and 1960s), there was very little migration of animals outside the park. Consequently there was very little threat of them transmitting brucellosis to cattle and horses and undulant fever to humans.

Excess of elk and buffalo in Yellowstone National Park have destroyed woody species such as willow, aspen, cottonwood, alder, serviceberry, etc. along the streams and rivers. This ecological change in vegetation has almost eliminated beaver, deer, moose and many species of waterfowl in the park.

Beaver ponds are critically important to the fishing streams and riparian areas. Beavers, needing cover and forage, are almost nonexistent. Streams no longer meander through lush meadows with woody shrubs providing shade and cover for fish, but are increasingly becoming one wide shallow gravel bar after another. Destruction of the natural woody species has caused the Lamar River, Gardiner River and other streams to erode their banks and create sterile gravel bars. This not only causes soil erosion but creates very poor fishing habitat and is a sorry sight to look at.

The animals rights groups and other so-called environmental organizations such as Sierra Club, Wilderness Society, Greater Yellowstone Coalition, etc. should focus their attention on the land abuse being done to Yellowstone Park resources. However, shouting about bison being shot brings more money into their coffers from people who do not understand the whole problem. If pressure were brought to bear on Yellowstone National Park to take care of its own problem, the situation could be solved.

It is time for Yellowstone Park personnel to accept their responsibility and face up to their problem of too many animals and decimated rangeland resources.

It is time they were honest with themselves and the public. It is time Yellowstone Park becomes a good neighbor to Montana, Wyoming and Idaho and stop jeopardizing the brucellosis-free livestock industry. After many, many years of mismanagement it is time for Yellowstone National Park to start managing its 21 million acres of natural resources with integrity and professionalism.

STATE OCCUPANCY STANDARDS AFFIRMATION ACT OF 1997

HON. BILL McCOLLUM

OF FLORIDA

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. McCOLLUM. Mr. Speaker, today my colleague from Texas, Mr. BENTSEN, and I are introducing a bill, the State Occupancy Standards Affirmation Act of 1997 to assert the rights of States in establishing occupancy standards for housing providers. Currently, there is no Federal law to establish the number of people permitted to live in a housing unit. It is imperative that we ensure that States retain the right to set reasonable occupancy standards; our bill does just this.

There is a national consensus that the appropriate level for most apartment properties is two people per bedroom. Most States have adopted a two-per-bedroom policy, and HUD's own guidelines state that this is an appropriate level to maintain public housing and section 8 housing. Our bill goes one step farther to include infants. The reasonable standard, in the case that States don't have a standard, is two persons plus an infant per bedroom. Beyond this level, the negative effects of overcrowding can be triggered, including decreasing the stock of affordable housing.

However, HUD's Fair Housing Office has initiated legal actions over the past 3 years. And then in July 1995, HUD issued a memorandum, without any consultation, that would pressure housing providers to rent to substantially more than two per bedroom or be potentially subject to lawsuits charging discrimination against families.

All types of housing providers, including managers of seniors housing and public housing, were dismayed with HUD's proposal. If this change were permitted to stand, it would adversely impact all involved in housing, from tenants who could be crowded into inadequate housing, to housing providers who would have to provide services for more residents than they may be equipped for, and whose property would deteriorate.

In the fiscal year 1996 omnibus appropriations bill, Congress disallowed HUD from implementing its July memorandum. But we need to go one step farther.

The bill we are introducing is a simple clarification of existing law and practice. It says that States, not HUD, will set occupancy standards and that a two-per-bedroom plus an infant standard is reasonable in the absence of a State law. American taxpayers have spent billions of dollars on HUD programs designed to reduce crowding. It is time to ensure that overcrowding will not be a possibility.

INTRODUCTION OF H.R. 1095

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. ARCHER. Mr. Speaker, today I rise on behalf of the Honorable CHARLES B. RANGEL and myself to introduce H.R. 1095, a bill that would correct a technical error originally contained in the Omnibus Budget Reconciliation Act of 1993. Specifically, the bill would correct the definition of the term ''Indian reservation'' under section 168(j)(6) of the Internal Revenue Code. This definition of the term ''Indian reservation'' applies for purposes of determining the geographic areas within which businesses are eligible for special accelerated deprecation (sec. 168(j)) and the so-called Indian employment tax credit (sec. 45A) enacted in 1993. As I explain in further detail below, the bill corrects the definition of Indian reservation for purposes of these special tax incentives so that, as Congress originally intended, the incentives are available only to businesses that operate on Indian reservations and similar lands that continue to be held in trust for Indian tribes and their members. It is my intent to incorporate the provisions of this bill into to a larger bill, which I plan to introduce later this session, containing technical corrections to other recently enacted tax legislation.

Section 168(j)(6) of the Internal Revenue Code provides that the term ''Indian reservation'' means a reservation as defined in either (a) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), or (b) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)). The cross-reference to section 3(d) of the Indian Financing Act of 1974 includes not only officially designated Indian reservations and public domain Indian allotments, but also all ''former Indian reservations in Oklahoma'' and all land held by incorporated native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act. Thus, contrary to Congress' intent in enacting the special tax incentives for Indian lands in 1993, the reference to ''former Indian reservations in Oklahoma'' in the Indian Financing Act of 1974 results in most of the State of Oklahoma being eligible for the special tax incentives, even though parts of such ''former Indian reservations'' no longer have a significant nexus to any Indian tribe. For instance, it is my understanding that the entire city of Tulsa may be located within a former Indian reservation, such that any business operating in Tulsa qualifies for accelerated depreciation under present-law section 168(j).Providing such a tax benefit to commercial activities with no nexus to a tribal community would frustrate Congress' intent to target special tax incentives to official reservations and similar lands that continue to be held in trust for Indians. Businesses located on official reservations and similar lands held in trust for Indians were provided special business tax incentives in order to counter the disadvantages historically associated with conducting commercial operations in such areas, which were expressly excluded from eligibility as empowerment zones or enterprise communities under the 1993 act legislation (see Internal Revenue Code sec. 1393(a)(4)).

The bill I am introducing today would modify the definition of Indian reservation under section 168(j)(6) of the Internal Revenue Code by deleting the reference to section 3(d) of the Indian Financing Act of 1974. Consequently, the term ''Indian reservation'' would be defined under section 168(j)(6) solely by reference to section 4(10) of the Indian Child Welfare Act of 1978, which provides that the term ''reservation'' means ''Indian country as defined in section 1151 of title 18 and any lands, not covered under [section 1151], title to which is either held by the United States in trust for the benefit of any Indian tribe or individual or held by an Indian tribe or individual subject to a restriction by the United States against alienation'' (25 U.S.C. 1903(10)). Section 1151 of title 18, in turn, defines the term ''Indian country'' as meaning ''(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same'' (18 U.S.C. 1151).

Accordingly, amending section 168(j)(6) of the Internal Revenue Code to define the term ''Indian reservation'' solely by reference to the Indian Child Welfare Act of 1978 would carry out Congress' original intent in enacting the special Indian tax incentives in 1993 by eliminating from eligibility those areas in Oklahoma which formerly were reservations but no

longer satisfy the definition of a ''reservation'' under the Indian Child Welfare Act of 1978. It is my understanding that, even after amending section 168(j)(6) in this manner, numerous areas within Oklahoma will remain eligible for the special tax incentives because, even though such areas are not officially designated reservations, such areas nonetheless qualify as Indian country under section 1151 of title 18. Similarly, it is my understanding that lands held by native groups under the provisions of the Alaska Native Claims Settlement Act also would qualify as Indian country under section 1151 of title 18. Thus, if section 168(j)(6) were amended to define Indian reservation solely by reference to the Indian Child Welfare Act of 1978, lands held under the Alaska Native Claims Settlement Act would continue to be eligible for the special Indian tax incentives. In this regard, it is my intent that, if it is brought to the attention of the tax-writing committees that there are any Indian lands that technically do not fall within the definition of Indian reservation under the Indian Child Welfare Act of 1978 but which could be made eligible for the special Indian tax incentives consistent with Congress' intent in 1993, then consideration will be given to further modifying the bill I am introducing today when it is incorporated into a larger technical corrections bill.

The technical correction made by the bill would be effective as if it had been included in the Omnibus Budget Reconciliation Act of 1993, that is, the technical correction would apply to property placed in service and wages paid on or after January 1, 1994. As a general matter, I oppose retroactive changes to the Internal Revenue Code. However, technical corrections to fix drafting errors in previously enacted tax legislation traditionally refer back to the original effective date to prevent taxpayers from receiving an unintended windfall. This bill corrects such a drafting error.

REDEFINING NATIONAL SECURITY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, on Monday, March 10, in conjunction with our colleague, the gentleman from California, the ranking Democrat on the National Security Committee, along with the senior Senator from Oregon and the senior Senator from Minnesota, I participated in a day long meeting on the implications of allowing the military budget to stay at its current levels while trying to reduce the Federal deficit to zero. The basic point that we and others made is that unless we begin to make substantial reductions in the military budget, we will devastate a number of other important social and economic goals of our society by reducing Federal support for them to an unacceptably low level.

But none of us would be for reducing American military spending if by doing so we were going to put at risk our national security. Therefore, we began the day with a discussion of the genuine needs of national security today, and the highlight of that was a thoughtful, well documented analysis of our national security situation presented by our colleague from California who is the former chairman and current ranking Democrat on the National Security Committee.

The gentleman from California who came to Congress in 1971, after winning an election in which his criticism of the Vietnam War was a central factor, has become one of the undisputed experts in the country on national security policy. As my colleagues know, he combines a strong passion with an extremely powerful analytic intelligence and the result is an eloquent, forceful statement of the case for a more realistic and comprehensive national security policy, one which would allow us to save substantial resources from the military budget.

Mr. Speaker, because the need to reduce the military budget and make funds available for important non-military purposes is the central issue facing this Congress, I take the unusual step of seeking permission to insert into the RECORD the extraordinarily thoughtful and useful remarks of Mr. DELLUMS on that occasion, even though it exceeds the normal length of remarks which are printed here. But with a military budget in hundreds of billions, tens of billions more than it needs to be, I believe that asking for the expenditure of a few hundred dollars here to bring the case for reduction before the American people is indeed a bargain.

STATEMENT ON THE VICTIMS OF ABUSE INSURANCE PROTECTION ACT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. SANDERS. Mr. Speaker, I rise today to discuss a terribly important topic: Domestic violence, and insurance companies' discrimination against women who are victims of domestic violence.

We do not know exactly how many women are domestic violence victims each year because the numbers are significantly underreported. An estimated 4 million American women are physically abused by their husbands or boyfriends each year, and 42 percent of women murdered in this country are murdered by their boyfriends or husbands.

I think we can all agree that the level of domestic violence in this country is a silent outrage, and it is absolutely unacceptable. That is why we must do everything we can to combat domestic violence. Further, it is why we can and we must prevent profiteering insurance companies from adding insult to injury by economically victimizing women who have already been physically abused. They are reacting to battered women by battering them again.

We know that insurers have used domestic violence as a basis for determining who to cover and how much to charge with respect to health, life, disability, homeowners, and auto insurance. A 1993 informal survey by the House Judiciary Committee found that 8 of the 16 largest insurers in the country use domestic violence as a criterion in determining whether to issue insurance and how much to charge for it. State surveys in Pennsylvania and Kansas both found that 24 percent of responding insurance companies admit to such discrimination, and I know of two cases in Vermont.

Insurance companies give a variety of reasons for denying victims coverage or for charging higher premiums. Some insurers say domestic violence is a lifestyle choice, like skydiving or smoking. That is absurd. We know that domestic violence is not a choice, but a crime. Victims do not choose to live with their batterers, but are often forced to do so for economic and safety reasons. When a victim tries to leave her abuser, her life is often at great risk.

When insurance companies deny, drop, or charge more for coverage of victims of domestic violence, it has very serious consequences. It means that someone who already has reason to fear for her life has one more major reason to fear telling someone, and to avoid getting help.

This insidious insurance practice sends exactly the wrong message. We should be doing all we can to ensure victims of abuse seek help and get away from their batters. Instead, insurance companies are telling women they must not only fear physical retribution from their abuser, but also economic retribution from their insurer.

If a woman tries to get help, she must fear losing access to health care for herself and her family or insurance that provides for her family in case of death or disability. Battered women's shelters must also fear losing their insurance, as we have seen in my State of Vermont.

Insurance companies are effectively tearing down all the work that has been done over the last 20 years in creating safe havens and assistance for victims of domestic violence.

I am pleased to report that we had some success on this issue last year, when an amendment Congresswoman MORELLA, other Members, and I wrote for the Kennedy-Kassebaum health insurance reform bill became law. That amendment will ensure that victims of abuse will not be denied insurance in the group health insurance market. However, we still must prevent insurance companies from overcharging women because they are victims of abuse, and we must work to end this discrimination in all lines of insurance, not just health.

Today, we introduce legislation to protect victims of abuse across this country from being singled out as uninsurable.

Our bill, the Victims of Abuse Insurance Protection Act, prohibits all lines of insurance carriers—including health, life, property, auto, and disability—from using domestic violence in determining whom to cover and how much to charge for coverage. It has been endorsed by the American Bar Association, the American Civil Liberties Union Women's Rights Project, the Center for Patient Advocacy, the NOW Legal Defense and Education Fund, the National Coalition Against Domestic Violence, Women's Action for New Directions [WAND], and the Women's Law Project.