

Mrs. LOWEY. Mr. Speaker, I strongly support this resolution and my good friend, the gentleman from New York [Mr. RANGEL] in honor of an outstanding constituent from Yonkers, New York, Betty Shabazz.

We have worked on so many issues, fighting for families, fighting for women, fighting for children. Just recently, I served on a panel with Betty Shabazz, could not have been more than probably a couple months ago. So I thank my good friend from New York, [Mr. RANGEL] for introducing this resolution which I support.

Mr. CUNNINGHAM. Further reserving the right to object, Mr. Speaker, there were some other reservations for other bills that were made under all of these unanimous consent requests. And although I support the initiative of the gentleman from New York [Mr. RANGEL] and his bill, I would have to object until these reservations can be worked out by the leadership.

We were told these UC's were worked out and, at the last moment someone from his side of the aisle was going to object to one of these UC's. If that is the case, I will object until that can be worked out.

Mr. RANGEL. If the gentleman will yield further, I understand the concern of the gentleman. But I would just like to share with him that I knew about this problem before I dealt with the Republican leadership; and because so many Members of Congress felt that strongly about it, what we did was went to the leadership and asked our side not to go through these extraordinary parliamentary procedures that they could have gone through in order to show their deep concern about it.

When you think about it, yes, there has to be ways that our concerns are met and we have to be able to use the parliamentary procedure to do it. But I ask my friend to really consider what we are doing when communities throughout this country are going to commemorate a life anyway, with or without this resolution.

It would seem to me that, even when we have to use the parliamentary cause to emphasize how deep we feel about an issue, that we are sensitive to the communities that are affected, we are sensitive to the daughters that we pay tribute to, and that we just do not use the parliamentary procedures when we have just lost a great American.

I would ask the gentleman to reconsider using the life of Betty Shabazz and the memories that are held by so many Americans and the memories held by her children and family as they go through life.

Mr. CUNNINGHAM. Further reserving the right to object, I would say to my friend, and I would reiterate that I fully support the words that he just spoke and would associate, but unfortunately, we have the same kind of concerns on another UC request that affects the lives of many of the people on the West Coast, thousands of people, as a matter of fact. And it is not the

loss of someone, but this is the loss of jobs, the loss of livelihood.

There was an agreement made under these UC's, and evidently the agreement has been broken. I would still be willing to work this out in a matter of a few minutes. If this is not the case and this is worked out, if the gentleman from New York [Mr. RANGEL] would bring up the same UC a few moments later and we can work this out among us, I think I would support the gentleman.

Mr. RANGEL. I would just hope that, with all the good work that my colleague has done for this country throughout his life, that he would not want to be recorded in the CONGRESSIONAL RECORD as having been the person that, for whatever reason, has caused this Congress not to commemorate the life of this great American.

Mr. CUNNINGHAM. I would say to my friend that I will support the gentleman in commemorating it in a few minutes if this can be worked out. After the agreement is made, I will be very happy and I will not object. But until that is made, the lives and livelihood of many of my constituents are at stake.

And I would say to the same gentleman, someone on his side of the aisle was just about ready to make that decision, which would affect adversely and in which a vote in the Senate was 99-to-0, and because there is an objection to the UC, would affect negatively many of the lives. And until that point, I am going to be forced to object.

The SPEAKER pro tempore. Objection is heard.

PROVIDING FOR ORDER OF CONSIDERATION OF H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. SOLOMON. Mr. Speaker, I again ask unanimous consent that the consideration of the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, may proceed according to the order that I have placed at the desk and that the explanation be considered as read, but that the Clerk be directed to read the amendment.

□ 1700

(For text of the unanimous-consent request, see prior proceedings of the House of today.)

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the amendment.

The Clerk read as follows:

The amendment to be offered by Representative HYDE of Illinois or a designee:

Page 94, strike lines 16 through 21 and insert the following (and redesignate the succeeding sections accordingly):

SEC. 508(a) None of the funds appropriated under this Act shall be expended for any abortion.

(b) None of the funds appropriated under this Act shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509(a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds) for abortion services or coverage of abortion by contract or other arrangement.

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider or organization from offering abortion coverage or the ability of a state or locality to contract separately with such a provider for such coverage with state funds (other than a State's or locality's contribution of Medicaid matching funds).

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

There was no objection.

ELECTION OF CHIEF ADMINISTRATIVE OFFICER

Mr. BOEHNER. Mr. Speaker, I offer a privileged resolution (H. Res. 207) and ask for its immediate consideration.

The SPEAKER pro tempore. The resolution constitutes a question of privilege.

The Clerk will report the resolution. The Clerk read as follows:

H. RES. 207

Resolved, That James M. Eagen, III, of the Commonwealth of Pennsylvania, be, and he is hereby, chosen Chief Administrative Officer of the House of Representatives.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. BOEHNER] and the gentleman from Maryland [Mr. HOYER] each will control 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. BOEHNER].

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

I have known and worked with Jay since I came to Congress in 1990 and have grown to admire and respect his professionalism and his work product. I am honored today to be able to stand on the floor and introduce this resolution to make him the chief administrative officer of the House of Representatives.

Jay has worked on the Hill since 1982. He started out in Congressman Steve Gunderson's office and moved over to work for the gentleman from Pennsylvania [Mr. GOODLING] in 1985. He then went to work for the Committee

on Education and the Workforce in 1991 as the Republican chief of staff and is currently in that same position.

I know Jay to be an excellent leader, a meticulous organizer, a fabulous administrator and a well-respected manager. I also know Jay on a personal level and know of his deep commitment to his work and to this institution. He will be a wonderful chief administrative officer to this House and I cannot think of anyone else I would rather recommend for this job than Jay Egan.

Mr. HOYER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FAZIO], the former ranking member of the Committee on House Oversight and the chairman of the Democratic Caucus.

Mr. FAZIO of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I just want to indicate that I was privileged to serve on a small panel headed by the gentleman from California [Mr. THOMAS] to select the individual who would be the chief administrative officer. Not having known Jay earlier, I came to conclude that he was in the finest tradition of the development of our staff, people who stay with this process and learn it and broaden their skills, developing administrative strength as well as substantive knowledge. I want to say to my friend, the chairman of the Republican Conference, that people like the gentleman from Michigan [Mr. KILDEE], our colleague here, and other members of the Committee on Education and the Workforce felt very good about this appointment on the premise that he was fair-minded and objective and treated the minority with the kind of respect that it is due. As a consequence, I am pleased to endorse this selection and indicate that I think it is in keeping with what I hope will be a trend toward the management of the institution in a manner which will be most acceptable to all Members. Hopefully quite a contrast with the experience that we had during the first 2 years of the new majority's tenure here.

I want to thank the gentleman from California [Mr. THOMAS] for the process he put in place and indicate that I look forward to working with Mr. Egan, as I am sure others do, in a way that will hopefully make this institution proud of the way in which it is managed.

Mr. BOEHNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. THOMAS], chairman of the Committee on House Oversight.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding this time. I want to thank my colleague from California for his comments. Obviously Jay Egan was the choice of a professional search team, an extensive review by staff and then a review by a panel of Members consisting of two Democrats and two Republicans: the gentleman from California [Mr. FAZIO], the gen-

tleman from South Carolina [Mr. CLYBURN], the gentleman from Ohio [Mr. NEY], and myself.

I believe that we obviously got the pick of the lot, and the professional organization that did the searching brought us a number of people who had been in public administration positions and, as a matter of fact, in the private sector across a broad region of the United States. It is not in my opinion accidental that we have found what we believe to be the highest caliber person laboring here in the House. It was important, I think, to look outside to give a comfort level for us in making the decision that we made. It was an open, fair competition. And Jay won. He won by unanimous vote of the panel. That tells you a lot about the qualities that he is going to bring to this job.

But I also want to say that I enjoy very much the working relationship with the gentleman from California. This could have been a process which could have deteriorated fairly rapidly if in attempting to hold confidences, discussions that were had in private were leaked to the press or announced prematurely. I do want to say, the gentleman from California over the two Congresses that I have enjoyed working with him in a distinctively reversed role from previous Congresses, has been absolutely honorable in all of the commitments that he has made as we made some very, very difficult decisions.

This was not a difficult decision. The process whereby we arrived at the requirement to make this decision was at times very difficult. But the decision to pick Jay Egan as the chief administrative officer of the House was a pleasure.

Mr. BOEHNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Education and the Workforce and the current employer of our soon-to-be chief administrative officer.

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

Mr. Speaker, today I am losing my left arm, I am losing my right arm, but I can afford to lose both for the benefit of an institution I love, the House of Representatives. Where I am totally unorganized, your new administrator is totally organized. Where I do not pay much attention to deadline, your new administrator pays specific attention to deadline. Where I do not think much about planning for the future, your administrator constantly thinks about the next move. So I in losing after 14 years someone who has served our committee very well, has served my constituents very well, and I can guarantee you he will serve this institution very, very well.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume. I do not rise to oppose this nomination. I do want to make, however, some observations.

This process has been ongoing for a long period of time. Frankly, the

Democratic leadership was severely criticized in the 102d and the 103d Congress for the administration of the House of Representatives. In fact, in Congresses before that.

The fact of the matter is in the 102d Congress, there was a discussion about reform. The present Secretary of Agriculture made a very strong recommendation that we adopt a position of administrative officer for the House of Representatives. He made that recommendation to Speaker Foley. In bipartisan meetings between the Republican leadership and the Democratic leadership, there was a discussion of how that would be formatted. Subsequent those discussions in the next Congress, we did establish in fact a position of administrative officer for the ministerial duties, that is, the nonpolicy-making, nonlegislative duties of the House. That was the appropriate and correct step in my opinion to take.

At the urging of the Republican minority in the 103rd Congress, and in the 102d, the selection of that administrative officer was established in a bipartisan fashion, so much so that the minority leader in effect had a veto over the selection of the administrative officer. The committee selecting that administrative officer was made up of the Speaker, the majority leader and the minority leader and it had to be a unanimous choice, thereby giving the minority leader essentially a veto. That was done to assure that we would have a bipartisan agreement on an administrator for the business of this House.

All of us love this House and want it to be respected by the American public. I think all of us want to have this House run in as effective, businesslike fashion as we can accomplish. That benefits everybody in this House and it benefits all of America. Our differences should not be on how we efficiently operate the House, it should be on the policies that we adopt, that we contend for both in elections and on this floor.

In the 104th Congress, that policy that was adopted was changed and the administrative officer was created as a partisan officer. I frankly did not necessarily disagree with that, as I said in committee, as the gentleman from Ohio will recall. Because effectively what the new majority said was that the Speaker was responsible for the administration of the House. I think that is basically correct. Frankly, on our side I had argued that proposition in the 102d and 103d Congress but I had lost and we had created the bipartisan mechanism for selecting the administrator.

In the 104th Congress, though, the change resulted in a committee being established with the gentleman from Iowa [Mr. NUSSLE], I believe, as the transition officer, I suppose. And an administrative officer was selected, in my opinion not in a bipartisan fashion, not with input from the minority, and in my opinion frankly without much discussion perhaps in the majority

party as well. We have a report pending on that, on the performance of the administrative officer in the last Congress and for the first few months of this Congress. We will be discussing that at some time in the future.

The selection of this administrative officer, I think, was done in a proper fashion to the extent that it was done in a bipartisan fashion with input from the chairman of the Democratic Caucus, who has been at the administration of the House for many, many years because he has been in the leadership for over a decade. I have had the pleasure of serving with him in the leadership for over a decade.

□ 1715

I do not know Mr. Eagen. The gentleman from California [Mr. FAZIO] has indicated that he is a man of ability and integrity, and the gentleman from Michigan [Mr. KILDEE], for whom I have great respect indicates a man of fairness. That is the kind of administrative officer this House needs.

So, as I said, I have no intention of opposing the selection of this administrative officer. Suffice it to say, however, that the gentleman from California [Mr. THOMAS] has indicated that there was a national search for an officer. I think that was appropriate because what this House needs in a bipartisan and effectively nonpartisan way, to assure ourselves and the American public that the business of the House, the paying of our bills, the managing of our information system, all of that which has nothing to do with the formulation of policy but everything to do with the effective management of the people's House is being done in a proper fashion. I would hope and expect that that will be the result from this appointment.

With those few words, Mr. Speaker, unless there is anybody who wants additional time, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield such time as he may consume once again to my colleague from California, Mr. THOMAS, the chairman of the Committee on House Oversight.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding this time to me.

I do not wish to revisit the distant past, a time when there were no independent audits, and the first ever chief financial officer on the first decision he made was not backed up and, therefore, resigned because he could not be independent. I wish to revisit the recent past, the past between the resignation of the first CAO and today because frankly someone who has not yet been recognized has performed yeoman service for the House. Jeff Trandahl, who has been the acting CAO for a period longer than he had anticipated, I believe now has a high comfort level as he leaves this temporary office and moves back to the Clerk's office where he is the Clerk's right arm. I just think it is appropriate, as Jay Eagen comes

in as the new CAO, for the House to recognize the extraordinary service of someone who was asked to help and who has never said no, and for, as I said, a longer period than anticipated has helped and helped willingly in making sure that the transition to the new CAO is as smooth as it has been, and I want the House to recognize the contribution made by Jeff Trandahl.

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I yield such time as he may consume to the gentleman from California [Mr. FAZIO], my colleague and the chairman of the Democrat Caucus and former ranking member on the Committee on House Oversight.

Mr. FAZIO of California. Mr. Speaker, I also wanted to indicate to Jeff Trandahl the support that he has generated on the minority side. Because of the way he has conducted himself, he has been a tribute not only to his employer, the Clerk, Robin Carle, but also to his former employer, one of the more delightful Members to ever have served in the House, the Senator from Kansas, Mr. ROBERTS. He set the right tone in the job that he has performed over the last 6 months and I think has shown the way in which the job can be performed to those who succeed in it, and I want to congratulate him on the performance and indicate that those on this side of the aisle wish him well in his future, short term and long term.

Mr. BOEHNER. Reclaiming my time, Mr. Speaker, let me close this discussion by also congratulating the Acting CAO, Jeff Trandahl. Jeff is a valued employee of the House, and he worked for PAT ROBERTS for many years, and he worked for the Committee on Agriculture and then worked in the Clerk's office over the last 2 years before taking over this temporary assignment. And I think the best tribute to Jeff over the last 6 months, 7 months or so, is that we have not heard one word about the Acting CAO for this period of time that he has been there, and he has done, I think, a marvelous job running the organization, and with that I look forward to the dawning of our new CAO, Jay Eagen.

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 resolution was agreed to.

A motion to reconsider was laid on the table.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT

Mr. SAXTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 408) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:
Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES.

(a) **SHORT TITLE.**—This Act may be cited as the "International Dolphin Conservation Program Act".

(b) **REFERENCES TO MARINE MAMMAL PROTECTION ACT.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

SEC. 2. PURPOSES AND FINDINGS.

(a) **PURPOSES.**—The purposes of this Act are—

(1) to give effect to the Declaration of Panama, signed October 4, 1995, by the Governments of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, the United States of America, Vanuatu, and Venezuela, including the establishment of the International Dolphin Conservation Program, relating to the protection of dolphins and other species, and the conservation and management of tuna in the eastern tropical Pacific Ocean;

(2) to recognize that nations fishing for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortality associated with that fishery; and

(3) to eliminate the ban on imports of tuna from those nations that are in compliance with the International Dolphin Conservation Program.

(b) **FINDINGS.**—The Congress finds that—

(1) the nations that fish for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortality associated with the purse seine fishery from hundreds of thousands annually to fewer than 5,000 annually;

(2) the provisions of the Marine Mammal Protection Act of 1972 that impose a ban on imports from nations that fish for tuna in the eastern tropical Pacific Ocean have served as an incentive to reduce dolphin mortalities;

(3) tuna canners and processors of the United States have led the canning and processing industry in promoting a dolphin-safe tuna market; and

(4) 12 signatory nations to the Declaration of Panama, including the United States, agreed under that Declaration to require that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000 animals, with the objective of progressively reducing dolphin mortality to a level approaching zero through the setting of annual limits and with the goal of eliminating dolphin mortality.

SEC. 3. DEFINITIONS.

Section 3 (16 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

"(28) The term 'International Dolphin Conservation Program' means the international program established by the agreement signed in LaJolla, California, in June, 1992, as formalized, modified, and enhanced in accordance with the Declaration of Panama.

"(29) The term 'Declaration of Panama' means the declaration signed in Panama City, Republic of Panama, on October 4, 1995."

SEC. 4. AMENDMENTS TO TITLE I.

(a) **EXCEPTIONS TO MORATORIUM.**—Section 101(a)(2) (16 U.S.C. 1371(a)(2)) is amended—

(1) by inserting after the first sentence "Such authorizations may be granted under title III with respect to purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean, subject to regulations prescribed under that title by the Secretary without regard to section 103."; and