by the voters. While I respect the voters' will to impose term limits and return to a citizen legislature, I believe the scarlet letter initiative is ill-conceived. By dictating the exact language of the amendment rather than providing the desired general terms, the referendum precludes Members from voting for amendments which would accomplish the same thing.

Today I supported three different proposals including: First the McCollum base bill which sets a lifetime limit of six terms in the House and two terms in the Senate; second, the Fowler amendment which sets four consecutive terms in the House and two consecutive terms in the Senate; and third, the Scott amendment which sets a lifetime limit of six terms in the House and two terms in the Senate while also giving States the right to enact shorter terms. I believe these are each viable and reasonable proposals.

We need legislators in Washington, DC, more concerned about the well-being of the Nation than building their own political empire. Term limits will eliminate career politicians who, through the benefits of incumbency and cozy relationships with special interests, have stacked the deck against challengers.

While term limitations are a blunt instrument, I hope they will help bring to Congress citizen legislators interested in serving their country for a limited time and returning to private life where they too must live by the laws they have created.

TRIBUTE TO ELLIOTT P. LAWS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Ms. HARMAN. Mr. Speaker, I rise today to honor Elliott P. Laws, who is stepping down from his position as EPA's Assistant Administrator for Solid Waste and Emergency Response at the end of this week.

In my view, no member of the Clinton administration has been more effective in serving the American people. Like many, Elliott possesses the necessary intelligence, creativity, and patience. But what has made Elliott truly special is that he is a caring and compassionate person—qualities which pervade every aspect of his work.

With his vast experience not only in the Federal Government, but also in the private sector and at the State level, it is no wonder that Elliott has not tolerated business as usual at the EPA. Elliott embodies the notion of reinventing government.

For more than 2 years, Elliott and I have worked together to help constituents of mine who have the misfortune of living between two Superfund sites—a former DDT manufacturing plant and toxic waste pits. Before Elliott got involved, EPA seemed content to stick with the old way of doing business and planned to temporarily move residents, remove toxic DDT from their homes, and then return them to their neighborhood—notwithstanding the waste pits which loomed nearby.

Once I called on Elliott for help, he made it clear that the old way was not acceptable, and that an innovative solution had to be found. To begin with, Elliott came to California to meet with residents in their own backyards to learn the scope of the problem from them. Elliott used his persuasiveness to get local residents and potential responsible parties to sit down with a mediator to discuss ways to permanently relocate those at the site. Months and months of hard work by everyone involved has apparently paid off and a buyout plan will hopefully be ratified in the next few weeks. Residents will be permanently relocated, and can finally move on with their lives.

Mr. Speaker, the Federal Government needs more public servants like Elliott Laws. I wish him well in all of his future endeavors.

INTRODUCTION OF THE MIGRATORY BIRD TREATY REFORM ACT OF 1997

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce today, along with the cochairman of the Congressional Sportsmen's Caucus, JOHN TANNER, and our colleague, CLIFF STEARNS, the Migratory Bird Treaty Reform Act of 1997. This measure is basically identical to legislation I proposed at the end of the previous Congress.

It has been nearly 80 years since the Congress enacted the Migratory Bird Treaty Act [MBTA]. Since that time, there have been numerous congressional hearings and a distinguished Law Enforcement Advisory Commission was constituted to review the application of the MBTA regulations. Although these efforts clearly indicated serious problems, there has been no meaningful effort to change the statute or modify the regulations. Due to administrative inaction and the clear evidence of inconsistent application of regulations and confusing court decisions, it is time for the Congress to legislatively change certain provisions that have, and will continue to penalize many law-abiding citizens. I assure my colleagues, as well as landowners, farmers, hunters, and concerned citizens, that this legislation in no way undermines the fundamental goal of protecting migratory bird resources.

Before explaining this legislation, I would like to provide my colleagues with some background on this issue. In 1918, Congress enacted the Migratory Bird Treaty Act, that implemented the 1916 Convention for the Protection of Migratory Birds between Great Britain—for Canada—and the United States. Since that time, there have been similar agreements signed between the United States, Mexico, and the former Soviet Union. The convention and the act are designed to protect and manage migratory birds as well as regulate the taking of that renewable resource.

In an effort to accomplish these goals, over the years certain restrictions have been imposed by regulation on the taking of migratory birds by hunters. Many of these restrictions were recommended by sportsmen who felt that they were necessary management measures to protect and conserve renewable migratory bird populations. Those regulations have clearly had a positive impact, and viable migratory bird populations have been maintained despite the loss of natural habitat because of agricultural, industrial, and urban activities.

Since the passage of the MBTA and the development of the regulatory scheme, various legal issues have been raised and most have been successfully resolved. However, one restriction that prohibits hunting migratory birds by the aid of baiting, or on or over any baited area has generated tremendous controversy, and it has not been satisfactorily resolved. The reasons for this controversy are twofold:

First, a doctrine has developed in Federal courts whereby the actual guilt or innocence of an individual hunting migratory birds on a baited field is not an issue. If it is determined that bait is present, and the hunter is there, he is guilty under the doctrine of strict liability, regardless of whether there was knowledge or intent. Courts have ruled that it is not relevant that the hunter did not know or could not have reasonably known bait was present. Understandably, there has been much concern over the injustice of this doctrine that is contrary to the basic tenet of our criminal justice system: that a person is presumed innocent until proven guilty, where intent is a necessary element of that guilt.

A second point of controversy is the related issue of the zone of influence doctrine developed by the courts relating to the luring or attracting of migratory birds to the hunting venue. Currently, courts hold that if the bait could have acted as an effective lure, a hunter will be found guilty, regardless of the amount of the alleged bait or other factors that may have influenced the migratory birds to be present at the hunting site. Again, a number of hunters have been unfairly prosecuted by the blanket application of this doctrine.

In addition, under the current regulations, grains scattered as a result of agricultural pursuits are not considered bait as the term is used. The courts and the U.S. Fish and Wildlife Service, however, disagree on what constitutes normal agricultural planting or harvesting or what activity is the result of bona fide agricultural operations.

During the past three decades, Congress has addressed various aspects of the baiting issue. It has also been addressed by a Law Enforcement Advisory Commission appointed by the Fish and Wildlife Service. Sadly, nothing has resulted from these examinations and the problems still persist. As a consequence, landowners, farmers, wildlife managers, sportsmen, and law enforcement officials are understandably confused.

On May 15, 1996, the House Resources Committee, which I chair, conducted an oversight hearing to review the problems associated with the MBTA regulations, their enforcement, and the appropriate judicial rulings. It was abundantly clear from the testimony at this hearing, as well as previous hearings, that the time has come for the Congress to address these problems through comprehensive legislation. From a historical review, it is obvious that regulatory deficiencies promulgated pursuant to the Migratory Bird Treaty Act will not be corrected, either administratively or by future judicial rulings.

Since there is inconsistent interpretation of the regulations under MBTA that the executive and judicial branches of Government have failed to correct, the Congress has an obligation to eliminate the confusion and, indeed, the injustices that now exist. It is also important that Congress provide guidance to law enforcement officials who are charged with the responsibility of enforcing the law and the accompanying regulations.

It must be underscored that sportsmen, law enforcement officials and, indeed, Members of

Congress all strongly support the basic intent of the Migratory Bird Treaty Act that our migratory bird resources must be protected from overexploitation. Sportsmen have consistently demonstrated their commitment to the wise use of renewable wildlife resources through reasoned management and enforcement of appropriate regulations.

Over the years, various prohibitions on the manner and methods of taking migratory birds have been embodied in regulations. Many of these prohibitions are decades old and have the support of all persons concerned with protecting migratory birds. In my judgment, it would be appropriate to incorporate these regulations in statutory law, and my proposed bill accomplishes that objective. This provision does not, however, restrict or alter the Secretary of the Interior's annual responsibilities to establish bag limits or duration of seasons. Nor does it prevent additional prohibitions, including hunting methods of migratory birds, from being implemented.

Second, a fundamental goal of the Migratory Bird Treaty Reform Act of 1997 is to address the baiting issue. Under my proposed legislation, no person may take migratory birds by the aid of bait, or on or over bait, where that person knew or should have known the bait was present. The provision removes the strict liability interpretation made first by a Federal court in Kentucky in 1939, and presently followed by a majority of Federal courts. With this provision, uniformity in the application of the prohibition is established.

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 penalties would 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, 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. This proposed change will establish reasonable guidelines for both the hunter and the law enforcement official.

To determine what is a normal agricultural operation in a given region, the U.S. 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 for that particular geographic area. 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 for landowners, farmers, wildlife managers, law enforcement officials, and hunters so they know what a normal agricultural operation is for their region.

In addition, the proposed legislation permits the scattering of various substances like grains and seeds, which are currently considered bait, if it is done to feed farm animals and is a normal agricultural operation in a given area, as recognized by the Fish and Wildlife Service and published in the Federal Register.

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 with violating baiting regulations as a result of grain being unintentionally spilled on a public road, where foreign grain was inadvertently mixed in with other seed by the seller and later found at a hunting site, and where foreign grain was deposited by animals or running water. These are examples of actual cases where citations were given to individuals for violations of the baiting regulations.

Under my proposed legislation, the hunter would also be permitted to introduce evidence at trail on what degree the alleged bait acted as the lure or attraction for 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 where 34 kernels of corn were found in a wheat field next to a freshwater 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. These are questions of fact to be determined in a court of law. Currently, however, 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 my legislation will require that all fines and penalties collected under the MBTA be deposited into the Migratory Bird Conservation Fund. These funds are essential to the long-term survival of our migratory bird populations.

Finally, this measure proposes that personal property that is seized 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, farmers, wildlife managers, hunters, law enforcement officials, and the courts on what are the restrictions 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.

Mr. Speaker, I urge my colleagues to carefully review the Migratory Bird Treaty Reform Act of 1997. It is a long overdue solution to several ongoing problems that regrettably continue to unfairly penalize many law-abiding hunters in this country.

TRIBUTE TO MONTEFIORE MEDICAL CENTER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Montefiore Medical Center for 50 years of caring in our Bronx community.

Mr. Speaker, this year, 1997, marks the 50th anniversary of the Montefiore Home Health Agency. Since its inception as the first hospital-based home health agency in the United States, Montefiore has cared for tens of thousands of patients.

Montefiore offers a variety of programs. The long term home health care program, provides a continuum of care at home to the chronically ill, who would otherwise require nursing home placement. The teleCare program provides 24-hour access to emergency assistance in the home. The certified home health agency provides short-term care to patients in the post-hospital period. Such programs have been vital to patients recovery and recuperation.

I would like to highlight the staff's devotion and energy in tending to the individual needs of each patient. Medical social workers provide unique and personal care. They teach patients how to use a variety of assistance devices. From nurses to occupational and physical therapists, these fine professionals are there when needed.

Montefiore and its home health care staff stand out in their field. Montefiore succeeds in dramatically improving patients' quality of life.

Mr. Speaker, let us join in the celebration of this milestone and acknowledge this outstanding agency for 50 years of accomplishment and service.

THE INTRODUCTION OF THE SECURITY AND FREEDOM THROUGH ENCRYPTION [SAFE] ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. GOODLATTE. Mr. Speaker, today I am pleased, along with 54 of my colleagues, to introduce the Security And Freedom through Encryption [SAFE] Act of 1997.

This much-needed, bipartisan legislation accomplishes several important goals. First, it aids law enforcement by preventing piracy and white-collar crime on the Internet. It an ounce of prevention is worth a pound of cure, then an ounce of encryption is worth a pound of subpoenas. With the speed of transactions and communications on the Internet, law enforcement cannot possibly deal with pirates and criminal hackers by waiting to react until after the fact.

Only by allowing the use of strong encryption, not only domestically but internationally as well, can we hope to make the Internet a safe and secure environment. As the National Research Council's Committee on National Cryptography Policy concluded:

If cryptography can protect the trade secrets and proprietary information of businesses and thereby reduce economic espionage (which it can), it also supports in a