

which now focus more on fashion designers and beauty queens than on the dark realities of a poor and violent country.

Popular patriotism brings temporary clarity to the confused self-image of the new middle class and helps veil some of the government's more questionable actions. For instance, in Kashmir, the government's failure to accommodate the aspirations of the mostly Muslim population led to a popular armed uprising against Indian rule.

The Hindu nationalists describe the uprising as an attack on the very idea of India and have diverted an enormous amount of national energy and resources—including some 400,000 soldiers—toward fighting the insurgents and their Pakistani supporters.

Since the invisible majority of India's billion-strong population—its destitute masses—couldn't care less about Kashmir, it is the affluent Hindu middle class that enforces the domestic consensus on the subject. It blames Pakistan for everything, ignoring the harshness of Indian rule and the near-total collapse of civil liberties in Kashmir.

Supporters of Hindu nationalism assume that a country with a strong military can absorb any amount of conflict and anomie within its borders. But the preference for force over dialogue could end up undermining India's fragile democracy and growing economy—just as the excessive reliance on military solutions to political problems has blighted Pakistan.

[From the New York Times, Sept. 8, 2000]

AN OPEN LETTER TO THE HON. ATAL BEHARI VAJPAYEE, PRIME MINISTER OF INDIA

The President, Officers, the Governing Council and the members of the National Association of Asian Indian Christians in the U.S.A. Inc. (NAAIC USA) are extremely pleased that you are here on an official visit to the U.S. and will be meeting with President Clinton and the high dignitaries of this country. We warmly welcome you and extend our best wishes to you for productive deliberations and consultations which we hope would strengthen the relationship between the people of India and the United States.

We are also taking this opportunity to express our deep concerns regarding the persecution of Christians in India by extremist groups. Priests, missionaries and church workers have been murdered, nuns and other women assaulted, churches and schools bombed and burned, cemeteries desecrated, and Christian institutions harassed and intimidated. There have been scores of incidents involving extortions, illegal and preventive detention, tortures, custodial deaths, anti-conversion laws that would make genuine conversions illegal. All these have created an atmosphere for Christians in many parts of India to live in fear; these are increasing unabated. This situation is antithetical to the declared ideals of the Republic of India and the provisions of its Constitution. Anti-Christian crusade and "hate campaigns" being waged through pamphlets, posters, and newspapers, lead to more violence. The pattern and intensity of these attacks and provocative comments by leaders close to the Government and the ruling Coalition show that attacks are organized efforts to intimidate a peace-loving minority community in India.

It is appalling to note that your Government is still in the denial mode by labeling these attacks as 'isolated incidents' and even as the work of some "foreign hands."

These attacks and the inability to control the growing violence of self-proclaimed Hindu nationalists against Christians have simply tarnished India's image as a secular nation. They have created a feeling of absence of rule of law in India and apprehen-

sion as to whether the Indian democracy is teetering towards a theocratic state. The U.S. Commission on International Religious Freedom has recommended that India be closely monitored for "denial of religious freedom to her people." Even the U.S. Congressional Record cites a number of these attacks on Christians and depicts them as indicative of the depth of religious intolerance in India. These acts are atrocious also because of the well-acknowledged loyalty and commitment of Indian Christian community to the welfare of India demonstrated through participation in the independence struggle, in the established of schools and institutions of health care and patriotic sacrifices of thousands of Christians.

Your visit now provides a fitting opportunity for the Government of India to assure the world and the U.S. that India will continue its constitutional commitment as a secular state to protect the interests of all people, including the religious minorities, and uphold the constitutional freedom to "profess, practice and propagate" one's religious faith. We urge you to set forth the steps so far taken by the Government to bring the culprits, both individuals and organizations, to justice. It is imperative that you explain to the international community steps taken by the Government to protect the Christian community of India. We ask that the Government of India make every effort to put an end to the atrocities committed against Christians in the great land of India. May your leadership be strengthened through such decisive actions. We pray to God to help you in such efforts.

Respectfully,

The National Association of Asian Indian Christians in the USA, Inc., P.O. Box 279, Martinsville, NJ 08836.

#### PERSONAL EXPLANATION

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 25, 2000*

Mr. NEY. Mr. Speaker, I submit the following statement for the CONGRESSIONAL RECORD. On September 24, 2000, I had personal family business and as a result missed rollcall vote numbers 541, 542, and 543. Please excuse my absence from this vote. If I were present, I would have voted "aye."

#### COMMODITY FUTURES MODERNIZATION ACT OF 2000

SPEECH OF

**HON. THOMAS W. EWING**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 19, 2000*

Mr. EWING. Mr. Speaker, I am pleased to submit for the RECORD the following documents in support of H.R. 4541.

#### LETTERS OF SUPPORT RECEIVED

Ad Hoc Coalition of Commercial and Investment Banks, The Bond Market Association, Emerging Markets Traders Association, The Foreign Exchange Committee, Futures Industry Association, The Financial Services Roundtable, International Swaps and Derivatives Association, Securities Industry Association.

Morgan Stanley Dean Witter, Goldman, Sachs & Co., Merrill Lynch & Co., Inc.,

Citigroup Inc., The Chase Manhattan Bank, Credit Suisse First Boston, Inc.

Investment Company Institute, Enron Corp., Chicago Mercantile Exchange, Chicago Board of Trade, Securities Industry Association.

Energy Group: BP Amoco, Enron North America, Inc., Goldman, Sachs & Co., Koch Industries, Inc., Morgan Stanley Dean Witter, Phibro Inc., Sempra Energy Trading Corp.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET; STATEMENT OF ADMINISTRATION POLICY, OCTOBER 19, 2000

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 4541—COMMODITY FUTURES MODERNIZATION ACT OF 2000 (REP. EWING (R) ILLINOIS AND 3 CO-SPONSORS)

The Administration strongly supports the version of H.R. 4541, the Commodity Futures Modernization act of 2000, that the Administration understands will be considered on the House floor. This legislation would reauthorize the Commodity futures Trading Commission (CFIC) and modernize the Nation's legal and regulatory framework regarding over-the-counter (OTC) derivatives transactions and markets. In so doing, H.R. 4541 also would implement many of the unanimous recommendations regarding the treatment of OTC derivatives made by the President's Working Group on Financial Markets, which includes the Secretary of the treasury and the Chairmen of the Federal Reserve Board of Governors, the Securities and Exchange Commission, and the Commodity Futures Trading Commission.

It is important that this legislation be enacted this year because of the meaningful steps it would take in helping to: promote innovation; enhance the transparency and efficiency of derivative markets; maintain the competitiveness of U.S. businesses and markets; and, potentially, reduce systemic risk. H.R. 4541 would accomplish these goals while assuring adequate customer protection for small investors and protecting the integrity of the underlying securities and futures markets. A failure to modernize the Nation's framework for OTC derivatives during this legislative session would deprive American markets and businesses of these important benefits and could result in the movement of these markets to overseas locations with more updated regulatory regimes. The Administration looks forward to working with Members of Congress to improve certain aspects of the bill as it continues through the legislative process.

OCTOBER 18, 2000.

Hon. DENNIS HASTERT,  
*The Speaker, House of Representatives, Washington, DC*

Hon. RICHARD GEPHARDT, *Minority Leader, House of Representatives, Washington, DC*

DEAR SPEAKER HASTERT AND LEADER GEPHARDT: The undersigned organizations, representing the full range of the interested U.S. financial sector, strongly urge you and each of your colleagues to support "The Commodity Futures Modernization Act of 2000" (H.R. 4541) when it is considered by the House of Representatives this week.

This legislation would provide "legal certainty" that over-the-counter derivatives transactions will continue to be enforceable in accordance with their terms. Enhanced legal certainty for OTC derivatives will reduce systemic risk and the core legal certainty provisions of H.R. 4541 are based upon the unanimous recommendations of the Secretary of the Treasury, the Chairman of the

Board of Governors of the Federal Reserve System and the Chairmen of both the Securities and Exchange Commission and the Commodity Futures Trading Commission.

These core legal certainty provisions were approved by overwhelming and bipartisan majorities of the House Agriculture, Banking and Commerce Committees and they have the virtually unanimous support of the private sector.

Final Congressional approval of H.R. 4541 this year is urgently needed. In addition to providing legal certainty for OTC derivatives, H.R. 4541 will modernize the extremely outmoded Commodity Exchange Act. This will reduce systemic risk, promote financial innovation and enable the United States to retain its leadership role in the global financial markets.

Sincerely,

Ad Hoc Coalition of Commercial and Investment Banks, The Bond Market Association, Emerging Markets Traders Association, The Foreign Exchange Committee, Futures Industry Association, International Swaps and Derivatives Association, Securities Industry Association.

OCTOBER 18, 2000.

Hon. LARRY COMBEST,  
*Chairman, House Agriculture Committee, Longworth House Office Building, Washington, DC*

Hon. TOM EWING,  
*Chairman, Agriculture Subcommittee on Risk Mgt., Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMEN COMBEST AND EWING: As members of the Ad Hoc Coalition of Commercial and Investment Banks, the undersigned firms strongly urge the House to pass "The Commodity Futures Modernization Act of 2000" (HR 4541) when it is considered on the floor. This legislation is critical to securing legal certainty for our financial markets and to fostering continued American innovation in the increasingly important realm of derivative financial products. The President's Working Group on Financial Markets has testified that securing legal certainty for financial derivatives is imperative to reduce system risk and we strongly agree.

Clearly, the legislation represents compromises in terms of the objectives of all interested parties. However, HR 4541 successfully achieves the most important core objectives needed for the markets to prevent the flight of our domestic financial derivatives business abroad. In addition, the legislation makes historic changes in the operation of our domestic futures exchanges that will enable them to offer new products and to effectively compete with foreign exchanges.

We view enactment of HR 4541 to be extremely important and believe that the failure of Congress to enact the bill will have very significant, adverse consequences for the markets and market participants in this country. We applaud your leadership throughout the development of HR 4541 and urge your colleagues to take favorable action before the end of this session.

Sincerely,

MORGAN STANLEY DEAN  
WITTER  
GOLDMAN, SACHS & CO.  
MERRILL LYNCH & CO., INC.  
CITIGROUP INC.  
THE CHASE MANHATTAN  
BANK  
CREDIT SUISSE FIRST  
BOSTON INC.

CHICAGO MERCANTILE EXCHANGE,  
CHICAGO BOARD OF TRADE,  
*Chicago, IL, October 19, 2000.*

DEAR REPRESENTATIVE: We urge you to pass H.R. 4541, the Commodity Futures Modernization Act of 2000, scheduled to come to the House floor today. Simply put, vote for this bill is a vote for U.S. markets. A vote against the bill is a vote for London and other foreign markets.

Foreign exchanges are offering products that U.S. futures exchanges can't. That is a recipe for competitive disaster for the U.S. futures industry in today's global economy. London's futures exchange will take the unprecedented step of trading single stock futures on U.S. companies in January 2001. London joins nine other jurisdictions that know the marketplace wants this product that was "temporarily" banned in the U.S. 18 years ago.

H.R. 4541 is a comprehensive package that addresses this prohibition on single stock futures and provides a streamlined regulatory structure endorsed by financial regulators, one that meets the demands of today's dynamic and changing markets. It also provides the legal certainty that will allow U.S. financial service firms to keep their swaps business in the U.S. rather than moving it off-shore.

Like any comprehensive legislation, this bill is not perfect from our perspective. However, it is critically important that H.R. 4541 be enacted into law this year to prevent our international competitors from having exclusive access to these new products.

Vote for U.S. investors and markets by supporting this historic legislation.

Sincerely,

CHICAGO BOARD OF TRADE,  
CHICAGO MERCANTILE  
EXCHANGE.

SULLIVAN & CROMWELL,  
*New York, NY, October 19, 2000*

Hon. LARRY COMBEST,  
*Chairman, House Agriculture Committee, Longworth House Office Building, Washington, DC*

Hon. TOM EWING,  
*Chairman, Agriculture Subcommittee, on Risk Mgt., Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMEN COMBEST AND EWING: On behalf of the entities listed below (collectively, the "Energy Group"), I write this letter to strongly urge enactment of H.R. 4541, the Commodity Futures Modernization Act of 2000. This legislation provides critical legal certainty for energy companies and allows them to provide risk management services to their clients and for themselves without risk that their transactions could later be found to violate the Commodity Exchange Act.

We applaud your leadership and the excellent work of your Committees and the other Committees of Congress in developing this legislation. Passage of the legislation will promote business and innovation in this important sector of the economy.

We appreciate your support of this initiative. We would be pleased to respond to any questions that any member might have.

Sincerely,

KENNETH M. RAISLER.

BP Amoco  
Enron North America, Inc.  
Goldman, Sachs & Co.  
Koch Industries, Inc.  
Morgan Stanley Dean Witter  
Phibro Inc.  
Semptra Energy Trading Corp.

ENRON CORP.,

*Houston, TX, October 19, 2000.*

Hon. LARRY COMBEST,  
*Chairman, House Agriculture Committee, Longworth House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to urge enactment of H.R. 4541, the Commodity Futures Modernization Act of 2000, by this Congress. This important legislation provides critical legal certainty for a range of transactions that are a central part of Enron's risk management and commodity trading businesses. Enron is the largest trader of natural gas and electricity in the U.S. and we actively trade other commodities. To facilitate our commodity trading business we have developed EnronOnline which is the world's largest business-to-business marketplace with over \$130 billion in trades since November 1999.

We appreciate the fine work of the House Agriculture, Commerce, and Banking Committees and applaud the leadership of their Chairmen and Ranking Members. The Bill is the product of hard work and compromise and it would be unfortunate if this effort would have to wait until the next Congress to be rewarded.

Prompt adoption of H.R. 4541 will assure that Enron and others active in the commodity trading and risk management industry can continue to grow our businesses and provide innovative service to our customers without the risk and cost of legal uncertainty that now exists.

I appreciate your attention to this important matter and would be pleased to respond to any questions that you might have.

Sincerely,

KENNETH L. LAY,  
*Chairman.*

SECURITIES INDUSTRY ASSOCIATION,  
*Washington, DC, October 18, 2000.*

DEAR REPRESENTATIVE: I am writing on behalf of the Securities Industry Association ("SIA") to urge you to vote for H.R. 4541, the Commodity Futures Modernization Act of 2000. SIA believes that this legislation can ensure that American financial markets remain in the vanguard of innovation and investor protection. H.R. 4541 may be considered on the suspension calendar as early as today.

The legislation provides legal certainty for OTC derivatives. These provisions of the bill, which largely track the unanimous recommendations of the Report of the President's Working Group on Financial Markets, would finally remove the shadow of legal uncertainty that has threatened this vital sector of the U.S. capital markets for more than a decade. We can not stress too strongly the importance that we place on Congress enacting these provisions this year. We have consistently urged Congress, among other steps, to: Clarify the enforceability of derivatives transactions between eligible participants; exclude certain hybrid instruments from the CEA; remove restrictions on the clearance and settlement of OTC derivatives; clarify the instruments and transactions to which the Treasury Amendment applies; and exclude financial and certain non-agricultural commodities from the CEA.

While this legislation does not address every aspect of these issues, H.R. 4541 takes great strides in providing a legislative solution to those issues.

We also note that we have some lingering concerns with the bill's provisions that would eliminate legal prohibitions on single stock futures. SIA does not object to the bill on this basis and hopes that these issues can be resolved. With these concerns in mind, SIA strongly supports the overall goals of

the legislation and urges Congress to move the process forward.

In our view the most important issue for Congress to resolve is the legal uncertainty affecting OTC derivatives and hybrid instruments involving non-exempt securities. Resolution of that issue should not be postponed. The problems engendered by the CEA are real and are exacerbated by the increasing globalization of financial markets. Markets can migrate quickly, and once established in a new, more hospitable legal environment, may not return. Congress has the power to maintain this country's preeminent leadership position in the global financial markets by moving promptly to correct this long-standing problem.

Rarely is Congress presented with the opportunity to make a material contribution to the mitigation of systemic risk, but H.R. 4541 presents just such an opportunity. SIA is greatly encouraged by the House Committees' action on H.R. 4541, and their efforts to ensure passage of this key legislation this year. We ask that you build on this solid record of progress to ensure that United States capital markets remain competitive and on the cusp of innovation and urge you to vote for H.R. 4541. SIA stands ready to assist you in any way we can to facilitate enactment of legislation this year. We appreciate your consideration of our views.

Sincerely,

MARC E. LACKRITZ,  
*President.*  
STEVE JUDGE,  
*Senior Vice President,*  
*Government Affairs.*

INVESTMENT COMPANY INSTITUTE,  
*Washington, DC, September 19, 2000.*

Hon. THOMAS W. EWING,  
*House of Representatives, Rayburn House Office*  
*Building, Washington, DC.*

DEAR CONGRESSMAN EWING: The Investment Company Institute is writing to express our support for the version of H.R. 4541, the "Commodity Futures Modernization Act of 2000" scheduled for floor consideration today. This consensus bill reconciles the legislation reported by the Commerce, Banking and Agriculture Committees.

The Institute supports H.R. 4541 because of the Section 208 provisions in the legislation that apply important consumer and investor protections found in the Investment Company Act of 1940 to pools of single stock futures. Such language ensures that investors in pools of single stock futures will enjoy the same safeguards that have made mutual funds the investment choice for over 83 million Americans.

For this reason, we ask you to support this consensus legislation.

Sincerely,

MATTHEW P. FINK,  
*President.*

HONORING JIM BARBIERI OF  
INDIANA

HON. MARK E. SOUDER  
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, October 25, 2000*

Mr. SOUDER. Mr. Speaker, Bluffton, Indiana is not a large city. It is a small city nestled in the bluffs above the Wabash River in Indiana. It has grown to serve the surrounding prime agricultural land of Wells County.

Bluffton is renowned throughout Indiana and the country for its extraordinary newspaper. It doesn't have lots of color pictures and fancy

charts. But it is stuffed with real news, in great detail, and topped by the world's most comprehensive headlines.

This is largely the product of Jim Barbieri, a throwback to earlier days of local journalism. An aggressive advocate, and when needed, critic of the local community, Jim is also active in State and National issues. But even in small-town Indiana, he also brings a world perspective.

His writing is thorough and fair. But it is also much more. Jim captures the room, the people in it, and the context of the debate. When one reads the Bluffton News-Banner it is though you had been at each event. Except that often, you learn a lot more from the article about the meeting then you learn at the meeting.

Recently Jim Barbieri celebrated 50 years at the Bluffton News-Banner. That itself is a tremendous and increasingly rare, commitment. Think of the historical perspective provided by such a paper compared to the transient nature of much news today.

I hope that journalism schools in America will use the example of Jim Barbieri to show that even in modern America you still can practice the type of community-based newspapers that anchored our Republic. I submit for the RECORD the following articles.

DEAR JIM: Congratulations on 50 years of journalism in Bluffton.

You are a living example of historic tradition of influential small-town newspaper editors. William Allen White in Emporia, Kansas, was an early Jim. Even the famous Niles Register, chronicle and journal of record of the early American Republic, was not as thorough as you.

I know of no one in the public arena who is not astonished that you can take such complete notes with so few errors. I expect to read something like this:

"Congressman Souder, riding in a black Lexus, was in Bluffton today for the third time this year. He was accompanied by Mary Honegger of Ossian, who has been a senior advisor to Souder since he first experienced his candidacy in 1994. The Honeggers have an animal clinic in Ossian that is well spoken of in the area. Souder was here to discuss trade with China. . ."

In other words, Jim, your stories in the Bluffton News-Banner not only include what I say, when and where, but a context and lots of local color. Your writing makes one "feel" the meeting, not just get the general facts.

And the headlines. Your headlines have more news than a half-hour TV news broadcast.

You are also a tireless advocate for Bluffton and Wells County. While being a local promoter, you also have a world vision. You understand that in education and commerce, the competition is not just Decatur and Huntington.

Hopefully, your tribute will help all of us to ask: Where will the next Jim Barbieri come from? Are we producing the young people with the curiosity and the commitment to debating truth?

Thanks, Jim, for your fundamental belief: By publicizing the words of the debate, people will choose the truth.

Sincerely,

MARK SOUDER,  
*U.S. Congressman, 4th District, Indiana.*

To my Dad. Everyone in town knows you. Or they think they know you. They think you are the man with the pipe in your mouth, hurrying, on his way to cover five meetings on a Tuesday night. Or the man

with his byline all over the paper and the editorial opinions supporting most everything good in this community. Or they think you are the man with possibly the most trashed out car in town (unless they've seen mine) or the man with the ever-present camera at every accident scene or stage production or community awards ceremony. Or they think you are the man they see at all hours of the night, drinking coffee and reading the paper at Pak a Sak or Hardees. Or they see you after you've been up all night writing or hassling with the computers or out covering a fire, sacked out in your chair, seemingly dead to the world. And they think they know you and who you are. And most of them feel lucky to know who you are.

But I know who you really are.

You are the man who was home every night for supper at precisely 6:30 and acted delighted every time and even after the billionth time, Chuck and I would jump out from behind the door and "surprise" you. You are the man who let me hide behind him when I was afraid I'd fall into the press pit at the old brown Banner building.

You are the man who must have pulled Chuck and I "up" the hill at the State Park on a sled a hundred times over the years. And Chuck really should have been walking!

You are the man who made sure that for the "trouble" of stopping to see you at your messy little office on Market St. that I received at least 50 cents to go buy French fries or a Coke at the Snug or at Rexall's. And on a good Saturday, you didn't even mind when I'd stop by about eight or nine times. And if I had anyone hanging out with me, they'd strike it rich too. I wonder if the Snug and the Rexall's knew you were a major source of income for them for years.

You are the fastest two-fingered typist in town. And the only man I know, who knew how to type at all, before the advent of the computer age.

You are the man I never ever heard utter a single swear word until I was 15 and you had an ear operation and they wouldn't let you out of the hospital so you could go back to work. And then after that, even though you don't exactly swear like a trooper or anything, you must have decided I was old enough to hear them. Either that, or this is about when the country commissioners started to aggravate you. : ) I'm not sure.

You are the man that wouldn't let me have a paper route, because "girls don't have paper routes," until I lost interest in it and then suddenly it seemed there were girls passing paper routes. And even though I find your former attitude "sexist" in this day and age, I'm still kind of amused by it. You thought I was pretty special. I guess. Too special for a paper route.

You are the man who carried me up the stairs to bed every night until I was nine (or possibly your back gave out) and then went back out to cover who knows what breaking story.

You are the man who cooked us a gourmet supper of hotdogs every Sunday evening so that Mom could have a break. Because Chuck really was a terrible child and Mom would just get sick of him—and she needed that break.

You are the man who was so delighted with the birth of his first grandchild, that even I, her mother got sick of reading about her in the paper. You are the man who is loathe to leave a basketball game or a football game or a baseball game in which his grandson is playing. And ever quick to point out exactly when and where he made the slightest contribution to the game. You are the man who passes up Colts tickets to watch his grandson sit on a bench for most of a Varsity game that he was lucky enough to dress for.

You are the man who has been right there supporting his granddaughter when things