

As important, however, is the establishment of a standard that permits a determination of the actual guilt of the defendant. If the facts demonstrate that the hunter knew or should have known of the alleged bait, liability—which includes fines and potential incarceration—will be imposed. If by the evidence, however, the hunter could not have reasonably known that the alleged bait was present, liability would not be imposed and guilt will not be assessed. This would be a question of fact to be determined by the court based on the totality of the evidence presented.

Furthermore, under section 3 of the proposed legislation, the exceptions to baiting prohibitions contained in Federal regulations have been amended to permit exemption for grains found on a hunting site as a result of normal agricultural planting and harvesting as well as normal agricultural operations and procedures. The proposed amendment maintains the intent of the current exceptions contained in the regulations but removes ambiguity and establishes guidelines for both the hunter and the law enforcement official.

To determine what is a normal agricultural operation and procedure in a given region, the Fish and Wildlife Service will be required to annually publish in the Federal Register a notice for public comment defining what is a normal agricultural operation or procedure in given areas. This determination is to be made only after meaningful consultation with relevant State and Federal agencies and an opportunity for public comment. Again, the goal of this effort is to provide uniformity and clarity to landowners and hunters so that they know what is a normal agricultural operation for their respective region.

In addition, the proposed legislation permits the scattering of various substances, like grains and seeds, which would now be considered bait, if it is done to feed farm animals and is a normal agricultural operation or procedure in a given area, as recognized by the Fish and Wildlife Service and published in the Federal Register. This change will clarify case law where it was determined that such an agricultural procedure was not considered an exception since it did not constitute planting or harvesting.

Finally, the term bait is defined as the "intentional" placing of the offending grain, salt, or other feed. This concept removes from violation the accidental appearance of bait at or near the hunting venue. There have been cases where hunters have been charged under the baiting regulations for grain found on a public road obviously spilled from delivery to another site. It also removes as a violation the minimum evidence of foreign grain found in a field where it was proved to be present as the result of inadvertently being mixed in with other seed grain by the seller of the seed. Further, it removes from violation such cases where the minimal foreign grain came to be present as a result of being deposited by animals or running water. These examples are actual cases where citations were given for violations of the baiting regulations.

Under the proposed legislation, the hunter would also be permitted to introduce evidence at trial as to what degree the alleged bait acted as the lure or attraction to the migratory birds in a given area. In cases where 13 kernels of corn were found in a pond in the middle of a 300-acre field planted in corn or 34

kernels of corn found in a wheat field next to a fresh water river, the bait was clearly not the reason migratory birds were in the hunting area. First, it was not intentionally placed there and, second, it could not be considered an effective lure or attraction under the factual circumstances. Again, however, these are questions of fact to be determined in a court of law. Currently, evidence of these matters is entirely excluded as irrelevant under the strict liability doctrine.

In 1934, Congress enacted the Migratory Bird Conservation Act as a mechanism to provide badly needed funds to purchase suitable habitat for migratory birds. Today, that need still exists and section 4 of my legislation will require that all fines and penalties collected under the MBTA will be deposited into the Migratory Bird Conservation Fund. This is an essential reform and it is critical to the long-term survival of our migratory bird populations.

Finally, this measure proposes that seized personal property can be returned to the owner by way of a bond or other surety, prior to trial, at the discretion of the court.

Mr. Speaker, the purpose of the proposed Migratory Bird Treaty Reform Act is to provide clear guidance to landowners, hunters, law enforcement officials, and the courts on what the restrictions are on the taking of migratory birds. The conflict within the Federal judicial system and the inconsistent application of enforcement within the U.S. Fish and Wildlife Service must be resolved. The proposed legislation accomplishes that objective without, in any manner, weakening the intent of current restrictions on the method and manner of taking migratory birds; nor do the proposed provisions weaken protection of the resource. Finally, the proposed legislation does not alter or restrict the Secretary of the Interior's ability to promulgate annual regulations nor inhibit the issuance of further restrictions on the taking of migratory birds.

While there may be only a few legislative days left in this session, I am introducing this legislation to stimulate debate on this issue. I would welcome the input and recommendations of all interested parties. I intend to reintroduce this measure early in the new Congress. Let me be clear The intent of this proposal is to provide clarity for both the hunter and the law enforcement community without undermining the protection of our precious migratory bird resources. I urge my colleagues to carefully examine the Migratory Bird Treaty Reform Act of 1996.

#### READING LIST

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 12, 1996*

Mr. ENGEL. Mr. Speaker, I recommend to my colleagues this column and reading list prepared by Neal Sher, former Director of the Department of Justice's Office of Special Investigations and, more recently, executive director of the American Israel Public Affairs Committee. While Mr. Sher suggested these books for summer reading, I propose to my colleagues and all Americans that they be read year round.

Mr. Speaker, I ask unanimous consent that the text of an article by Neal Sher entitled "A

Congressional Jewish Summer Reading List" be printed at this point in the RECORD.

#### A CONGRESSIONAL JEWISH SUMMER READING LIST

(By Neal Sher)

By all accounts, Israeli Prime Minister Benjamin Netanyahu received a warm and enthusiastic reception on Capitol Hill earlier this month. His address to a joint meeting of the House and Senate was a smashing success as he was repeatedly interrupted by applause and standing ovations.

The image widely conveyed—the speech was broadcast worldwide—was that of a love affair between Israel's new leader and the American Congress. Nothing wrong with that.

Moreover, I am told that Netanyahu's private meetings with congressional leadership also went exceedingly well. The prime minister not only stayed on messages (he conceded nothing with respect to his views on the peace process, to the chagrin of some U.S. officials), but also, his experience with and understanding of our political scene enabled him to impress and charm his hosts. No doubt about it: Bibi's first foray to the Hill as prime minister could not have gone better.

For those of us who care deeply about Israel, this is nothing but good news. But let's not fool ourselves. The prime minister's reception was part of the obligatory honeymoon period. As Netanyahu undoubtedly knows, it will take much more than personal charm and gravitas to keep this, and any future, Congress staunchly pro-Israel. Although no one can predict with certainty what the next Middle East developments will be, there are enough hot-button issues (the future of settlements, Jerusalem, terrorism) to be concerned about the potential for tension in U.S.-Israel relations.

To be sure, the Clinton Administration has been the most pro-Israel administration in history. No contest there.

But the White House is only part of the equation. The key battles are fought in the halls of Congress, where we must not lose sight of an essential fact of political life: The pro-Israel agenda needs constant attention and nurturing. This becomes clear when one analyzes the makeup of Congress: well over 50 percent of members have been elected within the last six years, and that number is certain to grow after November.

More critically, the overwhelming majority were born after the Holocaust and the creation of the State of Israel. We know these to be turning points in the history of our people; our legislators may view them as simply historical events with which they cannot identify.

Although that is understandable, the fact remains that many of our lawmakers lack a crucial historical perspective. Dwindling is the number of veteran members who lived through World War II and/or the tough formative years of Israel's existence. Their support for Israel was much more from the "gut," as we say; they felt it in their kishkas.

This void of historical and emotional background among the younger members can be filled only through constant attention and education by the pro-Israel community. To that end, I would like to respectfully recommend to members of Congress—as they prepare to leave Washington from the summer recess—a few books for vacation reading. There is, of course, a great wealth of material on Israel and Jewish history and, no doubt, every reader has his or her own favorites. My suggestions are, I believe, excellent starting points because they are not only powerful resources, they are good reads as well.

The Abandonment of the Jews, by David Wyman. A riveting, impeccably researched book that documents the utter failure of the American government to undertake any serious or meaningful efforts to rescue the Jews of Europe until the World War II was nearly over. The duplicitous role of State Department officials—who simply did not want an influx of Eastern European Jews—is set forth in infuriating detail. Wyman also describes how the U.S. Jewish community, which lacked political sophistication and clout, failed to mount any effective effort in this life-and-death struggle.

Night, by Elie Wiesel. An overpowering personal account of the unthinkable by the man I believe to be the moral conscience of our times.

Survival of Auschwitz, by Primo Levi. Levi, an Italian chemist who took his own life several years ago, provides one of the most moving and powerful accounts of the Holocaust.

Jews, God and History, by Max I. Dimont. Dimont tells the story of our people throughout history and how Jews have made major contributions to every society in which they have lived.

The Siege, by Connor Cruise O'Brien. An enlightening and effective book about Israel and the myriad of conflicts and difficulties she has confronted (and still confronts).

Exodus, by Leon Uris. For my money, no reading list such as this one is complete without this classic.

Finally, for those interested in history, justice and intrigue, I must recommend The House on Garibaldi Street, which recounts the capture of Adolf Eichmann. The kidnapping put the Mossad on the map, and the Eichmann trial helped legitimize the Israeli legal system in the eyes of the world. Written by Isser Harel, the legendary Mossad Chief who directed this daring operation, it reads like a mystery novel. It is, however, the definitive account of what really happened.

By the way, although my list is offered for Congress, you also cannot go wrong with any of these selections. At a time when there is so much lamenting about the future of our people, we must remember the past.

A TRIBUTE TO THE COL. ELMER E. ELLSWORTH VFW POST NO. 6328

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. SOLOMON. Mr. Speaker, it is my pleasure to commemorate the golden anniversary of Veterans of Foreign Wars Post No. 6328. This post, I am proud to say, is based in Mechanicville, NY, in the heart of my congressional district, and is celebrating its 50th year of service. And this post personifies the outstanding efforts of the entire nationwide membership to promote a strong national defense and to help veterans and their families. And that is one reason I was so pleased to be awarded the VFW National Commander's Congressional Award several years ago.

The VFW, Mr. Speaker, has been an organization of exceptional merit and service to the needs of many veterans. It is only appropriate that those brave men and women who placed themselves in harms way overseas be represented by such an able organization. The members of Post No. 6328 have been receiving just such outstanding service for 50 years now. It is comforting to know that those who

served the needs of our country and fought for the principles and ideals of America all over the globe can depend on the support of an organization like Post No. 6328 back home in upstate New York.

Mr. Speaker, the service of the Col. Elmer E. Ellsworth Post in Mechanicville is worthy of significant recognition. This post, and others like it, are the reason I fought so hard to attain Department level status for Veterans' Affairs. When Ronald Reagan signed that legislation into law, veterans were finally afforded the degree of national consideration they deserve. The efforts of VFW posts like this one, Mr. Speaker, having served the needs of veterans since 1946, assured veterans the assistance and recognition they deserved prior to approval of this Government department and continue to encourage fair consideration of veterans' issues. And it is because of their support that several short months ago, I was able to pass an amendment to increase the dollar for veterans' hospitals by \$40 million. For all of this and much, much more, Mr. Speaker, we owe Post No. 6328 a tremendous debt of gratitude.

The famous historian George Santayana once said, "Those who do not remember history are bound to repeat it." VFW posts all across America have not forgotten the past or those men and women who made the ultimate sacrifice for our country. I ask all Members in the House to rise in tribute to VFW Post No. 6328 and join me in saluting all the members, past and present, on the occasion of their 50th anniversary.

CONGRATULATIONS TO COTEAU  
DES PRAIRIE HOSPITAL

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, today I would like to take this opportunity to publicly congratulate the Coteau des Prairies Hospital in Sisseton, SD on their new addition and remodeling project as they celebrate their 29th anniversary during the open house on Sunday, September 15, 1996.

I regret that I cannot personally attend this ceremony, but I want to share my hearty congratulations to all associated with the Coteau des Prairies Hospital, as well as the entire Sisseton community. All of the effort and hard work that went into making this new addition and remodeling project a reality should be commended, and everyone who has participated has reason to be proud.

I also would like to take this opportunity to commend the outstanding staff of the hospital and the Sisseton area citizens who have loyally committed themselves and their resources toward building the excellent reputation that the Coteau des Prairies Hospital so deservedly possesses today. This hospital addition and remodeling project is a clear sign of a thriving community which is continuing to provide important services for northeast South Dakota.

A strong, economically viable hospital in Sisseton is absolutely essential for providing a high quality of life for people of the area, and for promoting economic development in the community. The people of the Sisseton area

have much to be proud of today, and I am pleased to extend my best wishes and congratulations to Coteau des Prairies Hospital and its friends for continued great success.

THE PRESIDENT'S ECONOMIC  
POLICIES ARE WORKING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1996

Mrs. MALONEY. Mr. Speaker, this past Saturday, former Senator Dole, now the Republican candidate for President, said in his radio address:

The Congressional Joint Economic Committee reports that last year 66 countries had economic growth rates that surpassed ours. The president may think that when it comes to economic growth, 67th place is good enough, but I do not. I want America to lead the world again in terms of economic growth, rising incomes, and greater job opportunities.

As a member of the Joint Economic Committee, I want Mr. Dole to know what my side of the committee thinks. In building his bridge to America's past, Mr. Dole must have overlooked the present. Just look at the good news about the economy that came out in the 2 weeks before he spoke. One week before his speech, the Commerce Department's Bureau of Economic Analysis revised the second quarter growth rate of the Gross Domestic Product upward to 4.8 percent. Exports and business investment showed strong upward movement.

Tuesday, before he spoke, the Conference Board reported the index of leading economic indicators, which projects the economy's health for the next 6 to 9 months, reached a record high.

And last Friday, before the Joint Economic Committee, the Commissioner of the Bureau of Labor Statistics reported that 250,000 jobs were created last month. This builds, on the nearly 200,000 jobs we created in July, and on the 10.5 million in the President's first 3½ years in office.

A report in the June issue of the Monthly Labor Review, which the Bureau of Labor Statistics publishes, showed that between 1993 and 1995, jobs in relatively higher-earning occupations and industries grew at almost twice the rate as jobs in comparatively lower-earning occupations and industries.

In August, the share of women with jobs reached a record high of 57.2 percent—the highest employment record for women in our Nation's history. In part, this is a result of changes in the Earned Income Tax Credit that lowered the taxes for most single mothers, and therefore made work more desirable. A Democratic-controlled Congress passed that tax cut without a single Republican vote. And part of the good labor market outcome for women is a result of the Family and Medical Leave Act signed by President Clinton after President Bush stalled its passage. That act made sure a woman would not have to choose between having a job and taking care of a sick child.

Mr. Dole promises fiscal responsibility. However, look at the record we Democrats have delivered. Before leaving office in 1993, President Bush's Council of Economic Advisers left