating to display of the POW/MIA flag, is repealed.

SEC. 4. REGULATIONS AND DEFINITION.

(a) REGULATIONS.—Within 180 days after the date of enactment of this Act, the agencies or departments responsible for the locations listed in section 2 shall prescribe such regulations as necessary to carry out the provisions of this Act.

(b) DEFINITION.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101-355.

INTRODUCTION OF LEGISLATION

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. THUNE. Mr. Speaker, the need for water development throughout South Dakota is great. Nothing is more important to the health of ranchers and farmers, and people living in rural areas and small towns than safe drinking water. Access to a quality water supply is absolutely essential. As we approach the 21st century, we should do whatever it takes to guarantee that need is met.

While considerable progress has been made in providing clean and safe drinking water to residents of my State, much work remains to be done. Fall River County and Perkins County are examples of areas that urgently need to develop new sources of potable water. That is why I am introducing bills today to authorize the construction of the Fall River Water Users District Rural Water System and the Perkins County Rural Water System.

The communities that would be served by both systems are comprised of farmers and ranchers who have had to endure substandard, and at times remote, sources of drinking water. The drinking water available in Fall River County, SD, like the water in much of the rest of the State, is contaminated with high levels of nitrates, sulfates, and dissolved solids. Wells have been known to run dry, due to the high frequency of droughts in the region. Many people currently must haul water, sometimes as much as 60 miles round-trip. Similar problems exist in Perkins County, where much of the drinking water fails to meet minimum public health standards, thereby posing a long-term health risk to the citizens of that region.

My first bill would authorize the construction of a system to bring clean water to the residents of Fall River County. I am absolutely committed to continuing to work with the Fall River County Water Users District, the State and the Federal Government to bring a high quality water supply to Fall River County.

Under the second bill I am introducing today, the Perkins County Rural Water System will obtain Missouri River water through the southwest pipeline, which is part of the Garrison Diversion Unit in North Dakota. This is an efficient and cost-effective approach that takes advantage of existing water management infrastructure. Clean, safe drinking water will be provided to about 2,500 people who reside in the towns of Lemmon and Bison, and the surrounding areas.

In my experience as director of the South Dakota Municipal League, I realize the critical role water plays in a community's development. Without a safe and affordable water supply, cities and towns are at a severe disadvantage. Current and future residents need the assurance that this basic, but vital resource will be there. Farm and ranch operators, small businesses, and manufacturers alike depend upon this resource.

The people of Perkins County and Fall River County have gone great lengths to provide for themselves. They do, however, need some assistance in building the infrastructure necessary to supply water. These two bills will supplement those efforts and ensure growth and sustainability for these areas of South Dakota.

It is my hope that my colleagues will join with me in supporting these two pieces of legislation, which will provide safe, clean drinking water to deserving South Dakota families.

INTRODUCTION OF LEGISLATION TO END THE USE OF STEEL JAW LEGHOLD TRAPS IN THE UNITED STATES

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mrs. LOWEY. Mr. Speaker, yesterday I introduced, along with my colleague from Connecticut, CHRISTOPHER SHAYS, legislation to end the use of steel jaw leghold traps in the United States. The majority of Americans believe this measure is long overdue. I hope this House will debate and pass it as soon as possible.

Steel jaw leghold traps slam with bone-crushing force upon their victims. These devices are completely nonselective. They threaten small children, cherished pets, and endangered species. Less cruel trapping alternatives exist for the 2,100 Americans that earn their living by hunting or trapping.

A recent survey demonstrated that three out of four Americans believe the trap should be prohibited. This past November, Colorado and Massachusetts joined New Jersey, Florida, and Rhode Island in outlawing the use of these traps; several other States are considering similar laws. The American people want the traps outlawed now. The best way to accomplish that is by passing my legislation.

Let me add, Mr. Speaker, that it's not just the American people that oppose the use of

these traps. Eighty-eight nations have already banned the use of these inhumane traps. The belief in this ban is so strong in Europe that the European Parliament adopted a law prohibiting the importation of furs from nations that continue to use these devices. When this law is implemented, the United States will no longer be able to export furs to Europe—unless we pass this bill.

Mr. Speaker, in the 104th Congress, more than 90 Members cosponsored H.R. 1404, which is nearly identical to the bill Congressman SHAYS and I are introducing today. As news of this legislation spreads, I expect we will gain even more congressional support.

I hope we can hold hearings on the issue quickly, and then bring this bill to the floor. I invite all of my colleagues to join me in pushing for the elimination of these cruel and unnecessary traps once and for all.

REPORT FROM INDIANA—IMPACT YOUTH CENTER

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. McINTOSH. Mr. Speaker, I rise today to give my Report From Indiana. All across Indiana, my wife Ruthie and I have met so many wonderful, kind and caring people. These are people who strive day and night to make a difference. In my book, these individuals are Hoosier Heros. Heros in every sense of the word, because of their commitment to others.

I would like to share with you a story from Edinburgh, IN, a little town in Johnson County, about true commitment driven by faith. A young couple, whose devotion to God and the community, have inspired them to open a place for young people to come develop a better relationship with Christ. Mike and Tammy Tetrick started the IMPACT youth program, which stands for Informing Many People About Christ.

Their mission began 2 years ago where they held their first meeting in their living room with 20 children. As the meetings progressed so did the number of young people who came to the Tetrick's door in hope of finding their faith. They knew that they could no longer hold everyone and had to find a place where they could fit all those who were eager about getting to know Christ. So, with the help of the community, the Tetricks were able to purchase a local church and converted it into the IMPACT Youth Center.

Today, over 150 young people join Mike and Tammy in celebration. The IMPACT center has had a tremendous response. At their meetings, local pastors like pastor Larry McCormick, of the First Assembly of God Church, come to teach these young men and women. Afterward, the center provides a place where young people can come together. Some join together for further prayer. Others enjoy the video games. Games donated by Dwayne Mottia of Mottia Amusements.

The youth center provides a positive outlet for these youngsters. The IMPACT youth center has affected these young people in an extraordinary way. Since the center has opened the enthusiasm of the community has grown. Just last week, the young men and women took the initiative to rid themselves of cigarettes, pornographic magazines, and CD's with explicit language. These young Hoosiers had decided they had grasped onto something more meaningful in their life.

Today I recognize those involved with the IMPACT youth center for their celestial effect on the community. The IMPACT center has also strived at helping local organizations. The young members raised money to purchase gifts for those in the Franklin Juvenile Center. They are currently in the process of collecting a 1,000 pounds of food for the victims of the floods in southern Indiana. This type of commitment is not only commendable but truly amazing.

These are the lessons we must all strive to teach our young people, so that they will have the values necessary to become good citizens and tomorrow's leaders.

The IMPACT youth center also organized a band consisting of Mike Tetrick, Gobel Brockman, James Burton, Allen Burton, Tim Burton, Tammy Tetrick, and Jim and Tracy Burton. This band enthusiastically plays at drug centers, missions and juvenile centers throughout the surrounding community. Their faith and effort give others hope. It gives us all hope.

So today I commend each and everyone involved with the IMPACT youth center and encourage them to continue with their mission. They truly are Hoosier Hero's.

Mr. Speaker, that concludes my report from the Second District of Indiana.

Names to be entered into the RECORD: Pastor Jamie Vance, Pastor Mike Whited, Pastor Tim Dillingham, Youth Pastor Nick Whited, Youth Pastor Rodney Burton, Pastor Byron Fritz, Youth Pastor Ron Strieval, and Youth Pastor Tim Barrett.

H.R. 1143

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. VENTO. Mr. Speaker, yesterday I introduced a private bill on behalf of Ms. Mary Mertz, a constituent and employee of the U.S. State Department. In 1988, Ms. Mertz received a reimbursement check for moving expenses, as she had just transferred to a new foreign post. Ms. Mertz endorsed the check for deposit only and enclosed it in a diplomatic pouch for deposit in her credit union in the United States.

In nearly any other circumstance, this would be the end of the story. In this case, the diplomatic pouch arrived at its destination in the United States, but Ms. Mertz's check was no longer in the pouch. It remains unknown to this day how the pouch was tampered with, or how the check was removed. Ms. Mertz rightfully expected the pouch to be a safe means of depositing her payment to her bank.

After some time the check was traced, for if it had been merely lost it could have been canceled and replaced. It turns out the check was falsely deposited in a foreign bank, and by the time this was discovered the bank had gone out of business with no successor named for its debt. There was no recourse against this foreign institution, no recourse against the State Department for losing the check, no recourse against the Treasury which had paid once, albeit incorrectly, on that check. After years of research and contact with her representatives in Congress, it is clear there is no recourse under current law for Ms. Mertz. It is equally clear that the last known location of the check was in U.S. Government possession, and no explanation has been offered as to how this check ended up in the hands of the criminals who illegally deposited it in a foreign institution.

Since all other avenues of recourse have been attempted and my constituent has not recovered her funds, I introduced this legislation for relief to address these issues and allow Ms. Mertz to receive the reimbursement she is due.

TRIBUTE TO ANDREW STEVENS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Mr. Andrew Stevens, a dear friend, a fellow Californian, and a prominent businessman and civic leader. Andrew was presented the Golden Cross of the Order of Merit of the Republic of Hungary by the Hungarian Consul General in Los Angeles, Mr. Imre Helyes, at a recent ceremony in Los Angeles.

In his letter informing me that Andrew Stevens would be honored, Mr. Helyes explained why the decision was made to grant this award. In particular, the Hungarian Government wanted to recognize Andrew's courageous actions during the Holocaust:

> In spite of his youth, Mr. Stevens' courage and bravery drove him enthusiastically to become a "rebel with a cause." He took part in a number of broad-ranging, life-saving activities in Budapest under the masterful guidance of the famous and heroic Swedish Diplomat, Raoul Wallenberg. Without concern for his own safety, Mr. Stevens rescued a large number of our persecuted countrymen from almost certain death towards the last period of the Second World War. Fortunately, some of these individuals are still alive and attested to the dangerous feats undertaken by Mr. Stevens.

Mr. Speaker, I most enthusiastically welcome the presentation of this well-deserved honor to Andrew. It is an appropriate tribute for his remarkable efforts during those harrowing and darkest of days in Budapest during 1944. Andrew repeatedly risked his own life to save the lives of others. He was motivated not simply by the instinct to survive and to preserve himself, but by the drive and the passion and the commitment to help others, and that is what makes Andrew unique.

For all of these reasons, Mr. Speaker, it is most appropriate and meaningful that Andrew Stevens has been honored by President Goncz of Hungary and by the people of Hungary in presenting to him this high honor. It is

also a tribute to the Government and people of the newly democratic Hungary that they have chosen to honor Andrew Stevens.

Mr. Speaker, the people of the United States are fortunate to have as an honored citizen of our Nation a man of integrity, compassion, and commitment such as Andrew Stevens. America is richer for his life and for the contributions he has made to his adopted country.

It is my sincere hope, Mr. Speaker, that the awarding of this honor to Andrew will strengthen the ties of mutual friendship between the United States and Hungary. I invite my colleagues in the Congress to join me in paying tribute to Andrew Stevens.

WORKING FAMILIES FLEXIBILITY ACT OF 1997

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 19, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector:

Mr. POMEROY. Mr. Chairman, I wish to express my opposition to the so-called Working Families Flexibility Act, H.R. 1. While skillfully titled, this legislation will not, in fact, help today's working families cope with the struggles they face. Instead, this legislation will make life harder for those who toil each week to provide for their families. Perhaps it is unintentional, but unfortunately this bill represents yet another proposal put forth by the majority which will increase the strain on working families and jeopardize our Nation's basic workplace protections. The Democratic substitute that I support, on the other hand, offers employees the work schedule flexibility they desire while ensuring that the choice for compensatory time off rather than overtime pay is truly voluntary.

H.R. 1 attempts to offer workers a choice between overtime pay and compensatory time off when they work more than 40 hours per week, a goal which many of us would agree is reasonable. However, the bill does not assure that the employer-employee agreements on this subject will be truly voluntary. Under the bill, employers who wish to offer compensatory time rather than overtime retain authority to impose this choice on their employees. Today's workers, who face a climate of reduced job security and corporate downsizing, will find it difficult to reject their employers stated preference for time off rather than overtime pay. For example, employers could screen job applicants or assign overtime to employees according to their willingness to accept comptime.

Another flaw with H.R. 1 is that it gives employers too much authority over when an employee could take the comptime he or she has earned. Employers would have the power to deny an employee's request for comptime on the grounds that it unduly disrupts their business operations, or they could deny the request for the day requested and instead offer another day which suits the employer's schedule. With employees thus having insufficient say over when their earned comptime can be used, the goal of providing flexibility for workers to attend to family matters has not been achieved.

By reducing opportunities for overtime pay, H.R. 1 is particularly damaging to the many workers in today's economy who depend on overtime to maintain a decent standard of living for themselves and their families. Fully two-thirds of the workers who earned overtime in 1994 had a total family income of less than $40,000. For these many workers at the low end of the wage scale, the extra dollars earned from overtime can mean the difference between family self-sufficiency and government dependence. At a time when we are rightly demanding that people move from welfare to work, we must not remove a basic safeguard—overtime pay for hours worked in excess of 40 per week—that has allowed low-wage workers to stand on their own.

Unlike the majority's bill, the Democratic substitute ensures that the choice for comptime will be exclusively the employee's so that those who depend on overtime pay to make ends meet will not be forced to abandon this important source of income. In addition to requiring that it be the employee who requests comptime, the Democratic substitute also requires employers to offer comptime to all employees who are similarly situated. The majority's bill, on the other hand, would allow employers to pick and choose which employees will be offered comptime. The Democratic substitute also exempts from the comptime provisions certain segments of the work force that are particularly dependent on overtime wages, including part-time, temporary, and seasonal workers, and those in the garment, construction, and agriculture trades.

Mr. Chairman, the overtime provisions of the Fair Labor Standards Act have served this Nation well. They protect workers from demands for excessive work, reward—in a financially meaningful way—those who put in extra time for their employer, and—by requiring premium pay for overtime—provide an incentive for businesses to create additional jobs. Thus, we must proceed carefully when enacting legislation which makes changes to our overtime laws, even for the laudable goal of giving employees greater flexibility with respect to their work schedules. Unfortunately, H.R. 1 does not demonstrate the requisite legislative caution. It weakens the Fair Labor Standards Act's overtime provisions while giving employers additional authority over the work schedules of their employees. This is not the way to help today's working families. Instead, we should pursue the course laid out in the Democratic substitute—offer flexibility to employees while protecting absolutely their ability to choose overtime rather than comptime.

IN HONOR OF THE PARISHIONERS OF THE CHURCH OF ST. LEO THE GREAT ON THEIR 25TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the dedication and achievement of the parishioners of the Church of St. Leo the Great of Cleveland, OH, on their 25th anniversary.

Approximately 120 members have assisted the pastor and associates with a multitude of volunteer work. They have performed the important functions of acolytes, readers, and eucharistic ministers. They have contributed a portion of their earnings to the Vincent De Paul Society, which looks after the poor of the parish. They have visited the sick and aged at hospitals and nursing homes. They have sung in the choir and they have helped families in their times of mourning.

St. Leo's volunteers give of themselves, and in doing that, they make Cleveland a better place.

BOB DORNAN'S DAY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. GEKAS. Mr. Speaker, if Bob Dornan had appeared in the well during the recent St. Patrick's period, he would have recited the following, which he described as coming from an Irish voice.

We appreciated Bob Dornan's wonderful flights of history and rhetoric and we do this in his stead and in his honor.

The article follows:

I arise today
Through a mighty strength, the invocation of the Trinity,
Through belief in the threeness,
Through confession of the oneness
Of the Creator of Creation.
I arise today
Through the strength of Christ's birth with his baptism,
Through the strength of his crucifixion with his burial,
Through the strength of his resurrection with his ascension,
Through the strength of his descent for the judgment of Doom.
I arise today
Through the strength of the love of Cherubim,
In obedience of angels,
In the service of archangels,
In hope of resurrection to meet with reward,
In prayers of patriarchs,
In predictions of prophets,
In preaching of apostles,
In faith of confessors,
In innocence of holy virgins,
In deeds of righteous men.
I arise today
Through the strength of heaven,
Light of sun,
Radiance of moon,
Splendor of fire,

Speed of lightning,
Swiftness of wind,
Depth of sea,
Stability of earth,
Firmness of rock.
I arise today
Through God's strength to pilot me,
God's might to uphold me,
God's wisdom to guide me,
God's eye to look before me,
God's ear to hear me,
God's word to speak for me,
God's hand to guard me,
God's way to lie before me,
God's shield to protect me,
God's host to save me,
From snares of devils,
From temptations of vices,
From everyone who shall wish me ill,
Afar and anear,
Alone and in multitude.
I summon today all these powers between me and those evils,
Against every cruel merciless power that may oppose my body and soul,
Against incantations of false prophets,
Against black laws of pagandom,
Against false laws of heretics,
Against craft of idolatry,
Against spells of witches and smiths and wizards,
Against every knowledge that corrupts man's body and soul.
Christ to shield me today,
Against poison, against burning,
Against drowning, against wounding,
So that there may come to me abundance of reward,
Christ with me, Christ before me, Christ behind me,
Christ in me, Christ beneath me, Christ above me,
Christ on my right, Christ on my left,
Christ when I lie down, Christ when I sit down, Christ when I rise,
Christ in the heart of every man who thinks of me,
Christ in the mouth of everyone who speaks of me,
Christ in every eye that sees me,
Christ in every ear that hears me.
I arise today
Through a mighty strength, the invocation of the Trinity,
Through belief in the threeness,
Through confession of the oneness,
Of the Creator of Creation.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 20, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to voice my opposition to H.R. 1122. H.R. 1122 as it is written now presents us with a moral issue, a religious issue and, as Members of Congress who have sworn to uphold the U.S. Constitution, a constitutional issue.

Partial-birth abortions are performed because a physician, with the benefit of his expertise and experience, determines that, given a woman's particular circumstances, this procedure is the safest available to her; that this is the procedure most likely to preserve her health and her future fertility. Only a doctor can make this determination. We, in Congress, should not interfere with the close relationship that exists between a doctor and patient; but more importantly her spiritual leader and her God.

It is a tragic fact that sometimes a mother's health is threatened by the abnormalities of the fetus that she is carrying. When this occurs the mother is faced with a terrible decision whether to carry a fetus suffering from fatal anomalies to term and in so doing jeopardize her own health and future fertility or whether to abort the fetus and preserve her chances of bringing a later healthy life into the world.

When a woman is faced with this type of painful circumstance, it is one that she should face free from Government interference. This is too intimate, too personal, and too fragile a decision to be a choice made by the Government. We should protect the sanctity of the woman's right to privacy and of the home by letting this choice remain in her hands. Families and their physicians, not politicians, should make these difficult decisions. It is a decision that should be between a woman, her spiritual leader, and her God.

I am reminded of the story of King Solomon. In that story Solomon is faced with deciding between two women who claim that a certain male child is their own. The power and authority to determine to whom that child belongs rests only with King Solomon, but in his wisdom this man gave those mothers the power to choose the child's fate. In his wisdom, King Solomon realized that the relationship between a mother and child is one with which the State should not interfere.

I believe that anti-abortion activists are truly committed to preserving the sanctity of life. However, those Members in their wisdom, should accept a compromise that would protect the health and life of the mother. With such an exception this legislation would have been made law last year and many of these procedures could have been averted.

In addition, we can not ignore the fact that H.R. 1122 is unconstitutional. We, in Congress, should not attempt to undercut the law of the land as set forth by the U.S. Supreme Court in Roe versus Wade. In Roe the Supreme Court held that women had a privacy interest in electing to have an abortion. This right is qualified, however, and so must be balanced against the State's interest in protecting prenatal life. The Roe Court determined that post-viability the State has a compelling interest in protecting prenatal life and may ban abortion, except when necessary to preserve the woman's life or health. In line with this decision, 41 States have already passed bans on late term abortions, except where the life or health of the mother is involved.

In Planned Parenthood versus Casey, the Court held that the States may not limit a woman's right to an abortion prior to viability when it places an "undue burden" on that right. An undue burden is one that has "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Let's not try to overturn the law of the land.

H.R. 1122 in its current form interferes with a woman's access to the abortion procedure that her doctor has determined to be safest for her, and so unduly burdens her right to choose. It is therefore inconsistent with the principles outlined in Roe and Casey, which have been reaffirmed by every subsequent Supreme Court decision on this issue, and so is unconstitutional.

I ask my colleagues to vote against H.R. 1122 and in so doing signal their commitment to preserving the health and future fertility of American women and to upholding the U.S. Constitution.

TRAGEDIES ARE EYE-OPENING

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1997

Mr. BAESLER. Mr. Speaker, tragedies are eye-opening. They reveal a great deal about the human spirit. They teach us about the value of things we often take for granted in our fast-paced workaday world. Natural disasters have a way of changing our smug assumptions about being self-made people who can live to ourselves and by ourselves.

Nevertheless, after nights of rain and ruin, floodwaters and frustration, storm damage and damaged nerves, mud and swamped homes and businesses, we are ready to learn a little more about the human spirit and the need for community.

The recent weather threw Kentucky a curve ball. Streets became canals and roadways became rivers. Cars and trucks competed with boats and rafts for the right of way. Floodwaters transformed neighborhood parks into tributaries as nature ran amok.

Yet during those dreary days, something remarkable occurred. The human spirit also underwent a transformation. Not too long ago the practice of bashing the Federal Government was the number one spectator sport. Not anymore in Kentucky.

Homeowners and residents were, to say the least, grateful for the role played by officials with the Federal Emergency Management Agency (FEMA). Not only was the agency Johnny-on-the-spot in responding to the emergency, it also brought comfort to worried residents who saw their homes and hopes swallowed by floodwaters.

From the Governor and other State officials on down the line to local leaders, our public servants became just that: the servants of the people in need. They were at the top of their forms too.

Emergency crews worked around the clock to ensure that Kentuckians would have the resources not only to combat and cope with the flooding, but also to provide the means of recovering from its toll. The spirit of cooperation came alive in the floodwaters and storm damage. County officials worked across county lines to make sure that residents had bottled water, dry clothing, and temporary ports in the storm. The business community pitched in. They hauled fresh water supplies by rail to weather-weary residents. They donated large sums of money to help victims recover.

The disaster transformed ordinary citizens into local heroes. They pulled people from

rooftop refuges and snatched weary drivers from cars stalled in high water. The rescuers battled swift currents in rowboats, crossed streams transformed overnight into raging rivers and battled mudslides to help residents from their inundated homes.

Centuries ago someone asked the question, "who is my neighbor?" Although the word comes from an old English word meaning "near dweller," the proximity of people does not define neighborliness.

It is the proximity of the human heart during the crisis moment that defines it. In a crisis even a stranger can become a neighbor. The fellowman becomes the object of our fellow feeling, which can best be defined as the sympathetic awareness of others.

Good Samaritans appeared overnight. Neighbors pitched in to help each other and in so doing, fortified themselves as important cogs in the art of survival. Neighbors not only got to know each other, they got to help each other, creating bonds that will last a lifetime.

It started as an act of God. At least that is what insurance companies call it. Yet it developed into a drama of human beings acting on behalf of others. Everyone pitched in to help each other cope with one of the worst natural disasters to hit Kentucky in a generation.

In this one moment in time, the State really became a commonwealth: common men and women who summoned up the riches of the human spirit to help others.

As we said, tragedies are eyeopening.