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Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Bless the Lord, O my soul:
and all that is within me,
bless his holy name.
Bless the Lord, O my soul,
and forget not all his benefits.
—Psalm 103:1.

Gracious God, You have given us souls so we could know You and receive Your spirit of wisdom, guidance, and power. We thank You for the repeated reminders from the psalmist not to neglect the spiritual health of our souls, and Jesus' warning to us of the danger of gaining the whole world and losing our own souls.

Lord, we confess that we don't think very much about the condition of our souls, nor do we always listen attentively to Your voice speaking to us through our souls. It is easy to lose our assurance of abundant, eternal life in the intensity of the pressures and the demands of daily life. We become burdened by the responsibilities when we lose the blessing of our relationship with You. The danger is that we polish our personalities and we shrink our souls.

As we begin this day, we honestly confess to You our deep inner need for a fresh inflow of Your spirit into our souls so that all the faculties You have given us will be used to glorify You and not ourselves. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Today the Senate will resume consideration of the Harkin amendment No. 1057 to the Agriculture appropriations bill. Under the previous order, there will be 20 minutes for debate on the amendment equally divided between Senator COCHRAN and Senator HARKIN. Following the use or yielding back of time, a vote will occur on or in relation to the Harkin amendment at approximately 9:50 a.m.

Following the disposition of the Harkin amendment and passage of the Agriculture appropriations bill, the Senate will resume consideration of S. 1061, the Labor-HHS appropriations bill.

I remind Senators that this issue, of course, was considered in July. The Harkin amendment was defeated at that time, I believe, by a vote of 52 to 48. I urge my colleagues to again vote against the Harkin amendment and to, of course, support passage of the Agriculture appropriations bill. I believe Senator COCHRAN in July outlined clearly what is involved in this issue, and I think obviously he has stated the position that we should support which is to defeat this Harkin amendment.

Members can expect a number of amendments to be offered today and votes will occur throughout the day on Labor-HHS. We hope to be able to complete action in short order on the bill. We may not be able to do it tonight, but we will stay with the Labor-HHS appropriations bill until it is completed, either today or, if necessary, tomorrow. We will notify Members when votes can be expected.

In addition, the Senate will recess at 12:30 until 2:15 for the weekly policy luncheons to meet. As announced earlier, Members can expect votes each day this week, including the very real possibility of at least one vote, maybe more, on Friday of this week.

As the Senate continues the session through September and October, we will notify Members, after consultation with the Democratic leadership, when we will definitely have votes on Mondays or Fridays or if there will not be any votes on a particular Monday or Friday. But if we are going to be able to complete our work by a reasonable time this fall and then go back to our constituencies in our respective States, we are going to have to work on some Mondays and Fridays.

I yield the floor, Madam President.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. HUTCHISON). Under the previous order, the leadership time is reserved.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2160, which the clerk will report.

The assistant legislative clerk read as follows.

A bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Programs for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Harkin amendment No. 1057, to provide funding for activities of the Food and Drug Administration relating to the prevention of tobacco use by youth.

The PRESIDING OFFICER. The Harkin amendment No. 1057 is pending on which there shall be 20 minutes of debate equally divided.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. First, I ask unanimous consent that Ms. Lori Turpin, a detailee in the office of Senator

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

INOUYE, be granted floor privileges during deliberations on S. 1061.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I yield myself 3 minutes, after which time I will then yield to Senator CHAFEE, the majority cosponsor of this amendment.

I also ask unanimous consent that Senator BINGAMAN be added as a cosponsor of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Before I return to the substance of our amendment, I want to address a couple of points raised yesterday.

The distinguished chairman of the agriculture appropriations subcommittee suggested that my amendment should not be adopted because it skirts the rules. Well, the rules governing this body clearly permit this Senator or any other Senator to offer an amendment to the House Agriculture appropriations bill once it comes over to us.

There was a quotation in AP today of Senator COCHRAN saying, ''This is an unfortunate effort to go around the rules and procedures.''

How, I ask, can this Senator, be going around the rules when I am in full compliance with the rules of the Senate? Our amendment is fully within the Senate rules. There is no point of order that lies against offering it. And I will point out that offering this amendment at this time is in full compliance with the unanimous-consent agreement worked out with the majority leader during the Senate's consideration of its Agriculture appropriations bill.

The distinguished chairman, Senator COCHRAN, was involved in those discussions also. I did not wait until after the Senate passed its version of the bill and then spring this amendment on the Senate. Before the Senate passed its bill, there was a unanimous consent agreement worked out which plainly provided an opportunity for me to offer an amendment at this point, an amendment that is clearly permitted under the rules. That was all worked out under the rules openly and aboveboard before the Senate passed its Agriculture appropriations bill.

If, I submit, the argument of the distinguished chairman, Senator COCHRAN, prevails and our amendment is defeated on the basis of his procedural argument that this Senator should not be able to rely upon the Senate rules, every Senator should be concerned about the precedent that outcome would set regarding his or her ability to rely upon the Senate rules. Senators who are inclined to vote with Senator COCHRAN should think again and ask themselves what options under the Senate rules they may be closing off that they may one day critically need. I am not just talking about the rule I am relying on here. I am talking about a whole host of other rules protecting the rights of Senators that could be swept away in the name of expediency, rules that could be eviscerated as mere trifling inconveniences.

This procedural argument made by the distinguished chairman is both dangerous and bogus. Let's get to the real issue here. The issue is whether or not kids under the age of 18 should be able to buy tobacco and whether we ought to fund efforts to stop such sales. That is what this vote is about. It is about our kids and protecting them from the ravages of tobacco. With the death toll of over 400,000 a year, smoking is killing more Americans than AIDS, alcohol, motor vehicles, fires, homicide, illicit drugs, and suicide combined. And I might add, with the addition of the Byrd language, States will be encouraged to crack down on the illegal sales of alcohol along with the illegal sales of tobacco. Teenage smoking rates are climbing—a 17-year high among high school seniors.

Why do we need these FDA rules? Because without the ID checks and a strong rule against underage sales, kids will continue to fall prey to tobacco.

This picture says more than a thousand words about why the FDA rules are needed. Here is Melissa on the left, Amy on the right. ''Can you tell which one is 16? If they walked into a store, would the clerk know which one was under 18? To eliminate the guesswork, FDA requires retailers to card anyone who is under 27.''

You could not tell which one of them is under the age of 18. It just so happens the young woman over here, Melissa, is 16 and Amy, over here, is 25. That is why this rule is needed. That is why the court in Greensboro, NC, upheld this rule.

Our amendment seeks $34 million in funding, minuscule in comparison to the $50 billion in smoking-related medical costs in our Nation each year.

Madam President, I ask unanimous consent at this point to have printed in the RECORD the editorial appearing this morning in the Washington Post regarding the upcoming vote.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 3, 1997]

A SMOKING VOTE IN THE SENATE

The Senate is scheduled to vote today on an amendment by Tom Harkin of Iowa to give the administration the entire, modest amount it seeks to enforce new rules meant to prevent the sale of cigarettes to minors. The amendment deserves to pass. This is a clear test of the instincts of the Senate on this issue, which over the years has inspired so many grandiloquent speeches and so little action.

The request is for $34 million instead of the $4.9 million voted by the Senate Appropriations Committee and $24 million by the House. Most of the money would fund enforcement action by the states; no heavy federal hand there. The rest would be used by the Food and Drug Administration for an educational campaign aimed mainly at cigarette retailers.

The amendment nonetheless was beaten 52 to 48 in July, in part because the money was to come from an increased assessment on tobacco companies. Now it will come from another source—an offsetting cut in a minor Agriculture Department program. The question is whether those, including a number of leading Democrats, who voted no on the earlier grounds, will now vote aye. They should.

The rest of the session is likely to include a lot of fights like this, mostly over second- and third-tier issues and small amounts. The same Senate agriculture appropriations bill, for example, contains some $50 million more than the administration sought to pay commissions and otherwise subsidize crop insurance; the House bill contains $30 million more. Critics tried to use some of this money for programs to feed the poor instead. No way, but the issue may still be live in conference.

There are likely to be similar struggles when the Senate takes up the Interior appropriations bill, possibly next week. Subcommittee Chairman Slade Gorton included in the bill two provisions that would make major changes in Indian law harmful to the interests of the tribes. They ought to be excised. An effort will be made to limit further logging in the national forests by cutting construction funds for the roads on which such logging depends. That one failed in the House by only two votes when the administration wobbled in support. It ought to pass.

Mr. HARKIN. Madam President, I yield 3 minutes to the distinguished Senator from Rhode Island [Mr. CHAFEE].

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Madam President, I am delighted to be here today to support Senator HARKIN's important amendment in the fight against teenage smoking.

The attorney general of my home State of Rhode Island has urged Congress to provide the full funding level of $34 million requested by the Food and Drug Administration. Our attorney general believes adequate funding is critical to our success in reducing the level of smoking among children and adolescents, and I agree with him.

Furthermore, with the evidence that we now have regarding the epidemic of teen smoking as outlined by the distinguished Senator from Iowa, and all the implications this has for the future, it seems to me there is no excuse for delaying full implementation of this critical program.

As has been pointed out, smoking among high school seniors is at a 17-year high. That is very discouraging. Smoking among 8th and 10th graders has increased by more than 50 percent in the last 6 years. State and local officials need this money for enforcement purposes. And the money is also needed to educate retailers about their responsibilities.

In my home State, even though we have a law prohibiting retailers from selling tobacco products to minors, over 70 percent of high school smokers were not asked to show proof of their age when purchasing cigarettes.

According to our attorney general, Rhode Island stores each year are selling—I was stunned by this figure. We are a small State, a million people—11

million dollars' worth of cigarettes to underage consumers, and the main reason, of course, is the lack of resources at the local level to enforce the law. We have been able to provide the funds for education. We have to be able, in my judgment, to provide funds for education and enforcement of this rule to make it meaningful.

Now, there is a little less than $5 million provided thus far by the Senate. That is nice, but it just plain is not enough. With the improvement of the sunset provisions in the new offset, I believe there is no good reason not to vote for this amendment. Preventing underage smoking should be a national priority and providing full funding of this program is an important step toward achieving that goal. So I urge my colleagues to join me in this effort to eradicate teenage smoking.

I thank the Chair and I thank the distinguished Senator from Iowa for his leadership.

Mr. HARKIN. I thank the Senator for his comments. I thank him for his strong support in the effort to eliminate teenage smoking.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Three minutes forty-five seconds.

Mr. HARKIN. I will yield 1 minute 45 seconds to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I thank my colleague, the Senator from Iowa.

I rise in strong support of this amendment. Think about this for a moment. Have you ever met a parent who said, ''I had the greatest news last night; I went home and my daughter came home and announced she had started smoking.''

I have never heard that. I never heard a single parent say how proud they were to learn their children started smoking and yet statistics show us across America the fastest growing group of new smokers is children, and particularly young women, who decide in high school or sometimes earlier to start buying this product illegally to start smoking, to develop a nicotine addiction which can haunt them for a lifetime, leading to disease and sometimes to death.

What Senator HARKIN is doing is just eminently sensible. If there is such a thing as a family value, this is a family value amendment because what Senator HARKIN is doing with this amendment is to make sure that the Food and Drug Administration has the resources to enforce existing law. It is not a new imposition of law from the Federal Government. It is just common sense. Keep this dangerous addictive product out of the hands of children. And the people who want to sell it to kids illegally have to be stopped.

If we are going to do that, it takes more than a speech on the Senate floor. It takes a commitment of resources. I am sorry that Senator HARKIN's effort lost last time by a handful of votes. There were a lot of speeches given and a lot of reasons given. I hope my colleagues have had a chance to go home during this break and talk to a number of families, as I have. They should realize, as I do, how critically important it is to pass the Harkin amendment and give the FDA the resources to make sure that our kids are not lured into this dangerous addiction.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, what is the situation with time? Has all the time been used by the proponent of the amendment?

The PRESIDING OFFICER. The Senator from Iowa has 1 minute 35 seconds and the Senator from Mississippi controls 9 minutes 45 seconds.

Mr. COCHRAN. Madam President, I yield myself such time as I may consume.

Madam President, one comment at the outset has to be made in response to the Senator's statement quoting from an Associated Press article which suggests I said yesterday that the effort to bring this amendment to the Senate on a second vote violates the rules of the Senate. I said no such thing yesterday. I have just completed reading my remarks as reflected in the CONGRESSIONAL RECORD of yesterday's proceedings of the Senate, and that is not contained in my remarks.

What I did say was this, and I will read it again for emphasis. ''So what I am suggesting, Mr. President, as respectfully as I can, is that this is an unfortunate effort to go around the practices and the procedures that have been established for this purpose to facilitate the orderly consideration of appropriations bills, and the Senate ought to reject this effort.''

Now, let me elaborate on that. The procedure being used by the proponent of this amendment creates an unfortunate precedent. If it is rewarded by a majority of the votes on his amendment, that precedent will permit a vote on an amendment to a bill after third reading, and, after a unanimous-consent agreement has ripened, as an order limiting amendments on a bill. Using the tactic employed by the distinguished Senator and my friend from Iowa should not be rewarded by the Senate and such a precedent should not be established.

The reason I am making that point as strongly as I can, and repeating what was said yesterday in the 10 minutes we had to discuss this issue, is that we had worked out a procedure for considering appropriations bills here in the Senate in advance of their being considered by the House. We had markups, in subcommittees and the full committee, of appropriations bills that had not yet passed the House. That is a departure from procedures that had been used as a matter of custom and practice in the past. The reason was to accelerate and expedite consideration of these bills so that we would not get into a situation of winding up at the end of the fiscal year, or right on the brink of the beginning of a new fiscal year, not having passed all appropriations bills because of the slowness of that earlier procedure.

This was working fine. But one little nuance to permit that to work is that when the House-passed bill is received in the Senate, we have to get unanimous consent to hold it at the desk, and then call it up, substitute the Senate action on the appropriations bill for the language of the House-passed bill, and have it passed as amended by the Senate action. We have already had third reading of the Senate bill; we have already adopted all the amendments; we have had orders limiting those amendments; and then the Senator decides to use this opportunity. Under the Senate rules, he is right. Under the Senate rules, any Senator can object to a unanimous-consent request, and that is what he did. The difference is that it was understood that when we completed action on the Senate bill, we would then take up the House-passed bill, substitute the Senate action on it, adopt it, and go to conference. So it was at that little point in the procedure that the Senator decided to use a new tactic, and that is why we are having to vote another time, a second time, on an amendment that was disposed of during the consideration of the agriculture appropriations bill.

We passed the bill on July 24. Here we are in September having to vote on an amendment virtually the same with a different offset. The offset is described as defective and flawed in a statement made by Senator DOMENICI that is in the RECORD of yesterday. I invite the attention of Senators on that subject. What it does, in effect, is instead of spending money in this next fiscal year, we will postpone it to the following fiscal year, and that is scored by CBO as an offset. Are you kidding? There is a statutory maximum to spend, a mandate for computer operations to be funded at the Department of Agriculture. So the offset, while the CBO scores it—and we continue to live under this very interesting obligation to honor, cherish, and obey the decisions of CBO on these issues, the wisdom of the Senate or the will of the Senate notwithstanding—we are bound to respect the CBO decision on whether or not this is an effective offset of the new spending.

The arguments about whether you are for or against smoking—really, we are all for doing everything possible to persuade young people, minors, not to smoke. That is not the issue here. This program by FDA provides some funds to States to help enforce State rules and laws and Federal regulations on sales of tobacco to minors. Only a few States are even getting this money. I mean, the whole point of this argument

suggests that the substance of the amendment deals with that issue in some important or dramatic way. It does not.

The point is, this money, this account, will be negotiated in conference. All Senators understand that. The House has a higher number than the Senate has. We have higher numbers for other things like agricultural research and some other important initiatives protecting farmers, trying to do something about production agriculture and the efficiency and the yields that our farmers can achieve on their crops to remain globally competitive. This is a big bill. It has WIC money, which is very important. A lot of nutrition programs are funded in this bill at higher levels than the House recommends.

So, what I am saying is that we don't agree with the House on every part of the bill. That is why we are going to conference. But to permit this procedure to prevail and have us vote on the same amendment we have already disposed of, I think should be rejected. We are not going to be able to continue the procedures we followed if we reward this strategy, this tactic, this use or abuse of the procedures that we have been following.

Mr. LAUTENBERG. Madam President, I rise today in strong support of this amendment to restore funding to the Food and Drug Administration so it can enforce its rule in the war on teen smoking. At stake are the lives of millions of our children.

This rule prohibits—nationwide—the sale of tobacco products to anyone under the age of 18. It also requires retailers to check the ID of any purchaser of tobacco who appears to be under the age of 27.

Isn't this just common sense as matters of both public policy and public health? Apparently not.

Madam President, if I wasn't seeing this with my own eyes, I would not believe anyone doubted the need to fund FDA enforcement of this rule. The rule against teen smoking is overwhelmingly supported by the American people. It was validated by a North Carolina judge. Yet, here we are on the floor of the U.S. Senate, trying again to save this rule from obliteration.

Madam President, the tobacco lobbyists have spread a great deal of money and misinformation about the need for this initiative. I would like to clear the air.

The tobacco lobby has been telling Senators that we should wait until we pass settlement legislation before we fund the FDA's teen smoking enforcement efforts. That is nonsense. The ultimate disposition of the proposed settlement—which is far from being in place—has nothing to do with this fight against teen smoking. Nothing. The settlement negotiations, assumed that these rules would be in place and fully funded.

Once you eliminate this nonsense, it comes down to a basic question. Should we simply sit back and watch 3,000 kids a day pick up an addiction that will kill or cripple many of them? Or should we fund this program and start saving lives? The money we approve today is a bargain compared to what we'll be forced to spend in later years on treating smoking-related illness.

Everyone, including the tobacco companies, says they are against teen smoking. Our Nation's parents, the medical community, and public opinion support the President's fight against teen smoking.

And make no mistake about it. If you vote against this funding, you gut the President's plan and take a stand for tobacco and against America's kids. I therefore urge you to support this amendment.

Mr. BYRD. Madam President, I will vote against tabling the Harkin amendment. It is a good amendment with the worthwhile goal of protecting the health and lives of young Americans.

Both the tobacco and alcohol industries have received well-deserved criticism in recent years for a variety of questionable or unsavory practices, including what many of their critics have identified as the use of advertising campaigns specifically intended to entice young people to try, and then become hooked on, their products. In response, the tobacco industry has been attacked at both the State and Federal levels, but, unfortunately, much less attention has been directed toward the alcohol industry.

Certainly, tragedies like the recent alcohol-related death of a Louisiana State University student demonstrate that a national effort to save our young people from the destructive forces of alcohol is warranted.

This amendment to the Agriculture appropriations bill will boost the ability of the States to enforce age and identification requirements for the purchase of cigarettes, but, importantly, at my request, the amendment also addresses the need to shore up the enforcement of checks for the purchase by minors of alcohol.

The amendment encourages States to couple their youth-smoking prevention efforts with State laws that prohibit underage drinking. These issues go hand in hand in preventing our youth from using destructive substances.

According to statistics from the Federal Centers for Disease Control's National Center for Health Statistics, the three leading causes of death for 15- to 24-year-olds—accidents, homicides, and suicides—often involve the use of alcohol. Efforts to curb the sale of alcohol to minors, therefore, can be expected to yield high payoffs to our society.

Under the original amendment, Federal funding was to be used to increase supervision of retailers to ensure that they examine the identifications of customers purchasing tobacco products. But language I added calls for coordinating the oversight of identification checks for alcohol sales along with those tobacco-related programs. It only makes sense that store clerks who are already checking ID's for cigarettes also be checking ID's for alcohol. The exercise is called ''carding,'' checking identification cards to verify that the buyer is not under the legal age. It is such an easy step that can help prevent a teenager from getting drunk and getting behind the wheel of a car—''carding'' for age. Perhaps it would be more aptly described as ''carding for life.'' I hope that this amendment may indeed result in saving lives.

Mr. FRIST. Madam President, I am in wholehearted agreement with the intent of the amendment before us, and I commend my colleague from Iowa for his sincere attempt to address the crucial issue of youth smoking. However, I remain unconvinced that FDA control and management of a youth antismoking initiative will solve the problem. Let me be very clear, I support a Federal role in restricting teen smoking and in funding a youth antismoking initiative. However, a cursory review of our Nation's history shows that the States have the primary jurisdiction over enforcement over youth smoking laws, just as they do with laws relating to underage consumption of alcohol.

In the aftermath of the tobacco settlement negotiations, our Nation's attention is focused, as never before, on the problem of teen smoking. We have an unprecedented bipartisan commitment to addressing this problem at all levels of government. Currently, seven committees in the Senate alone are tackling the complex issues raised by the settlement. In my opinion, we do the children of America is disservice by thinking we absolve ourselves of responsibility by simply delegating this job to Federal bureaucrats. We have a golden opportunity to put these financial resources to work, and bring about long-overdue solutions. I am not a politician by trade or training, and I find that sometimes that works to my advantage. I haven't been in Washington long enough to lose my appreciation for the truism that the best solutions are often found at home.

Let's talk about some of the initiatives the Federal Government is already funding to prevent youth smoking.

The Centers for Disease Control and Prevention has an Office on Smoking and Health [OSH] which conducts scientific research, communicates health information to the public, and coordinates action with other Federal agencies, State health departments, and other organizations. Their programs include the Smoke Free Kids & Soccer campaign, which collaborates with the U.S. women's national soccer team to promote smoke-free lifestyles among teenage girls. The OSH budget is $21.4 million.

At the National Institutes of Health, the National Cancer Institute funds the American Stop Smoking Intervention Study research program in collaboration with the American Cancer Society

and State and local health departments and other organizations to develop comprehensive tobacco control programs in 17 States. NCI also administers investigator initiated research projects in smoking cessation and education, funded at $94.9 million. The National Institute of Drug Abuse funds research on smoking and nicotine dependency.

The Health Resources and Services Administration provides funding for antismoking education through its health professions education and nurse training programs. The Maternal and Child Health Block Grant funds health services to mothers and children, including antismoking education.

And let us not forget, the Substance Abuse and Mental Health Services Administration provides discretionary funding for community-based demonstration projects for the prevention and early intervention of alcohol and drug abuse, including tobacco use. Also, SAMHSA is already implementing the Synar amendment, which requires States to enforce laws prohibiting the sale of tobacco products to individuals under age 18. States must conduct random unannounced inspections of retail outlets, and develop a strategy for achieving an inspection failure rate of less than 20 percent. States that don't comply with these requirements may lose their block grants funds, and I would like to point out that these funds may not now be used for enforcement activities.

Now, Madam President, I've named a few Federal antismoking efforts, but there are actually over 17, in different departments and agencies. The settlement which has been negotiated between industry, plaintiffs, the attorneys general, and the public health community has been referred to no fewer than seven Senate committees. I think it's time for a little common sense. The FDA, while they have done many wonderful things, have too often demonstrated a tendency to rely on centralized, heavyhanded bureaucracy rather than practical solutions. Let's proceed with hearings in the Senate, and let's examine the best possible avenues for administration of these funds. Most of all, let us not lose sight of the goal of our public health efforts.

The issue is reducing teen consumption of cigarette smoke. At every level of government, local, State, and Federal, and in every part of our communities, we must commit to do this ourselves. We cannot simply look the other way when a child with a cigarette walks by. Convenience store owners cannot ignore the law, and profit from our children's poor decisions, and legislators cannot allow campaign finances to cloud their judgment on this issue.

We know that one very effective tool is a consistently enforced requirement that retail outlets care young people. This is primarily a task for local law enforcement. Any Federal agency that Congress authorizes to police retail outlets will in the final analysis turn to local agencies to conduct the compliance checks. As we seek to partner with governments at home, we can and should build in Federal compliance standard for States who refuse to cooperate. Together, we can put some teeth into the laxly enforced statutes already on the books.

Let me add that I think we should have some concern for what could happen if we stray too far from the obvious connection between personal responsibility and health. Personal responsibility is the key to good health. As a physician, I urged everyone of my patients and my constituents to stop smoking if they had started, and more importantly not to start. There is a clear link between smoking and many types of cancer and other diseases. As a heart and lung transplant surgeon, I have seen firsthand the harmful effects of smoking. I have held tar-laden lungs in my hand and removed malfunctioning hearts from failing bodies. As the father of three sons, whom I relentlessly urge not to smoke, I agree with columnist James Glassman that ''Kids shouldn't smoke; parents, taxes, and laws should deter them.'' But before we entrust $29 million of taxpayers hard-earned money to the Food and Drug Administration, let's make sure that this is the wisest use of our resources.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Madam President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Iowa controls 1 minute 53 seconds, the Senator from Mississippi 2 minutes 47 seconds.

Mr. HARKIN. Madam President, Senator COCHRAN said that only a few States are getting FDA funding right now. That is the point. Six States right now are receiving FDA enforcement money, and only 10 States are expected to receive such money in fiscal 1997, because FDA does not have the money for all States. What this amendment provides is enough money to expand the FDA initiative to all 50 States. I thank my friend from Mississippi for pointing that out. That is the essence of this amendment; to expand to all interested States FDA funding for enforcement of rules providing for ID checks and prohibiting illegal sales to kids who come in to buy cigarettes and tobacco.

Madam President, we hear time and time again the tobacco companies saying they want to stop kids from smoking. This amendment does that. Yet has one tobacco company stepped forward to support this amendment? A deafening silence. Not one penny comes out of their pockets under this amendment, and yet not one tobacco company has come forward to say, yes, this amendment by Senators HARKIN and CHAFEE is good because it will keep kids from smoking and buying tobacco. They say they want to help stop kids from smoking. Not one of them has come forward to support this amendment. Shame on them.

We debated the previous version of this amendment on July 23, and it was tabled 52 to 48. Since that time another 125,000 young Americans have gotten addicted to smoking, and every day that we delay, thousands more kids like these young women here walk into stores, buy cigarettes and tobacco products, and get hooked. That's why the tobacco companies are not here supporting this amendment.

Mrs. BOXER. Will my colleague yield?

Mr. HARKIN. Yes, I will yield to my friend from California.

Mrs. BOXER. I thank my friend for fighting this battle.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. One quick point is the tobacco companies have increased their contributions to colleagues so they will not support you, and I hope we overcome that this time.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Mississippi controls the remaining time.

Mr. COCHRAN. Madam President, I have made the arguments that I intended to make. If Senators are interested in a little more detailed discussion of the procedures and why I think it would be such an unfortunate precedent for us to reward the strategy being used by the proponent of the amendment, I invite attention to yesterday's RECORD.

Let me just say one other thing about the effort to resolve this issue. We have plenty of room within the amount provided by the House in its version of this bill and the amount provided by the Senate in the bill that passed the Senate 99 to 0 to negotiate an appropriate level of funding for the FDA's program. We are not suggesting that this program ought not be funded, that assistance ought not be made available to States which need the assistance. But has it occurred to anybody that the States are bringing lawsuits and collecting from the tobacco companies money to do this very thing? Our State of Mississippi is the first to obtain a cash settlement with the tobacco industries, and it can use the money for a wide variety of purposes: to help defray expenses, medical expenses, that have been paid out to those who have suffered health problems because of smoking, antiteenage smoking campaigns and efforts and initiatives—and that is what this program is. Here we are asking people around the country to use their tax dollars to go to States, whether they have brought law suits, whether they have taken action—these are applicants for funds under a new FDA program that has just begun.

So, I am saying there is more to this than is being discussed. There is more to this than is being admitted. Florida has just now undertaken to consummate a settlement that is similar to the one in Mississippi, and there will be others. Where has been the Department

of Justice? Where is the Federal Department of Justice on these issues? Where is the proposal of the administration on these issues? We are asked to spend more taxpayer dollars, but I am not sure it is for a coherent, comprehensive way to deal with the overall issue. That is what I am suggesting. The States are doing a much better job and a much more aggressive job getting after this than we are. And an amendment is being suggested here to solve all those problems. Well, that is just not an accurate reflection of the facts, is it, Madam President?

So I urge, when we make a motion to table the amendment, once all time has been used or yielded back, that the Senate vote for the motion to table to permit us to continue to consider appropriations bills in this orderly fashion so that we can expedite their consideration and be fair to all Senators who offered amendments when the Senate considered the bill. I thank the Senators very much for their careful attention to this discussion.

Madam President, if all time has been used——

The PRESIDING OFFICER. All time has expired.

Mr. COCHRAN. Then I move the amendment of the distinguished Senator from Iowa be tabled.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1057. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Virginia [Mr. WARNER] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 28, nays 70, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—28

Ashcroft	Gorton	Roberts
Brownback	Gramm	Santorum
Burns	Grams	Sessions
Coats	Hagel	Shelby
Cochran	Helms	Smith (NH)
Domenici	Hutchinson	Stevens
Enzi	Hutchison	Thomas
Faircloth	Inhofe	Thurmond
Ford	Lott	
Frist	McConnell	

NAYS—70

Abraham	Campbell	Feingold
Akaka	Chafee	Feinstein
Allard	Cleland	Glenn
Baucus	Collins	Graham
Bennett	Conrad	Grassley
Biden	Coverdell	Gregg
Bingaman	Craig	Harkin
Bond	D'Amato	Hatch
Boxer	Daschle	Hollings
Breaux	DeWine	Inouye
Bryan	Dodd	Jeffords
Bumpers	Dorgan	Johnson
Byrd	Durbin	Kempthorne
Kennedy	Mack	Roth
Kerrey	McCain	Sarbanes
Kerry	Mikulski	Smith (OR)
Kohl	Moseley-Braun	Snowe
Kyl	Moynihan	Specter
Landrieu	Murray	Thompson
Lautenberg	Nickles	Torricelli
Leahy	Reed	Wellstone
Levin	Reid	Wyden
Lieberman	Robb	
Lugar	Rockefeller	

NOT VOTING—2

Murkowski	Warner

The motion was rejected.

The PRESIDING OFFICER. The question is on the adoption of the Harkin amendment.

The Senate will please come to order.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, will the Chair please state the question that is now before the Senate on which we are about to vote?

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 1057, the Harkin amendment.

The amendment (No. 1057) was agreed to.

The PRESIDING OFFICER. Under the previous order, the text of S. 1033, as amended, including amendment No. 1057, is substituted for the text of H.R. 2160, and the bill is read for the third time and passed.

The bill (H.R. 2160), as amended, was read the third time and passed.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair is authorized to appoint conferees.

The Presiding Officer (Mr. ALLARD) appointed Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. STEVENS, Mr. BUMPERS, Mr. HARKIN, Mr. KOHL, Mr. BYRD, Mr. LEAHY, and Mr. INOUYE conferees on the part of the Senate.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

LEAVE OF ABSENCE

Mr. COCHRAN. On behalf of the distinguished Senator from Virginia, [Mr. WARNER], I ask unanimous consent, in accordance with paragraph 2 of rule VI of the Standing Rules of the Senate, that Senator WARNER be permitted to be absent from the work of the Senate for this morning to serve as a pallbearer in Warrenton, VA, for Robert Canard, a former farm employee and friend of more than 30 years. Bob and his wife Dorothy have long been considered members of the Warner family.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be able to proceed for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I had sought recognition before the Chair ruled on the unanimous-consent request. I wonder if I could engage in a colloquy, a brief colloquy, regarding the request.

The PRESIDING OFFICER. The Senator from Arizona may proceed.

Mr. KYL. I was prepared to begin a debate at this point on an amendment which I laid down yesterday, which my understanding was we were going to try to conclude prior to roughly the noon hour because of a request by two other Senators, I believe Senator MOYNIHAN and another Senator, to speak during that period of time.

I just wonder if Senator SPECTER could be involved here and if we could quickly get an agreement. I am perfectly willing to accommodate the Senator from Delaware, but we need to get an agreement on how we are going to proceed here because I was going to conclude my part of this and then attend a committee hearing, which may not be possible if the Senator moves forward.

I ask the Senator from Pennsylvania what his intentions are.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague from Arizona for his inquiry.

If it is consistent with the scheduling of the Senator from Arizona, I suggest that we defer to the Senator from Delaware for a period of time for morning business.

Would that be acceptable to the Senator?

Mr. KYL. Would this mean we could take up my amendment at roughly 11 o'clock?

Mr. BIDEN. Mr. President, I will attempt to keep this under 15 minutes, if that will help.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I ask unanimous consent that we proceed with the amendment by the distinguished Senator from Arizona at 10:45.

Mr. KYL. Mr. President, that is certainly fine with me if it does not inhibit the Senator.

Mr. BIDEN. That is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is now recognized.

Mr. BIDEN. Mr. President, I thank the chairman of the committee, Senator SPECTER, for accommodating me and my friend from Arizona.

AMERICAN POLICY IN BOSNIA

Mr. BIDEN. Mr. President, having just returned from a trip to Bosnia, I would like to describe my impressions

and offer my views on American policy there, if I may.

As many of my colleagues will remember, and some would rather not remember, over the last 6½ years I have been bipartisan in my criticism and my critical statements about our policy toward the states of the former Yugoslavia. I began criticizing the Bush administration early in 1991 and continued to criticize the Clinton administration until September of 1995 when it finally carried out the airstrikes that I had called for 3 years earlier and subsequently lifted the immoral and illegal arms embargo on Bosnia as part of the Dayton accords.

Now, Mr. President, for the first time I find myself in general agreement with the direction of American policy. My change of opinion does not, however, reflect either complete satisfaction or complacency. We have reached a very critical point in our policy toward Bosnia, Mr. President, as all of my colleagues know. Resolute American action, combined with allied support and local compliance, can turn the corner. But I respectfully suggest, absent any one of those factors—resolute American action, combined with allied support and local compliance—we will not only not turn the corner; I believe we will return to the genocide and chaos that prevailed 6 years ago.

To that end, we can, Mr. President, and we must, in my opinion, act decisively to bring indicted war criminals to trial before the International Tribunal in the Hague.

We can, and must, Mr. President, induce the authorities in the Federation and the Republika Srpska to greatly expand the number of refugees returning to their prewar homes.

We can and must, Mr. President, ensure that the countrywide municipal elections in mid-September and the parliamentary elections in the Republika Srpska in October, are held and that they are free and fair.

We can and must, Mr. President, guarantee free access to electronic media for all points of view in both the Federation and the Republika Srpska. I hope that the agreement on the television transmitter reached yesterday with the Karadzic forces is a move in that direction. If they go back on the bargain, SFOR troops should reoccupy that transmitter and take it back.

We can and must continue to support the Republika Srpska's President Biljana Plavsic in her struggle against indicted war criminal Radovan Karadzic.

We can and must, Mr. President, ensure that the decision of the arbitrator on Brcko in March 1998 is accepted peacefully.

In short, Mr. President, a lot remains to be accomplished in the coming months. But it is critically important for the American people and for my colleagues in the Congress to be clear on one fundamental point: Contrary to what is frequently stated, there has been progress on the civilian provisions of the Dayton accords, as well as on the well-publicized military side of the equation.

To guarantee that this progress continues and expands, the international community must not withdraw its entire military stabilization force after June 1998. The negative consequences of backsliding into renewed warfare in Bosnia would far outweigh the cost of a continued, if scaled-down commitment with no or much fewer American troops.

Let me then, Mr. President, discuss the current situation in Bosnia. First, the war criminals issue. The type of operation carried out in Prijedor in July in which British and Czech SFOR troops, supported by American forces, captured one indicted criminal and killed another indicted war criminal after being fired upon, must be repeated against Dr. Karadzic and General Mladic.

After conversations with leading American military officers in Bosnia, I am confident that such an operation is feasible. No American wishes casualties to occur, but if all other means fail, force must be employed and risk taken in order to arrest these war criminals. I am confident that the opportunity will present itself, and if it is seized upon, the operation will succeed.

Moreover, I suspect that after an initial angry response, most people in the Republika Srpska would be content to go about improving their impoverished lives, relieved of the plague of the authoritarian extortionists in Pale. Apprehension of the war criminals will not be a panacea for Bosnia's ills, but in my view it is a necessary precondition for the Dayton accords to have a chance of continuing to work.

I met with opposition leaders in the Republika Srpska. I met for well over an hour with President Plavsic. I met with a Russian military commander. I met with the American military. I met with the French military. In fact, I met with most of the major players in Bosnia during the time I was there. There is not anyone who will privately tell you that Karadzic and Mladic on the loose and continuing to run the Republika Srpska does anything, anything at all positive. As a matter of fact, all will tell you privately, and most will tell you publicly, that these two must be withdrawn from the scene. They will say it in different ways. They will say, ''withdrawn, captured, tried and convicted,'' or they will say ''driven out of the country.''

But the bottom line is that nobody believes there is any possibility of the Dayton accords being fully implemented if, in fact, the most notorious of the war criminals continue to run the Republika Srpska like a thug operation, undermining free elections in the Republika Srpska within Bosnia and undermining Mrs. Plavsic. Now Mrs. Plavsic is no shrinking violet, is clearly a nationalist, and is not someone we would choose if we could invent a President for the Republika Srpska. But she is, at a minimum, honest and not running the rackets. She has greatly undermined Mr. Karadzic's power by pointing out the corruption he has engaged in and how he is literally robbing the people of the Republika Srpska.

There is still 90 percent unemployment there. At least in the Federation it has dropped from 90 percent to 50 percent. As I will discuss in a moment, there is progress being made in the Federation, slow as it may be, but there is a gigantic impediment in the Republika Srpska, and his name is Karadzic, an indicted war criminal. I have met him in the past. I told him more than 4 years ago that he was—I will not precisely repeat what I said—but I said bluntly to his face that he was a war criminal and should be tried as one. He looked at me and resumed talking as if he were saying, ''Lots of luck in your senior year. No problem; thanks for talking to me.'' This guy is a madman, and he is undermining the prospects of any peace for the people of Bosnia—Serb, Croat, or Muslim alike.

Over the last year, the government of the Federation, comprised mainly of Muslims and Croats, has slowly begun to take meaningful shape. New national, entity, and cantonal governments were chosen in the September 1996 elections and are starting to function. The Bosnian Presidency and the council of ministers meet in regular sessions.

In Sarajevo, I had a lengthy discussion with Kresimir Zubak, the Co-President of the National Government of Bosnia and Herzegovina, with many leading figures in the Federation administration and the Cabinet, and with nonnationalist Muslim and Croat opposition leaders.

No one attempted to gloss over the friction that persists, Mr. President. As a matter of fact, I invited a group—and I will submit the list of people we invited—of leading Muslims, Croats, and Serbs to a dinner the first night I arrived. The first comment made by, I think, Federation Vice President Ejup Ganic, a Muslim, was ''Senator, we have not sat down at a table like this for 6 years. You have accomplished something all by itself just by getting 15 of us to show up.''

I do not want to paint a picture here that things in the Federation are rosy and wonderful. They are not. But everybody agreed on two things: First, enormous progress was being made in the Federation; and second, it is absolutely essential for the international military force to remain in Bosnia after June 1998 to guarantee that progress will continue.

I made clear that a partnership is a two-way street. Politicians from all three principal religious groups in Bosnia must make redoubled efforts to carry out the terms of the Dayton accords, especially the return of refugees.

As Americans see evidence of increased success in civilian implementation, our willingness to stay the course in Bosnia will increase accordingly.

And, Mr. President, there is much evidence to support the view that positive change is already occurring. Approximately 150,000 refugees have returned to Bosnia from abroad and another 160,000 internally displaced persons have returned to their homes, including a few to areas where they will be a distinct minority.

Meanwhile, the Train and Equip Program, led by private American military instructors, retired military, is molding a Muslim-Croat defense force for the Government of Bosnia guaranteeing the Federation's security in the future. Agreements on the Federation force structure and command have been reached, and over 300 million dollars' worth of military equipment has been procured.

Remember, Mr. President, the big problem was initially that we could not get the Muslim and the Croats in the Federation to agree to a joint military command. They would not train together. Now we have a joint military command. Muslims and Croats are sitting in the same classrooms. The officer corps and the enlisted men are all training together. There has been solid progress.

In Hadzici, west of Sarajevo, I visited the headquarters of the Train and Equip Program and spoke with the Federation's Minister of Defense and his deputy, with the commanders of the Muslim and Croat forces, and with soldiers of both armies. The cooperation is excellent, and their American trainers had high praise for their eagerness to learn and their aptitude.

In the Federation, joint police forces are being formed, including in the city of Mostar, site of the worst warfare between Muslim and Croats.

Within the framework of this modicum of stability, the economy is beginning to revive. Real gross domestic product has nearly doubled since 1995. As I mentioned, unemployment has dropped from 90 percent to 50 percent. Corruption, though, remains a major problem.

Nonetheless, if there is continued security, political progress, and international technical and financial assistance, the Federation, I believe, can be a going concern within a few years.

One of the nonnational opposition leaders with whom I met, Stjepan Kljujic, an ethnic Croat, offered the opinion that the Federation had to be better than the Republika Srpska politically, economically, and morally. Making an intriguing historical parallel, he continued that the Federation should become Bosnia's West Germany against the Republika Srpska's East Germany, even attracting guest workers from the latter as the economic disparity between the two entities widens. In this way, he felt, the two halves of the country could eventually grow together.

Whatever the validity of this vision, conditions in the Republika Srpska are already quite different from those in the Federation because of Mr. Karadzic's heavy hand. The Bosnian Serb member of the tripartite Presidency, Momcilo Krajisnik, an ally of Karadzic, has refused all but minimal fulfillment of the Dayton provisions. As a result, the international community has withheld most of its development aid from the Republika Srpska.

The economy there remains in shambles with less than 10 percent of the work force gainfully employed. In the midst of this misery, Dr. Karadzic—it is hard to even call him a doctor, but he is a doctor—and his cronies ostentatiously flaunt the wealth they have amassed through smuggling and protection rackets.

It is no wonder, then, that Mrs. Plavsic's anticorruption message has struck a chord with wide segments of the population in the Republika Srpska. I met with her for an hour and a half in Banja Luka. We must not have any illusions that President Plavsic, who loudly supported Serbian ultranationalists and ethnic cleansing during the war, has suddenly become a Jeffersonian Democrat. She is, however, a realist who understands that the Bosnian Serb entity is in danger of total disintegration unless it rids itself of the lawlessness, corruption, and warped religious hatred of the Karadzic gang and begins to cooperates with the West.

In all likelihood, by seizing the Banja Luka police headquarters, SFOR prevented a coup d'etat against Mrs. Plavsic last month. Our support of her police forces and television journalists may be turning the tide against the thugs in Pale, at least in the western part of the Republika Srpska.

Since two-thirds of the population of the Republika Srpska lives in the western part of the entity, there is a good possibility that President Plavsic's supporters can win control of the Parliament in next month's election. If that occurs, we should be able to leverage the promise of reconstruction assistance to induce President Plavsic to begin to cooperate on refugee returns.

Moreover, a lively antinationalist Serbian opposition exists in the Republika Srpska. In Banja Luka, I met with three of its leaders—Miodrag Zivanovic, Mladen Ivanic, and Milorad Dodik. They feel that democracy is unstoppable and that Mrs. Plavsic, of whom they have been sworn enemies, is only a transitional figure whom they will support during this election as a step toward genuine democracy.

Actually, the beginnings of refugee returns are already occurring, including some into areas controlled by other religious groups. I visited two such sites, one in the zone of separation near the critical northern town of Brcko, the other in Vogosca, a suburb of Sarajevo which was returned to the Federation as part of the Dayton settlement.

In the Brcko area, rebuilding is proceeding under the skillful direction of the U.S. supervisor, Ambassador Bill Farrand, and the protection of the local American SFOR contingent, based nearby in Camp McGovern. I might add that I was amazed at how high the morale was in Camp McGovern and how greatly impressed I was by Brig. Gen. Mark Curran and Lt. Col. Bill Greer, the two senior officers, who were doing a phenomenal job there.

Hostility in Brcko lies just below the surface, as shown by the riots organized by Karadzic loyalists less than 2 days after I left the city. The soldiers from Camp McGovern handled that potentially explosive situation with consummate professionalism, and I am confident they will continue to do so.

I will digress briefly at this point, Mr. President, to mention that an important feature of SFOR are the Russian troops under the command of General Clark, the SACEUR, the [Supreme Allied Commander Europe]. At Camp McGovern, I met with the commanding officer of the Russian SFOR airborne brigade who was enthusiastic about the cooperation with our forces and totally supportive of our action.

To return to refugee resettlement, unlike the palpable hostility in Brcko, in the Sarajevo suburb the situation was peaceful. There I saw Muslims, Croats, and one or two Serbs who were returning to rebuild their devastated homes under an imaginative program run by the United States Agency for International Development in cooperation with Catholic Relief Services.

Mr. President, it is worth underscoring here that not only are our magnificent Armed Forces under the inspired command of Gen. Eric Shinseki playing the largest single role in SFOR, but our United States Government development specialists have won universal respect among the Bosnians for being the international community's most efficient providers of assistance.

As a matter of fact, one of the Bosnian Serb opposition leaders said to me in Banja Luka that the Europeans are incapable of solving Bosnia s problems. By way of contrast he characterized the Americans as ''not always sensitive but very efficient.'' That is just what I would like us to be—''not always sensitive but very efficient.''

In summation, where do I see Bosnia and Herzegovina heading if the United States and our allies stay the course? Personally, I would like to see a multiethnic, multireligious society reemerge like the one that existed in Sarajevo before the war. I fear, however, that too much blood has been shed and too many atrocities committed for that to happen in the near future.

More realistic, and politically feasible, is the development of a multiethnic state, most likely in the form of a confederation with a good degree of decentralization.

My sense from this trip is that the ardor has cooled in the Republika Srpska for union with Serbia, since President Milosevic is regarded as a betrayer of the Serb cause and as a figure totally incapable of providing the basic material prosperity that the Bosnian Serbs so desperately crave.

Unreconstructed Croat nationalists in Herzegovina may still long for union with Croatia, but as the leadership changes in Zagreb, the new government there will be more intent on integrating with Western Europe than on annexing provincial bandits.

In short, for the first time in years, developments are moving in the right direction. As I have outlined, much hard political and economic work remains to be done, most of it by the Bosnians themselves. The United States and its allies can, and must, provide the framework for the Dayton accords to be fully implemented.

I do not minimize the cost to the American taxpayer of our efforts. Neither, however, can I underestimate the cost of a failure of the Bosnian operation. In the near future, I will indicate in some detail what I think the costs would be to the United States if, in fact, Bosnia were to erupt once again. Suffice it to say now that not only would all that has been accomplished go up in smoke as fighting reignited, but a failure in Bosnia would signal the beginning of the end for NATO, which is currently restructuring itself to meet Bosnia-like challenges in the 21st century.

Therefore, I call upon the Clinton administration immediately to begin discussions with our allies about creating a post-SFOR force after June 1998. For months, I recommended a combined joint task force with our allies, which the Senate overwhelmingly advocated in July in the 1998 defense authorization Bill.

The question of whether American participation in a post-SFOR force will be limited to air, naval, intelligence, and communications support with a rapid deployment force in reserve in Hungary, or also might include a greatly reduced ground contingent can be resolved in these negotiations.

The immediate priority is to begin the negotiations now—to make clear to all parties in Bosnia that, if they cooperate, the security framework will continue for a limited time—and to make clear to the skeptics that the new NATO can and will be the driving force in the European security architecture of the 21st century.

I thank my colleague from Arizona for his indulgence. I thank the President for the time.

I yield the floor.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1061) 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.

The Senate resumed consideration of the bill.

Pending:

Kyl amendment No. 1056, to increase funding for Federal Pell grants, with an offset from fiscal year 1998 funding for low-income home energy assistance.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, yesterday I had announced our hope to be able to conclude this bill by this evening. Senator LOTT was on the floor when we were talking about scheduling and I discussed it briefly with our distinguished majority leader, and also with Senator HARKIN, the ranking Democrat, and asked that anybody who intended to file amendments to let us know by the close of business yesterday, or in any event no later than noon today. We have been advised of a number of possible amendments. I believe it is possible to work some of those out. Others will have to go to votes.

But I would restate at this time our urging anybody who intends to file an amendment to contact us by noon today so that we may proceed. There is one item which may not be completed by the close of business today, and that relates to the funding on testing which is now proposed by the administration.

There was a statement in the media by Congressman WILLIAM GOODLING of Pennsylvania, chairman of their authorization committee, of his intention to oppose funding. And there was comment that a similar prohibition may be offered on this bill.

Yesterday I was contacted by the Secretary of Education, Richard Riley, who urged support of their program, and we had a discussion. After sleeping on it I decided it would be a good idea to have a hearing on the subject, which we have put into effect for tomorrow morning at 9 o'clock, with the concurrence of Senator HARKIN and also our chairman of the appropriations committee, Senator STEVENS. So, if that amendment is offered, that one item of business might most appropriately be concluded tomorrow morning. But aside from that one item, it is my hope that we will be able to finish action on this bill this evening.

I thank my colleague, Senator KYL, for offering his amendment yesterday.

I yield the floor so that Senator KYL may proceed.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1056

Mr. KYL. Thank you, Mr. President. I appreciate that.

I also appreciate the remarks of the Senator from Delaware preceding this. I think he makes very cogent points on a different subject.

Mr. President, I don't think the yeas and nays have been ordered on my amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KYL. Thank you, Mr. President.

At this time, let me explain the reasons for my amendment to increase Pell grant funding. I submitted a statement for the RECORD yesterday. But I would like to discuss it in a little bit more detail today.

There is particular reason for us to take this action which would bring us closer to the administration's request and into line with the recommendation from the House of Representatives. It seems odd to me that the Senate would not be willing to support Pell grant funding at the same level as recommended by the Appropriations Committee in the House of Representatives. This amendment would conform the Senate funding level to the House funding level, and there is a particular reason for this amendment coming up. That is, a problem that was created in a previous law with respect to two different groups of students that are funded. I would like to discuss that in a little bit more detail.

First, let me note the numbers. This amendment would provide an additional $528 million for the Pell Grant Program. It would boost funding to the level recommended by the House Appropriations Committee. The Pell grant funding would go from $6.91 billion to $7.438 billion. The offset is from the Low-Income Home Energy Assistance Program, which I will discuss in just a moment.

The Pell grant funding amendment, as I said, is intended to finance changes in eligibility—that is, to correct problems that have arisen as a result of the current law phaseout of certain independent students at income levels that are lower than those for dependent students. Like the House bill, this funding level is contingent upon the authorization committee providing authorization.

We have letters from both the chairman and ranking members of the House and Senate authorizing committees indicating that should the additional funding be approved they would work for that authorization to be established.

It is also my understanding that the administration is in agreement with the House of Representative numbers with respect to the Pell grant funding.

So I think we ought to put at least as high a priority on Pell grants as the President and the House of Representatives in this version of the Labor-HHS bill.

Here is the problem that was created. In the Higher Education Amendments of 1992 we established a separate allowance for independent students without dependents—independent students, not dependent students—independent students who do not themselves have dependents.

The problem is, the separate allowance established under the 1992 act. It creates a substantial disparity among these groups of students very much to the disadvantage of the independent students without dependents. The proposed change in eligibility which the

funding in my amendment is intended to finance would bring the proportion of students in this group who would be eligible for Pell grants closer to the proportion that existed prior to the establishment of the separate allowance in the 1992 act. Students, incidentally, in this group are typically older students with annual family incomes of between $10,000 and $20,000.

I obtained from the Department of Education a statistical list for the States of the number of students who lost eligibility under the separate allowance that we created in the 1992 act. Just for the benefit of some of the Senators who are here, I might note some of the numbers with respect to the States involved here.

In California, for example, 24,314 students lost eligibility as a result of what we did. My amendment would provide a way for these students to go to school.

In Iowa, the State of the distinguished ranking Member, 4,247 students lost eligibility as a result of what we did. My amendment would reassert their eligibility to provide the funding for that.

In the State of Michigan, the number of students who lost eligibility, according to the Department of Education, is 15,254;

In the State of Minnesota, 7,432;

In the State of Pennsylvania, the State of the distinguished chairman of the committee, 9,535 students lost eligibility as a result of what was done.

My amendment will restore the funding so that these students will be eligible—will have the funding to get the Pell grants to get their education.

So we are talking here about a significant number of students that will not be helped if our amendment is not adopted.

The offset, as I said, is from the Low-Income Home Energy Assistance Program, the so-called LIHEAP Program. I know there are some Members who rather reflexably react to any reductions in this program because there is a contingent of their constituency that relies on this program and that reacts very badly if there is an attempt to cut it. But, Mr. President, I think in this case we have to balance the interests of those people with the people who have lost their eligibility under the Pell Grant Program. And, if we do not act, these students are not going to have the opportunity to advance their education.

So let's talk for just a minute about this tradeoff and about the LIHEAP Program.

The LIHEAP Program was set up 16 years ago as a temporary program for just a few months to help people get over the energy crisis. The energy crisis is long gone. This is a typical program of the liberal welfare state. It gets established, and then can never be disestablished notwithstanding the fact that the reason for it has long ago disappeared.

The world is a very different place than it was in 1981. Gone are the long lines at the gas pumps and the skyrocketing energy prices.

It seems to me, as we prepare for the 21st century, that we should look beyond programs designed to cope with an energy crisis of nearly 20 years ago—a crisis that has come and gone—and focus instead on how to prepare young people for the high-tech more competitive economy of the future.

That is what this amendment does.

Mr. President, fuel costs have not only stabilized since 1981, they have declined significantly in real terms; that is, in inflation-adjusted terms.

For example, I would refer to figures from the Clinton administration itself. In its 1995 budget submission the Clinton administration recommended substantial reductions in the LIHEAP Program because it too recognized that the fuel costs had gone down significantly. As noted in the President's budget, ''fuel prices have decreased by 40 percent in real terms; the cost of electricity has dropped by about 13 percent in real terms; and the percent of income spent for home heating for households at or below 150 percent of poverty guidelines has dropped by about one-third.'' The President's budget went on to propose a 50-percent reduction in funding for the program that year.

Last year, President Clinton proposed outyear costs in LIHEAP—a $90 million reduction in 1999, and a $181 million reduction in the year 2000. The Office of Management and Budget advised my office that the declining figures were due to the standard percentage reductions applied to programs that were not considered a high priority—because of the statistics that I cited earlier from the Clinton administration.

So, Mr. President, you have the Clinton administration recognizing that we need to increase the Pell grant funding, you have the Clinton administration recognizing that the LIHEAP Program can no longer be justified at its present level, you have the House of Representatives Appropriations Committee recommending that we end this disparity between the two different groups of students funded by Pell grants, and it seems to me that we have an opportunity here with very little detriment to increase the funding for these students.

The States themselves as I have noted, have already shown a significant ability to meet the energy needs of those that require assistance.

For example, many States refuse to allow public utilities to shut off power to delinquent customers. And they have set up payment plans and other options. So we do not need the old subsidy to deal with the problem that may exist for some people.

It just seems to me given the States' track record, obviously, that they care as much about their low-income citizens as people here in Washington, DC, do. Given their track records and the stable or declining price of energy, this is a good time to begin, as the President recommended a couple of years ago, to begin cutting back on LIHEAP so that we can target these resources to other more pressing needs.

In closing, Mr. President, the bipartisan budget agreement that we passed in July was intended to create new opportunities in education for middle- and upper-income families. It will through a variety of new tax breaks and tax credits. But we have the chance today to target additional Pell grant assistance to more lower- and middle-income people so that all American families will have the same opportunity to secure a brighter future.

For those, as I said, who react somewhat automatically against this amendment because, as one friend put it, they come from a cold State, I simply think it is very hard to explain why you voted against the level of Pell grant funding recommended by the House of Representatives and the President of the United States simply because you wanted to preserve a 16-year-old temporary subsidy program, the justification for which has long since disappeared.

This amendment literally represents a choice between an old welfare state subsidy and a brighter future for more young people through education that they might not otherwise receive.

I hope my colleagues will join me in supporting this amendment to add more money to the Pell Grant Program.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I agree with 50 percent of what the distinguished Senator from Arizona has said; that is, the part about the increasing Pell grants. I think he is exactly right about that. I wish we had more money to increase the Pell grants.

What we have done is to increase the Pell grants by $1 billion. It has moved from fiscal year 1997 where it was at $5.919 billion to $6.910 billion which is a very, very substantial increase—in the 16- to 17-percent range.

Senator HARKIN and I, who have looked over these figures, take second place to no one on our concern for education and that created in the budget we have here, and what we have done over the years—most notably last April when we added $2.6 billion over some very considerable objection and instead having those funds go largely to education.

As I said yesterday, on a very personal level, my concern about education goes to the roots of my own family. Both of my parents were immigrants. And my brother, my two sisters, and I have been able to share in the American dream because of our educational opportunities.

We have not only added to the Pell grants the $1 billion here but have also increased the funding on guaranteed student loans so that every young man and woman—and this goes for the people who are not quite so young—would

have an opportunity for educational advancement in this country.

So that I agree totally with what my distinguished colleague from Arizona has had to say about the value of the Pell grants. But we have stretched and stretched very, very far.

It is true that the House has an additional $500 million in the Pell grants, and they have a larger sum of money to work with than we are allocated in the Senate. Without going into any extensive explanation, there are different technical rules which apply to the two bodies.

I might say to my colleague from Arizona that with the additional arguments he has advanced today in a very cogent way, to the extent we can yield to the House figure, we will try to do so when we get to conference, recognizing his interest and being even more persuaded by his eloquence here this morning.

The part of his presentation that I cannot agree with is the part relating to cutting the funding on low-income heat and energy fuel assistance. What we have done here, Mr. President, for those who may be listening in-house or on C–SPAN 2, is made an allocation of the almost $80 billion here by trying to place the funding on a priority basis, and having taken care of other priorities including Pell grants with the additional $1 billion, have made the allocation of $1 billion to the LIHEAP 1998 program and an advanced appropriation of $1.2 billion, which is slightly different.

This program is on the decline from 1985 when it had $2.1 billion. We believe that this is an appropriate allocation of priorities. Some 55 Senators have written to Senator HARKIN and myself asking that LIHEAP be preserved. If you add 55 to 2, that is 57, and there may be some other votes out there.

I make this comment not to prejudge the tabulation of the votes, because you never know until the votes are counted, but there are 57 Senators who have been concerned enough about this one item who have spoken up—55 having written to us. And I can tell you how strongly Senator HARKIN and I feel about this. I know obviously my own sense of it, and I have talked to Senator HARKIN enough to know his sense.

This program is for low-income families. Almost 70 percent of the recipient families have an annual income of less than $8,000—think of that, $8,000; 44 percent have at least one member who is elderly, and 20 percent have a member disabled. Currently, the number of families served has been reduced to 5 million families, 1 million less than 2 years ago, and this is part of our effort to target those who need it the most. The funding has been cut by more than 50 percent, from $2.1 billion to this figure. There is no replacement for this funding.

Thirty-five percent of all recipient households heat their homes by using oil, propane, wood, or coal. These sources of fuel do not have a monopoly control over their territories and cannot raise prices to cover the cost of providing discounted or free energy supplies to their low-income members. What we really face here is that in this category, many of the elderly, many of the disabled are faced with an alternative of either heating or eating, and that is a choice obviously that no American should face.

Without LIHEAP, there would not be an opportunity for these low-income families to utilize their other scarce resources for sustaining themselves. Obviously, in a civilized society, if the choice is heating or eating, we have to do both, and that is why this funding is so very important.

Mr. KYL. Mr. President, I was just going to comment on a couple things very briefly.

Mr. HARKIN. Go ahead.

Mr. KYL. I certainly appreciate the comments of the Senator from Pennsylvania, the chairman of the committee. I just wanted to comment on two of the points he made.

It is, indeed, true that the total amount of money to be expended on Pell grants has been increased by about $1 billion. That goes to increase the maximum Pell grant to $3,000. It does not, as the Senator, of course, is well aware, fund this category of people who I contend have been disadvantaged as a result of the 1992 act, the independent students without dependents. So the increase in the funding in the bill has made it better for those who receive the grants, but it has not enabled us to cover the people that I am proposing to cover.

Second, with respect to the LIHEAP Program, just to make it very clear, this offset does not eliminate the LIHEAP Program. It reduces by about one-half the funding for the LIHEAP Program, which, incidentally, is almost the same amount of reduction that was recommended by President Clinton in his 1995 budget submission.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I rise—and I am sure this is no surprise to anyone—in opposition to the amendment offered by my friend from Arizona. Again, I would concur with what my distinguished chairman said. About half I agree with; half I do not agree with in terms of the Senator's comments.

We are all in favor of increasing Pell grants and making sure everyone is covered, but I would say this committee, under the able leadership of Senator SPECTER, has done a great job of increasing the Pell grants to historically high levels—a maximum grant of $3,000, up from $2,700 last year. Certainly you always perhaps could have more. But I haven't heard from any institution of higher learning or anyone that is involved in the Pell grant program saying that this is insufficient. I think what I have heard is that they are very, very happy with what this committee has done in meeting these requirements and getting the level up.

In taking the cut out of LIHEAP for this, though, talk about robbing Peter to pay Paul, because we are talking about the same kind of universe. We are talking about low-income families.

Again, just to reiterate and reaffirm what the chairman said, the LIHEAP Program has gone down 50 percent in the last decade. We started out at about $2.1 billion in 1985 and it is down now to $1 billion—a 50–percent drop in the amount of money, yet the eligible population for LIHEAP has grown by about 30 percent—33 percent in that same period of time. So the eligible number has gone up and the pie piece has gone down. Over 70 percent of the families receiving LIHEAP assistance have incomes of less than $8,000 a year; 7 out of every 10 have incomes—that is not individuals—family incomes less than $8,000 a year, and 44 percent of the households receiving it are elderly, over age 65. So that is the universe we are talking about.

The Senator from Arizona said this is a program that's outlived its usefulness; the energy crisis is gone. Well, it may be that for those who are making more money it is gone, but my figures show that the prices of natural gas, electricity, if you adjust for inflation, are about as high now as they were in 1979. But if you look at the universe of people who are getting LIHEAP, their inflation-adjusted incomes have not gone up. So they are basically in the same position they were in, or like families were in, when the energy crisis hit in 1979.

As Senator SPECTER said, 50 percent of these families in LIHEAP use natural gas, 15 percent use electricity, 35 percent use oil, propane, wood, and coal. So for these families the energy crisis still exists, and it especially exists when the weather gets the coldest.

The Senator from Minnesota is in the Chamber, and as we found out last year when we had some extremely cold weather, we found anomalies in the upper Midwest where in some States the cost of propane and oil spiked, went up 25 percent during the coldest times of the year as compared to some other States. In other words, in those areas where it was the coldest, where it was needed the most, the price went up the highest.

Mr. WELLSTONE. Will the Senator yield for a question? And I say to my colleague from Maine, I will not go with other questions as I know she wants to speak, and I had a chance to speak yesterday.

Isn't it also true, taking the experience of last winter—and I could ask this of the chairman as well, Senator SPECTER—what has been happening, because we have really been underfunded, we depend on the emergency funding and we go through this drill every year where then what we have to do is seek this additional emergency funding? We certainly had to do that last year. And then, of course, States never know what they are going to be able to do. So the last thing we should be doing, am I correct, is cutting $500 million?

It would gut the whole program.

Mr. HARKIN. It would gut the whole program. To answer the Senator's question, we always come in for emergency funds. But here is what happens. When you don't fund the LIHEAP Program enough, what happens is family—let's face it; the average family gets about 215 bucks. It's what, around 30 percent, I think, of their heating bill. But what happens—and we know this from experience in my State of Iowa especially—when they don't know if they are going to get the money to pay their heating bills—and you know elderly people are very proud. They don't want to be on welfare and most of them are not on welfare. They are getting Social Security, very small Social Security checks. What they do is they turn the heat down and they put their shawls on, they put on coats, they wear coats around the house. And then what happens. Well, they get ill and then they have to go to the hospital, and they go to the emergency rooms.

We have found this time and time and time again. That is what poor people, and especially elderly people, will do when they don't know if they are going to get their heating money. And so again, the crisis is real for these people, very, very real.

As I pointed out, last year we had—and I have called for an investigation of it—in some States, a 25–percent increase, and I do not think there is any need for it other than the demand was there, it was very cold, and a lot of these elderly people simply could not pay these prices.

Lastly, let me sort of respond philosophically to the Senator from Arizona. I couldn't help but notice the comment that this was a program of the liberal welfare state; like a lot of programs of the liberal welfare state, it just goes on and on and on even when the need is not there.

Well, I could ask the Senator from Arizona, what about the Pell Grant Program? That was a program of the Lyndon Johnson Great Society just as well as—well, not LIHEAP; that came later, but the Pell grant was a program from under the Great Society, and the need was there and the need is still there for the Pell Grant Program.

So I would submit to the Senator from Arizona that this is not a program of the liberal welfare state. It is a program of a caring and compassionate and fair state. We are, as I said the other day, fulfilling our obligation under the Constitution of the United States.

A lot of people do not realize this, but twice in the Constitution the word ''welfare'' is mentioned—twice—first, in the preamble when it says, ''We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare.''

''Promote,'' it does not say just stand by. It says ''promote the general Welfare.'' That is why we established the Constitution. So that is the first place it is mentioned. And then in article I, section 8 of the Constitution. Article I is, of course, Congress and what Congress is supposed to do. Section 8 outlines the responsibilities of Congress: To borrow money, regulate commerce, to establish post offices and roads, provide and maintain a Navy, et cetera, et cetera. Here is the first paragraph of section 8 of article I of the Constitution.

> The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States.

It is our obligation, first, to promote the general welfare and then, using the powers that we have to lay and collect taxes and disburse those moneys, to provide for the general welfare of the people.

That is what we are talking about. Whether we are talking about Pell Grant Programs or whether we are talking about heating energy assistance programs for the elderly and the poor, we are fulfilling our obligation as a caring and compassionate state to promote the general welfare and to use our taxing and spending powers outlined in the Constitution of the United States to provide for the general welfare of our people.

So, no, this is not a program of a liberal welfare state. It is a program of a caring and compassionate and fair state, just as the Pell Grants Program is. These are good programs. We should not be robbing one that hits at the poorest, those with the lowest incomes of our people—70 percent of these families have less than $8,000 a year income—to use that to try to help other low-income people to get an education. Don't tell me there are not other sources of funds here. There are.

I might submit that we now have this B–2 bomber we are building that cannot even sit out in the rain, $1 billion a copy, and now we have to build special hangars for them because they cannot sit outside. We can't forward deploy them. All this is coming out now. We are going to put money in that, but we are going to take money out of the heating energy assistance programs to help other poor people get an education? I am sorry, that doesn't quite compute for this Senator.

So I am hopeful—and I know the Senator from Arizona means well. As I said, I support half of what he is talking about, in terms of getting the Pell grants up. I just think his sources of getting the money are just not good for this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank the distinguished Senator from Maine, who is going to speak next, but I ask if I can have just 1 minute to respond to one point the Senator from Iowa just made. I think it is important for me to respond to it.

He said, first, that the inflation-adjusted prices are about the same and then challenged my assertion that the liberal welfare state program, as I described the LIHEAP Program, which I said the need for had largely been eliminated, is similar, in terms of welfare, to the Pell grant funding and suggested perhaps I was failing to appreciate the similarity in both programs being welfare programs.

I simply wanted to respond to the Senator from Iowa in this fashion. What I said was that once a welfare state program is instituted, it is very difficult to get rid of it even if the need for it has been eliminated or reduced. That, in my opinion—and I know the distinguished Senator from Iowa disagrees with this opinion—but in my opinion, the LIHEAP Program is a program which was originally intended to be temporary. That is a fact. But it has now become permanent notwithstanding, in my opinion, the fact that the need for it has largely been eliminated or reduced, thus demonstrating a program instituted for very good reasons but, in my view, which no longer is justified—as distinguished from the Pell Grant Program. I think none of us would argue the need for that has been reduced or eliminated.

So my point is not that one is welfare and one is not welfare in the broadest sense of the term, as the Senator from Iowa noted, but rather that the need for one has largely been eliminated, yet it is very difficult if not impossible for us to eliminate these programs once they have begun.

To the point that the energy costs are about the same as they were, I can only cite the statistics from the Clinton administration budget submitted in 1995. And I am quoting now.

> [F]uel prices have decreased by 40 percent in real terms; the cost of electricity has dropped by about 13 percent in real terms; and the percent of income spent for home heating for households at or below 150 percent of poverty guidelines has dropped by about one-third.

That is the reason for my assertion that the energy costs have indeed gone down dramatically.

Mr. HARKIN. If the Senator will yield for this colloquy, just yield for a question. Even taking the Senator's figures, if the real prices have dropped by a third, the fact is that since 1985 the LIHEAP Program has come down 50 percent. So we are spending half as much money today. Of course, in real terms it would be even less than that, if you adjusted for inflation. I am just talking about the actual dollars. It's $2.1 billion in 1985, it's $1 billion now. So, even if the cost—I ask the Senator to think about this and see if my reasoning is wrong here—even if the cost of energy has come down by a third, if in fact the amount of money we are putting in the program has come down by over a half, does that not compute out to the fact that there is less money going into the program today and that less money is there to meet the heating

needs of those families who are getting the money?

Mr. KYL. Relatively speaking, the Senator from Iowa is certainly correct. We would simply then engage in a philosophical debate as to whether or not, if that number continued to drop to one-third and one-tenth and so on, whether the program should continue. My view would be this was a temporary program designed to meet a temporary need, that it was never designed to pay for 100 percent of the bill for heating, and therefore there is a point at which the need for the program should go away, when the prices have been reduced to a certain point. He and I obviously simply disagree about what that point would be.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from Arizona, which would cut funding severely for the Low-Income Home Energy Assistance Program and increase funding for the Pell Grant Program.

There is no stronger supporter of the Pell Grant Program in the U.S. Senate than I. In fact, very shortly I will be introducing legislation to expand working students' eligibility for Pell grants. However, when faced with this amendment, I must ask the question: Are we so poor a country that some must be cold, go hungry, forgo medications so that others may learn? The answer is obvious. This amendment presents a false choice.

Maine is well known for its cold and very long winters. Many of Maine's residents, along with the citizens of other Northern States, are heavily dependent on the aid provided by LIHEAP in order to heat their homes during the cold winter months. Without the assistance of LIHEAP, 33,000 of Maine's most vulnerable and needy citizens—I am talking about elderly people, the disabled, and very low-income families—will go without adequate heat during the coming winter or will be forced to forgo medications or even food. We must not allow this to happen.

As Senator SPECTER and Senator HARKIN have noted, 70 percent of the people receiving this home heating assistance have incomes under $8,000 a year. We are talking about people who are very needy. This bill's funding for LIHEAP is not excessive. In fact, it's approximately the amount that was spent last year, and that amount was not adequate to serve all of the people needing assistance. Last year this program provided 33,000 Mainers with an average subsidy of $308. That is only enough to buy a couple of tanks of heating oil. For many, this small amount of help is, however, the difference between being in a comfortably heated home and freezing.

This is not an excessive expenditure. Failure to appropriate at least this amount will only result in a call for emergency funding later this year, an event that has occurred in each of the past 4 years. I agree with the able and distinguished Senator from Arizona that funding for Pell grants should be increased, but I cannot support a reduction in LIHEAP as a means of accomplishing this.

A recent editorial from the Portland Press Herald in my State put it well when it stated:

> The idea of LIHEAP may seem frivolous to lawmakers from warm, southern States. However, the subsidy remains essential to residents in colder climates. That's especially true now when welfare cuts and a rising cost of living have pushed so many poor families so much closer to the edge. Asking low-income and elderly Mainers to choose between filling their fuel tanks or their cupboards is not fair.

I conclude my remarks by stating that asking the U.S. Senate to choose between LIHEAP and Pell grants is also not fair. It is a false choice and I ask my colleagues to oppose the amendment offered by the distinguished Senator from Arizona.

I yield the floor.

Mr. SPECTER. Mr. President, I am advised that the vote will not occur until 3 o'clock under our scheduling. So, if there are any additional speakers who wish to come to the floor at this time, we invite them to do so.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I am aware the Senator from Minnesota, Senator WELLSTONE, had desired to speak against my amendment here. I am not aware of anyone else who intends to speak on it.

I urge my colleagues to support my amendment.

Do I understand there has been an agreement reached to have the vote at 3?

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, as is usually the case, there are absent Senators, one not due to return until 1 o'clock. We then have a conference until 2:15. Then there are hearings. So it will be our expectation, subject to checking with the distinguished majority leader, that the vote on this amendment would occur at 5 o'clock. But it would be our expectation that this would conclude the debate on the amendment. It wouldn't absolutely foreclose somebody who wanted to come down and speak on the matter, perhaps, briefly, but that would conclude the debate and we would hope to set the vote here for 5 o'clock and perhaps stack it with other votes at that time.

Mr. HARKIN. If I might just ask the distinguished chairman.

Mr. SPECTER. I yield to my colleague.

Mr. HARKIN. Obviously, we are open for business now. There are other amendments that I have heard about that are out there. So if other Senators have them, now is the time to come over, and perhaps if amendments are offered now and after the caucuses, after the 2:15 time, we could stack a bunch of votes at 5 o'clock. I know Senators like to do that, because they can schedule their time a little bit better. I hope any Senators who have amendments will come over now before we break for our party caucuses or come over at 2:15 and then we can stack the votes at 5 o'clock.

Mr. SPECTER. If my distinguished colleague will yield, Mr. President, I think that would be a good arrangement. I said earlier, repeating what we said yesterday, it is our hope to finish action on this bill this evening. That is what we said yesterday after concurring with the majority leader. There is one possible exception to that, and that would relate to a possible amendment to preclude any funding for the administration testing, and an issue arose yesterday as to whether that amendment might be offered. Secretary Riley called Senator HARKIN, myself and others yesterday, and we have scheduled a hearing for tomorrow morning at 9 o'clock so that we may have a better factual understanding on that matter before the vote comes up, if it does come up. It would be our hope we can conclude action on the bill this evening, with the exception of that possible vote following the hearing tomorrow morning.

Mr. President, I ask unanimous consent that the pending amendment be set aside so that we might receive an amendment by the distinguished Senator from Missouri, Senator ASHCROFT, on a matter which I believe is acceptable to both sides. This involves an issue which has been resolved after laborious debates on related subjects, and it is one where the House of Representatives has worked out an accommodation. The amendment will now be offered by our colleague from Missouri.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the Senator from Pennsylvania and the Senator from Iowa for their allowing me to bring this amendment to the floor at this time.

AMENDMENT NO. 1061

(Purpose: To provide for limitations with respect to expenditures for abortions)

Mr. ASHCROFT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 1061.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 77, strike lines 6 through 11, and insert the following (and redesignate the following section 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).

Mr. ASHCROFT. Mr. President, as a result of this amendment having been agreed to by both sides, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1061) was agreed to.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am pleased to have this opportunity to have updated our appropriations legislation so that the traditional Hyde amendment, which forbids and prohibits the utilization of Federal funds in abortions, could be a part of what we are doing as it relates to HMO's. Government's role is to help people to respond to their highest and best in life. However, I don't believe the highest and best utilization of Federal funding would be to fund the destruction of children in this country. For a long time, the Congress of the United States has agreed that Federal funds would not be used in conducting abortions.

Yet, as developments transpire in health care, and as we change from one sort of service delivery system to another, old policies might need clarification to make sure that we do not change the prohibition on Federal funding for abortions. Let me explain.

Twenty-one years ago, Congressman HENRY HYDE offered an amendment to the then Labor-HEW bill to ban Federal funding of abortions. Every year since then, Congress has adopted that amendment. While there is substantial disagreement in America over the practice of abortion—very substantial disagreement—there has never been majority support in this body for Federal funding of abortions. As a matter of fact, there has been substantial agreement that we should not force Americans to pay with their Federal tax dollars for elective abortions.

Many individuals simply feel that as a matter of conscience, they should not be participants in the destruction of unborn lives. I happen to be one of those individuals.

The opposition to Federal funding for abortion has been so consistent in Congress and in America that normally the Hyde amendment is just included in Labor-HHS appropriations bills and passed with no discussion. In fact, that traditional Hyde amendment is in the bill which we are debating today. However, after 21 years, the language needs to be clarified, and I say ''clarified'' because we are not expanding it nor weakening it, we are just making its meaning crystal clear.

To keep up with rapidly changing health care delivery modifications in Medicaid, and to prevent misinterpretations of the life-of-the-mother exception, a technical change to the Hyde amendment is necessary if the amendment is to continue to prevent Federal tax dollars from subsidizing elective abortions. Such a subsidy would be a mandate on the U.S. taxpayers to pay for elective abortions. It would literally be an affront to the American people to take their money and demand that it be used to destroy unborn children. Such a Federal taxpayer subsidy would further sear the American conscience. It would offend the moral sensitivity of a great many Americans.

The Hyde amendment in its current form may allow such subsidies to occur in today's health care environment. Just as other laws have had to be tweaked to function appropriately with HMO's, so does the Hyde amendment.

The Medicaid Program has traditionally been a fee-for-service health care delivery system, and the Hyde amendment was written with that kind of system in mind. Under the system, it was relatively easy for the Government to block any utilization of Federal tax resources for subsidizing abortion.

However, as the Medicaid structure is rapidly changing, many States are experimenting with delivery systems such as managed care, in which Federal funds are used to help pay for premiums for complete benefit packages instead of reimbursing for specific procedures after the fact.

According to HCFA, 9 percent of Medicaid patients were served in managed care plans in 1991. By 1996, that figure had risen to 40 percent, and it is important to make sure that those health care packages, which are purchased with Federal resources, do not include the destruction of children in elective abortions. The use of Medicaid managed care is expected to continue to increase in the future, and there is a legitimate concern that since the Federal Government no longer receives billings for specific medical services under these managed care contracts, but simply pays for a portion of the overall premium, that some States might allow coverage of abortion on demand with these federally funded contracts.

For example, under a fee-for-service structure, we would never allow a bill from a provider to be paid for an elective abortion. However, when you are paying for medical services in advance in a lump sum to an organization like an HMO, and in return for that lump sum they are meeting the medical needs of individuals, you don't get individual bills. So there would be no way to make sure that you weren't paying for elective abortions in such a setting, absent the clarifications which we are placing in the law today.

Federal subsidy of elective abortions has never been the intent of Congress. The amendment which we have adopted today will make sure that we continue to state with clarity that, regardless of the method of payment for Medicaid services, Federal resources are not to be used to destroy the lives of unborn children in elective abortions.

How will this new change apply in practice? Federal funds are currently used to pay the premium or capitation fees to enroll Medicaid patients in managed care plans. Without any accountability to the Federal Government, those plans could routinely provide abortion alongside other benefits as part of their complete packages. The HMO gets an amount of money. It provides a complete package of health care service. Technically, under this payment structure, the Federal funds are never used to pay for a particular service or a particular abortion, but, in practice, they could be used to subsidize abortions beyond those permitted by the Hyde amendment. To prevent this from happening, today we have updated the Hyde amendment to specify that States may not use Federal money to purchase health care coverage that includes abortion coverage.

Precedent exists for clarifying such a Federal funding limitation. Congress already considered this indirect funding situation when it gave almost unanimous approval to similar language in the Assisted Suicide Funding Restriction Act which Senator DORGAN and I introduced earlier this year. President Clinton signed this legislation on April 30, so we have an existing law on the books that deals with this issue. The Assisted Suicide Funding Restriction Act stated that no funds could be appropriated for the purpose

of paying, directly or indirectly, for health benefit coverage for assisted suicide, euthanasia, or mercy killing. We are using similar health benefits coverage language in this bill.

In the abortion context itself, we have precedent, in that a similar provision was included in the so-called kid care legislation passed in the reconciliation legislation which the President signed on August 5. Congressional leaders and the administration negotiated this language, which the Senate approved by a vote of 85 to 15.

Also, similar language on abortion funding was approved by the 104th Congress without controversy as a part of Medicaid revisions in the fiscal year 1996 OBRA bill which the President vetoed for reasons unrelated to this issue.

It is important to point out that we should not have the wrong incentives in our Medicaid Program, and it is true that it is cheaper to abort a child than it is to care for the mother through the pregnancy and to deliver the child. I would be very leery about having a system where the Federal Government provided an amount of money to an HMO which, having a financial incentive to do the cheaper thing, aborts the child rather than encouraging the mother to have the child and provide for delivery. And similarly, I have serious reservations about the potential for assisted suicide, where the HMO could deliver lethal drugs to a patient and, as a result, reduce the cost of doing business. We want to have incentives to life and incentives to health, especially for HMO's who might otherwise be tempted by financial situations not to encourage individuals to fight the fight for life.

Whenever the lives of unborn children are destroyed, I believe there is a toll on the American conscience, and I think it is substantial. When Government provides an opportunity for abortion with Federal funds, we certainly find ourselves in a serious situation where the moral fabric of the country would be stretched, if not permanently torn. I am pleased today that the Senate has agreed to say that we should not provide the opportunity for elective abortions to be funded by Federal resources, even in the HMO setting.

In each such instance where Government is making a judgment, it needs to make a judgment that favors life, that respects the lives of children, that provides for the dignity of the lives of older Americans as well. Any time we unduly disregard and devalue life, we have carved something important out of the American personality.

If we are to indelibly stamp the next century with American values, the values of opportunity and freedom, as we have in this century, if we are to be a leader in the world, as we have in this century—and there are hundreds of millions of people that are free today around the globe because we have been strong and we have been free and we have been dedicated to freedom—we need all of our resources, we need the moral fabric of America, and we cannot destroy it or unduly sear the conscience of Americans by requiring the payment for elective abortions out of Federal tax dollars.

I say as well that we need our children. As we look to the next century, America will not survive without our children. Destroying children is contradictory to preparing for the future.

I believe that the assault on the sanctity of life is a moral crisis and that any use of taxpayer funds to pay for such an assault and perpetuate the destruction of America's children would be disabling to the moral compasses of all Americans.

When he wrote on slavery in America, Thomas Jefferson, the South's first and greatest President, confronted the great moral issue of his time. Jefferson said of slavery, ''I tremble for my country when I reflect that God is just and that his justice cannot sleep forever.'' Sometimes I tremble when I reflect on abortion's terrible toll on lives and the siphoning off of our moral indignation and our capacity to prepare for the next century.

I am pleased the Senate today has taken a very clear step in saying there will be no Federal funding of elective abortions in the Medicaid HMO setting, just as we have for over 20 years provided that there would be no Federal funding for elective abortions in Medicaid fee-for-service programs.

I thank the Chair, and I thank the managers of the bill.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment conforms the provisions of the Hyde amendment, which were developed for fee-for-service, so that the same limitations would apply on Medicaid, on managed care.

This has been a very controversial issue for many years and has taken up the attention of this Chamber and the House of Representatives. After many votes and a lot of deliberation and a lot of negotiations, the Hyde amendment has been crafted in its existing form as it applies to fee-for-service, and this carries it forward to managed care.

I am advised that in the House of Representatives they have worked through this same amendment and have made the request, through their staff, that we have it accepted here. We had intended to put it in a managers' package. I have conferred with my distinguished colleague, Senator HARKIN, who is on the floor at the present time. The distinguished Senator from Missouri discussed it with the managers and sought to offer it in the form that it has been offered and to make a statement. I think that concludes the matter in a way that has existed for many, many years as an accommodation of many complex and conflicting issues.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I thank the Senator from Pennsylvania for his accommodation in this respect. He is entirely correct; this extends the same protections and the same regime of Federal funding to the HMO setting that we have had in the fee-for-service setting, and it is appropriate that we extend the commitment of the Congress in this respect.

Mr. ABRAHAM. Mr. President, despite their many disagreements, supporters of both the pro-life and pro-choice positions on abortion have been able to agree on one fundamental point: American taxpayers should not be forced to subsidize abortions. This is a consensus view of long standing.

Back in 1976, Congress first passed what has come to be called the Hyde amendment. First introduced by Congressman HENRY HYDE of Illinois, this amendment prevents the use of Federal funds to pay for abortions. Specifically, the Hyde amendment prevents Federal Medicaid reimbursement for abortion procedures, with certain exceptions. This provision has proven effective without being excessively onerous.

Now, however, the nature of health care services is changing. Traditional fee-for-service Medicaid programs in many cases are giving way to managed care. Indeed, according to the Health Care Financing Administration [HCFA], 40 percent of Medicaid recipients were served by managed care plans in 1996.

This surge in managed care requires that we alter the Hyde amendment language to ensure that taxpayer dollars will continue to be protected from use in abortion procedures. This is necessary, Mr. President, because, under managed care delivery, Federal funds are used to help pay premiums for complete benefits packages instead of reimbursing for specific procedures.

I would like to thank Senator ASHCROFT for offering an amendment that would close this loophole. This updated language specifies that States may not use Federal funds to purchase, in whole or in part, health care packages that include abortion coverage. States should be able to use their own separate funds to purchase additional abortion coverage.

Mr. President, this language represents no departure from our existing policies. Rather, it is a measured attempt to maintain current policies, regarding the use of Federal funds for abortion, in the face of changing circumstance. Similar language to that being proposed has been used already, in the Assisted Suicide Funding Restrictions Act, and in the Fiscal Year 1998 Budget Reconciliation Act.

This language is the product of a compromise reached by Congressman HYDE and pro-choice Congresswoman NITA LOWEY. It should, in my view, be noncontroversial.

Mr. SPECTER. Mr. President, Senator HARKIN and I are now looking for business. A solicitation, I believe, is appropriate under these circumstances. As we had announced yesterday and today, it is our hope we will finish this

bill today. We ask that any Senator who intends to offer an amendment to let us know by noon today.

There may be one amendment which we cannot complete today. That involves the limitation of funding on testing proposed by the administration. As I had said earlier, Congressman GOODLING has stated publicly his intention to offer such an amendment on the House appropriations bill. It had been suggested that a similar amendment be offered on this bill.

Secretary of Education Riley contacted Senator HARKIN and I, and others, yesterday on this subject. Senator HARKIN and I, in collaboration with our committee chairman, Senator STEVENS, have scheduled a hearing tomorrow morning at 9 o'clock. So if that vote is to occur on the bill, it would occur after we have been informed on some of the specifics of the administration's proposal.

So we are now looking for amendments.

In the absence of any Senator seeking recognition, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I will talk for just a few minutes on the bill before the Senate. Of course, we are talking about the Labor, HHS, Education bill, one of the largest bills before the Senate. As a matter of fact, a total of about $270 billion of expenditure. Only about $80 billion of that are we really discussing because that is discretionary. The rest are entitlements.

However, I do think it is illustrative of one of the things I feel very strongly about, and that is the opportunity to have oversight on the expenditure of large amounts of tax money, or small amounts for that matter.

I want to make it clear that I will support this bill. I think the appropriations folks have worked hard on it. I have no particular quarrel with what they have done, but I want to make a point that it seems to me this system needs to be reviewed. The system needs to be changed. I cannot think of another institution in the civilized world that spends $270 billion annually and has no more oversight than we do in the U.S. Congress. We have a remedy for that. We think we ought to go to a biannual budget so that we would do this on a 2-year basis, which has some advantages. It allows the agencies to know what their funds will be for a longer period of time. But more importantly, in this instance it allows the Congress to have some oversight of the efficiency of the spending of these dollars.

For example, Mr. President, we are talking here about drug abuse prevention and treatment programs, $2.8 billion. I am for that. We certainly need drug abuse prevention and treatment programs. But how are they working? Is the $2.7 billion giving us the kind of results we hoped it would? I do not think we know that. Now, certainly there is some oversight.

We are also talking about Head Start, $4.3 billion for Head Start. I am a fan of Head Start. I think it is a program that brings young people, in their early formative ages, into a position of having some hope, to help form their lives. Is it doing the job? Are we spending the money as efficiently as we might? Are the dollars going to the people that really need the help? I do not know that. I do not know that.

Job Corps; I am not a particular fan of Job Corps. Nevertheless, we are spending $1.3 billion on Job Corps. What are the results? What are we doing? Who is being helped? Is the help getting there? What is the administrative cost and the overhead?

It seems to me those are things that we ought to be as interested in as we are in providing funding for the programs, and I think taxpayers are entitled to have that kind of oversight.

Individuals for Disabilities Education, IDEA. I am very, very impressed with that. My wife is a special ed teacher. I was chairman of the Disabilities Council in Wyoming. There is nothing more important. But the question is, are we spending the money as well as we might? I find some administrators in schools who say, ''Look, we have to change this or we will never be able to afford the kinds of services for the handicapped because we are always in court,'' and we do everything to avoid courts.

If that is the case, it seems to me we ought to take a long look at what is happening to the bucks. Who are they going to? Are they as efficient as they possibly could be? Are the regulatory constraints something that disallow the efficient spending of this money?

With respect to the Government Performance and Results Act, which I also support and think may have some merit, this is to improve the management of Federal agencies, to require emphasis on planning, hopefully on results. Planning, I hope has in it measurable activities so we can see if we are making progress. Here is what the committee says: ''We were encouraged the Federal agencies are making an effort to fulfill their requirements.'' Frankly, Mr. President, that is not good enough—we are hopeful they are making an effort to fulfill the requirements. Give me a break. We are spending $280 billion, $70 billion on the things we are talking about here in discretionary spending.

Let me make it clear one more time that I am not opposed to these ideas. These are programs we need to have but we also need to have oversight. We need to make as sure as we can, as the U.S. Congress, that those dollars are producing the best results that we possibly can.

I hope we will take a long look—I think we should—at the idea of biannual budgeting, and give us an opportunity to have oversight. The authorizing committee should, in fact, have the opportunity to do that.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Would the distinguished Senator from Wyoming have the goodness to remain on the floor for a moment—I know he has a party conference to go to—just to allow me to congratulate him on his remarks.

Two of the programs he mentioned, the Job Corps and Head Start, it happens I was a member of the Kennedy-Johnson administration. I was an Assistant Secretary of Labor and was on the group that put together the Economic Opportunity Act in 1964 which led to Head Start and to the Job Corps. These are not new initiatives. They go back now a third of a century. I didn't mean to think of myself as that ancient already.

It is the case, sir, that we have had very little evaluation, very little longitudinal evaluation, where we follow things over time—persons who entered the Job Corps in the 1960's will now be getting into their own fifties—and what has been the result cumulative, one way or the other. This is not something very attractive to governments that live on 2-year cycles, 4-year cycles and, at most, 6-year cycles, yet if we want to do something about these matters we ought to attend them in exactly the mode the Senator spoke of. This can be done.

The mathematics, if you like, of evaluation have been very much in place since the Civil Rights Act of 1964 authorized the Coleman study. It was called an equality of educational opportunity in which we learned great things which surprised us. We thought we knew all about education in those days and we found out we knew very little. I am not sure we have learned much since.

I take the opportunity to thank the Senator from Wyoming for what he has said, and I hope he will stay with the issue.

Mr. THOMAS. Thank you. I appreciate the comments of the Senator from New York. I suspect there is nobody in this body who has the kind of background institutional knowledge about these programs as the Senator. I appreciate your comments.

I yield the floor.

(The remarks of Mr. MOYNIHAN and Mr. D'AMATO pertaining to the introduction of S. 1144 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having long since arrived, the Senate will now stand in recess until the hour of 2:15.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m.; whereupon, the

Senate reassembled when called to order by the Presiding Officer [Mr. GREGG].

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business is amendment 1056, offered by Senator KYL of Arizona.

The Senator from Maine.

AMENDMENT NO. 1056

Ms. SNOWE. Mr. President, I rise today in opposition to the Kyl amendment to the fiscal 1998 Labor, Health and Education appropriations bill, which would devastate an already underfunded Low-Income Home Energy Assistance Program. Although I am a strong supporter of the Pell Grant Program, which provides critical assistance and access for needy students, I cannot support the Kyl amendment, knowing that it will reduce the low-income fuel assistance limited funding.

I regret the Senator from Arizona has offered this amendment to reduce the Low-Income Home Energy Assistance Program in order to provide an increase to the Pell Grant Program. I hope we can follow the House lead in this regard, by providing an increase in the Pell Grant Program but without affecting the Low-Income Home Energy Assistance Program. The bottom line is LIHEAP provides invaluable assistance to low-income and elderly households in America that must not be sacrificed. Make no mistake about it, this means-tested program is specifically targeted to those who already are in desperate need of financial assistance. To be precise, according to the Department of Health and Human Services, more than two-thirds of the households receiving Low-Income Home Energy Assistance Program assistance have annual incomes of less than $8,000 a year, and more than half have incomes below $6,000 a year.

While I believe that all programs must be asked to contribute their fair share in our efforts to balance the budget, it is worth noting that the Low-Income Home Energy Assistance Program has already taken more than its fair share of budget cuts in recent years. Overall, the funding for the Low-Income Home Energy Assistance Program has fallen consistently and dramatically since 1985. In fiscal year 1985, the program received $2.1 billion. This year, it will receive $1 billion. In real terms, this represents a cut of more than 65 percent. Yet, despite this dramatic cut, the Senator from Arizona is proposing we further reduce this critically important but limited low-income assistance funding by an additional $528 million, or 53 percent of its already paltry budget.

Furthermore, we should not be proposing a cut to a program that is already woefully underfunded and serves only a minority of its eligible recipients. Because of past spending cuts, LIHEAP now provides benefits to only 20 percent of all eligible households. This means that 80 percent of America's households meet the income qualifications to receive benefits, but there is simply not enough money to provide assistance to them all. Needless to say, this proposed $528 million reduction represents a very real risk of keeping many low-income families from being able to heat their homes in the winters ahead, even as it eviscerates a program that has already contributed more than its fair share to deficit reduction.

It is also worth noting that even for those families that do receive Low-Income Home Energy Assistance Program benefits, it is not a very high sum. In my home State of Maine, the average benefit last year was $308. In the midst of a severely cold winter, that $308 was the only way that 33,000 low-income and elderly Mainers were able to heat their homes. So, although a $528 million reduction may seem small in the overall budget of the U.S. Government, and $308 may not sound like much to many people, it means a great deal to the residents of my State who do not want to be forced this winter into the position of choosing between heat and food.

The Low-Income Home Energy Assistance Program has already taken more than its fair share of reductions since its inception back in 1981, and simply cannot afford any further reductions in this very critical program. Any additional cut in this already underfunded program represents a very serious risk to low-income and elderly households in my State of Maine and all the cold weather regions of this country that rely on this very important, essential program.

Therefore, I urge my colleagues to join me in opposing the Kyl amendment and adopting the approach that has been taken by the House that provides for increased support for the Pell Grant Program but without reducing LIHEAP that is so critical to many people in my State and so many other States who are located in cold weather areas of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I would like to begin by thanking Senator SPECTER and the members of the Labor, Education, HHS appropriations subcommittee for bringing this bill to the floor.

This bill contains a much needed funding increase for the National Institutes of Health. Earlier this year I joined with 97 of my colleagues in this Senate body in voting for a sense-of-the-Senate amendment calling for a doubling of NIH funding over the next 5 years. The bill that we have in front of us today represents a substantial step forward. It increases funding for NIH from $12.7 to $13.69 billion. This funding, simply, Mr. President, will save lives.

There are two measures in this bill that I would like to call to the attention of my colleagues, and that I believe deserve special mention. Earlier this year I introduced, along with Senator KENNEDY and Senator BOND, a bill which would establish a pediatric research initiative within the Office of the Director of NIH. Senator KENNEDY and I and Senator BOND, along with many sponsors of that bill, have worked hard to develop a proposal that we feel helps place appropriate emphasis on pediatric research while at the same time supporting the scientific judgment so important to the success of NIH.

The value of this initiative really is without question. Research breakthroughs to treat pediatric illnesses have been enormously effective both in reducing costs and, more important, in freeing young children from a lifetime of illness and disability. From vaccines to treat polio to surfactant replacement to prevent respiratory distress syndrome, research has saved hundreds of millions of dollars and improved the lives of millions of children.

Recently, the Public Health and Safety Subcommittee of the Labor and Human Resources Committee held a hearing on NIH reauthorization. During the hearing, a distinguished panel of pediatric researchers from NIH and also from the private sector described some of the enormous opportunities that now exist for scientific progress in combating and in preventing diseases affecting children. Their testimony dramatically underscored the critical need for additional emphasis and increased support for pediatric research.

Last year, the Labor, Education, and HHS appropriations subcommittee, chaired by Senator SPECTER, allocated $5 million as an initial downpayment toward the pediatric research initiative. This year the appropriations subcommittee has allocated $20 million toward this initiative. I personally thank Chairman SPECTER and the members of his subcommittee for their continued commitment to pediatric research. By recognizing the critical need to encourage and promote pediatric research, the committee has really helped ensure the next generation of Americans grows up to be healthy, productive members of our society.

Mr. President, the second provision I would like to talk about in this bill is the funding for substance abuse and mental health services. Without the provision contained in this bill, some States would have faced massive cuts in the funding for their programs to help people with substance abuse and/or mental health problems. My own State of Ohio would have faced a devastating funding cut of more than 20 percent, our neighboring State to the north, Michigan, would have received a cut of 19 percent, and other States would have also been seriously hurt. Among the important programs threatened by these cuts would have been the

agencies promoting early intervention with young people to help them find alternatives to getting involved with drugs and crime. I have long believed that the problem of at-risk youth in this country is one for which an ounce of prevention truly is worth a pound of cure. The sooner we can reach these young people, the better off we will be in our efforts to help them avoid the tragedy of lifetime addiction.

The SAMHSA provision contained in this bill averts the awful consequences of the proposed funding cuts. It is a good measure and deserves strong support of the entire U.S. Senate.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, starting yesterday morning at 11 o'clock, in conjunction with scheduling from the majority leader, Senator LOTT, and the ranking member on this subcommittee, Senator HARKIN, we asked that amendments be brought with the hope of concluding action on this bill today, and that all amendments be submitted, first, by the end of business yesterday or no later than noon today. We have not had a great deal of business.

The one exception would be an amendment which would deal with prohibiting Federal funding for testing, which the administration has in mind. Congressman GOODLING had announced his intention to seek that kind of prohibition in the House.

There had been comments yesterday that someone would offer that kind of legislation on the Senate side. The distinguished presiding officer, Senator JUDD GREGG, said, with a pointed finger, it was he. I don't want to name names here, but I am prepared to identify those who are willing to be identified.

I received a telephone call from the Secretary of Education, Richard Riley, yesterday afternoon, as did Senator HARKIN and others. It seems to me that might be one matter we might put over until tomorrow and schedule the hearing at 9 o'clock to find the specifics as to whether that ought to be done. There is a sense that testing, in general, would be a good idea, but maybe it ought not to be done by the Federal Government. There is a great deal of concern about having the Federal Government move into the field of education. So we are going to move ahead at that time.

Mr. President, I intend to offer an amendment later this afternoon calling for a sense of the Senate for the appointment of independent counsel. Although that is obviously not germane to an appropriations bill on Labor, Health, Human Services and Education, it is a practice in the Senate, with some repetition, to offer extraneous amendments, certainly sense-of-the-Senate resolutions.

I had stated my intention to deal with this issue last July 24 and spoke extensively on the Senate floor on the appropriations bill pending at that time about my concern that independent counsel ought to be appointed based on the state of the record. Then when it was apparent that would tie up that bill, and the majority leader and the minority leader both wanted to move ahead, I said on July 25 that I would not pursue this sense-of-the-Senate resolution at that time and waited an additional month.

I do believe that we urgently need appointment of independent counsel at the present time. I base that judgment on a series of letters which have been written by a variety of Members of Congress to the Attorney General, and she has declined to do so—a formal letter written by the majority members of the Judiciary Committee calling on the Attorney General to appoint independent counsel, and she has declined to do so.

Then we had extensive hearings last April 30 on the Judiciary Committee where I questioned Attorney General Reno about the withholding of information from the President on national security matters, which appear to me to be a highly questionable thing to do, and that the President was publicly quoted saying that those national security matters had been withheld from him and he thought he should have been given access to those matters.

In our constitutional Government it is my judgment that the rule is plain, that those are matters for the President as long as he is the President. There are ways to alter his status as President, but as long as he is the President, it is not up to an appointed Attorney General to make the decision that the President does not get national security information because, as the Attorney General testified, he was a potential suspect in a pending investigation. The damage about such a disclosure to a potential subject, in my view, is far, far less dangerous than having national security information withheld from the President of the United States.

But it did seem to me that in that context that if the matter was serious enough to withhold information from the President, that certainly the independent counsel statute ought to be triggered. That is the statute which provides for an independent lawyer to come in and handle the case where it involves certain levels of Federal Government enumerated officials such as the President and the Vice President and Cabinet officers, especially in the context where Attorney General Reno testified in her confirmation hearings about her view of the importance of independent counsel.

There is also the question about the advertisements. According to Chief of Staff Leon Panetta, and also Dick Morris, the President's political adviser, advertisements had been edited, drafted, essentially written by the President himself. There would be no question that there would be coordination in violation of the Federal statute prohibiting coordination if those in fact were advocacy commercials. We went through the commercials with the Attorney General. This was done on both sides. But the ones that were edited by the President extolled the President's virtues and decried his opponent's alleged failings, but fell short of saying vote for x or vote against y. By any reasonable standard, those were advocacy commercials, but they were viewed as being instead issue commercials and did not constitute a violation of the statute which prohibits coordination.

Well, that plus a great many other factors, I think, have set the stage for the need for independent counsel. We have had disclosures in this morning's Washington Post about funds being raised by the Vice President which were hard money and not soft money. The Attorney General had previously said that if it is soft money it is not a contribution under the Federal election laws, a judgment or interpretation which is inexplicable, in my opinion. It is a contribution nonetheless.

Hundreds of millions of dollars were put into the campaigns on both sides, Democrats and Republicans. But now there has been the forceful allegation made, information that a good bit of the money raised by the Vice President was hard money, and that would take away the last vestige as to what Attorney General Reno had said justified her refusal to appoint independent counsel.

So it is my intention, Mr. President, to call for a vote on this amendment that I send to the desk at this time so that it may be filed and reviewed by my colleagues on both sides of the aisle. Later this afternoon I do intend to offer it, and in fact had thought I would offer it when I sought recognition. But I see my colleague, Senator DORGAN, has come to the floor. I understand he intends to offer an amendment of his own. So I will defer offering this amendment at this time, but I will speak about it to this extent, to put my colleagues on notice that this issue will be on the floor at the conclusion of the Dorgan amendment.

I thank the Chair and yield the floor so my colleague, Senator DORGAN, may proceed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

AMENDMENT NO. 1068

(Purpose: To increase the funding for heart and stroke research by the National Heart, Lung, and Blood Institute of the National Institutes of Health, with an offset relating to funding for the buildings and facilities of the National Institutes of Health)

Mr. DORGAN. Madam President, I rise to offer an amendment.

I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], proposes an amendment numbered 1068.

Mr. DORGAN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, line 21, strike ''$1,531,898,000.'' and insert ''$1,539,898,000''.

On page 35, line 22, strike ''$211,500,000'' and insert ''$203,500,000''.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Madam President, I ask unanimous consent that floor privileges be granted to Jeff Hoffman of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I appreciate the Senator from Pennsylvania allowing me to offer this amendment at this time. I appreciate the cooperation of the Senator from Pennsylvania and the Senator from Iowa for their work on this legislation. I am going to talk just a bit about my amendment. Before I do, however, let me commend both Senator SPECTER and Senator HARKIN for the work they have done on this piece of legislation.

My amendment specifically deals with funding for the National Institutes of Health National Heart, Lung, and Blood Institute and specifically an interest I have in trying to provide additional resources for NHLBI to be used to provide funding vitally needed for cardiovascular disease research.

I am proposing $8 million be added to the Heart, Lung, and Blood Institute that I hope would be used for that purpose. The offset is from a corresponding reduction in the NIH buildings and facilities account. I believe that both the chairman and the ranking member, at the conclusion of my comments, will accept this amendment and for that I am grateful.

It is undoubtedly true, as people watch the proceedings of the U.S. Senate, that many of us come to the floor of the Senate to talk about legislation that we think is necessary based on our personal experiences and observations. That has certainly been true with respect to a couple of issues I have worked on, including cardiovascular disease research.

Madam President, I have a very personal interest in this, as others do. I have lost a daughter to heart disease. I have another daughter who has a heart defect that we hope, God willing, will not need surgery in the future. But I have spent enough time in cardiologists' offices and I have spent enough time talking about cardiovascular disease to understand that we must continue to substantially increase funding for research on cardiovascular disease.

I have been involved, along with Senator FRIST, as a Senate cochair of the Congressional Heart and Stroke Coalition to try to provide additional attention to the issue of heart disease and stroke and the need for greater research into these diseases.

Many Americans are unaware of the extent and scope of heart disease and stroke, even though virtually all of us has a friend or loved one who has been affected by cardiovascular disease, so I would like to share some startling facts.

Heart disease has been this country's No. 1 killer since 1919 for both men and women.

Stroke continues to be the No. 3 killer in this country and the leading cause of disability in America.

One in five Americans, more than 57 million people, suffer from one or more types of cardiovascular disease, including close to 14 million living with symptomatic coronary heart disease.

One in two women will eventually die of heart disease or stroke.

About one-sixth of cardiovascular disease deaths are among people under the age of 65.

In 1979 there were 1.2 million cardiovascular operations and procedures performed in this country. That number climbed to 4.65 million in 1994, close to a fourfold increase.

The number of Americans suffering from congestive heart failure has grown to about 5 million, with hospital discharges rising from 377,000 in 1979 to 874,000 in 1994.

More Americans die from heart attack and stroke each year than from AIDS, cancer, and diabetes combined. Let me repeat that because I think it is important. More Americans die from heart attack and stroke each year than from AIDS, cancer, and diabetes combined.

I do not come to the floor of the Senate to in any way suggest that we ought to enhance research funding on one disease at the expense of critically needed research funding for others. I have supported substantial research for AIDS, supported efforts to improve research and treatment of diabetes and cancer. In fact, I have supported a substantial increase in funding for the National Institutes of Health and I voted earlier this year to double funding for the National Institutes of Health over the next five years. I think this would be a wonderful investment for our country.

I have become increasingly concerned, however, with what has been happening with respect to the amount of money spent on heart disease research. Even with the significant increases that Congress has been giving the National Institutes of Health over the past decade, funding for heart disease research specifically has simply not kept pace. In fact, heart disease research at the National Heart, Lung, and Blood Institute has decreased by 4.8 percent in constant dollars over the last decade, while the NIH overall budget has increased by 31 percent in constant dollars.

A step toward rectifying this concern was taken this year. For that I commend Senator SPECTER and Senator HARKIN. They have provided in this bill a $99.4 million increase for the National Heart, Lung, and Blood Institute, the third largest dollar increase among the NIH institutes. But even with this increase, if we look beyond the surface, we can see that, without my amendment, the funding for cardiovascular disease research would continue to decrease relative to the overall budget.

The $8 million that my amendment would add would bring the National Heart, Lung, and Blood Institute budget up to the same 7.5-percent level of increase as the overall budget at the National Institutes of Health. It is my hope that this funding would be devoted to cardiovascular disease research.

It is interesting to visit the Bethesda campus of the National Institutes of Health. I encourage my colleagues to do so. There are wonderful men and women working there doing remarkable, breathtaking research on a wide range of issues. I have talked to physicians doing research in the area of cardiovascular disease and what they are doing is remarkable. It has already saved lives and can save even more lives with additional resources.

We now routinely see people with advanced heart disease with symptoms that in previous decades would have caused death. Today, these patients are able to undergo procedures and operations that allow them to continue to lead productive, active lives. These advances are the wonderful result of an investment in research. We can do much, much more.

I said I don't want to decrease research funding for other diseases. In fact, I would like to substantially increase the amount of funding for the NIH generally, far above its current level, because I think the rewards for the people in our country and around the world would be substantial.

It should be noted, however, that heart disease and stroke receive one-twentieth of the research funding per death of AIDS, cancer, and diabetes combined. Now if you divide the amount spent on research into the number of people who are dying from various diseases, it is clear that the amount of research funding invested in cardiovascular disease is not keeping pace. That is why I offer this amendment.

This amendment has the strong support of the American Heart Association, the Association of Black Cardiologists, Mended Hearts, Inc., and the

National Coalition for Heart and Stroke Research. I ask unanimous consent that letters from these organizations in support of my amendment be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN HEART ASSOCIATION,
Washington, DC, August 29, 1997.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: On behalf of the 57.5 million Americans suffering from heart attack, stroke and other cardiovascular diseases, the American Heart Association strongly supports your amendment to the Labor-HHS-Education Appropriation bill. The AHA commends your leadership and initiative in offering an amendment to increase the funding pool for the National Heart, Lung, and Blood Institute (NHLBI) by $8 million, targeted specifically for additional heart and stroke-related research. Cardiovascular diseases, America's No. 1 killer and a leading cause of disability, suffer from disproportionately low research funding.

As various indicators show, there has been a dramatic increase in the prevalence of heart disease and stroke, with an unparalleled cost to our society that threatens our future. More than 1 in 5 Americans of all ages suffer from heart attack, stroke and other cardiovascular diseases. These diseases consume about 1 of 6 health care dollars, with a price tag of an estimated $259 billion in medical expenses and lost productivity in 1997. Heart diseases and stroke represent 4 of the top 5 hospital costs to the health care system for all payers, excluding childbirth and its complications, and 4 of the top 5 Medicare hospital costs.

In constant dollars from FY 1986 to FY 1996 funding for the NHLBI extramural Heart Program decreased 5.5 percent. In a recent nationwide survey 79 percent and 77 percent of respondents support more federal funding for heart and stroke research, respectively.

Our government's response to the heart disease and stroke problem today will help define the health and well being of Americans in the next century. Now is the time to capitalize on progress in understanding cardiovascular diseases when breakthroughs are on the horizon. Promising research opportunities will result in better treatment, prevention and even cures for heart attack, stroke and other cardiovascular diseases. A significant increase in research funding will reduce premature death, improve quality of life, cut health care costs and enhance America's scientific competitiveness.

Thank you for your consistent leadership in the battle against heart attack, stroke and other cardiovascular diseases.

Sincerely,
MARTHA HILL, Ph.D., R.N.,
President.

ASSOCIATION OF BLACK CARDIOLOGISTS, INC.,
Atlanta, GA, September 2, 1997.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC

DEAR SENATOR DORGAN: The Association of Black Cardiologists (ABC), is pleased that you have offered amendment S. 1061, the FY 1998 Labor-HHS-Education Appropriations bill to increase resources for the National Heart, Lung, and Blood Institute (NHLB) by $8 million, targeted specifically for additional heart and stroke-related research. The Association of Black Cardiologists (ABC), enthusiastically supports your amendment. Our 600 plus members vigorously support this amendment, and believe it is vital to the health of our constituents.

Despite progress, heart attack, stroke and other cardiovascular diseases remain the leading cause of death in the United States and a main cause of disability. Over 57 million Americans . . . more than 1 in 5, are afflicted by one or more cardiovascular diseases. It is even severe contact more in African Americans. Heart attack, stroke and other cardiovascular diseases will cost this nation an estimated $259 billion in medical expenses and loss of work place productivity in 1997.

An increase in research funding for NHLB heart and stroke-related research is critical to reduce premature death, improve quality of life, cut health care costs and enhance America's economic competitiveness. An overwhelming number of respondents in a recent nationwide survey supports more federal funding of heart and stroke research, 79% and 77% respectively. However, in FY 1986 constant dollars, funding for the NHLBI Heart Program decreased 5.5% from FY 1986 to FY 1996.

Promising scientific opportunities in the battle against cardiovascular diseases could be realized with more resources for research. This is the time to capitalize on the progress in understanding cardiovascular diseases.

The Association of Black Cardiologists applauds your leadership in the fight against these killer diseases and commends your initiative in offering this amendment.

Sincerely,
B. WAINE KONG, Ph.D., M.D.,
Chief Operating Officer.

THE MENDED HEARTS, INC.,
Dallas, TX, September 2, 1997.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: Mended Hearts is a national voluntary organization of people who have heart disease, their spouses, family members, caregivers and medical professionals. Mended Hearts actively supports your floor amendment to the FY 1998 Labor, Health and Human Services, Education and Related Agencies Appropriation bill that increases the funding pool for the National Heart, Lung, and Blood Institute (NHLBI) by $8 million, targeted specifically for additional heart and stroke-related research.

About 20 million Americans of all ages live with the ramifications of heart disease. Of this group, nearly 13.7 million, including about 7 million under age 60, live with the effects of heart attack and about 5 million suffer from congestive heart failure, the leading cause of hospitalization for Americans age 65 and older. Heart defects are the most common birth defect, the major cause of birth defects-related infant deaths and a considerable cause of childhood disability.

The prevalence of heart disease is rising rapidly, with a tremendous economic toll on the economy of the United States. For example, in 1994 there were 4.7 million cardiovascular operations and procedures, compared to 1.2 million in 1979—a fourfold increase.

It is estimated that heart attack, stroke and other cardiovascular diseases will cost this nation $259 billion in medical expenses and lost output in 1997. Despite the seriousness and overwhelming costs of these diseases, in constant dollars from FY 1986 to FY 1996 funding for the NHLBI Heart Program decreased 5.5 percent.

On behalf of the 24,000 members of Mended Hearts in 220 chapters nationwide, I commend your championship and leadership in the battle against heart disease. Your amendment will have a far reaching impact on the main cause of death in the United States—heart disease. Promising research opportunities for innovative cost-effective approaches to the diagnosis, treatment and prevention of heart disease can be developed with these needed resources.

Thank you for your efforts.

Sincerely,
CHARLES CHRISTMAS,
National President.

NATIONAL COALITION FOR HEART AND STROKE RESEARCH,
Washington, DC, September 2, 1997.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC

DEAR SENATOR DORGAN: The National Coalition for Heart and Stroke Research, enthusiastically supports your amendment to S. 1061, the FY 1998 Labor-HHS-Education Appropriation bill to increase resources for the National Heart, Lung, and Blood Institute (NHLBI) by $8 million, targeted specifically for additional heart and stroke-related research. Your amendment is critical to the health of all Americans.

About 57 million Americans—more than 1 in 5—are afflicted by one or more cardiovascular diseases. Heart attack, stroke and other cardiovascular diseases will cost this nation an estimated $259 billion in medical expenses and lost productivity in 197. These diseases place a heavy burden on America's health care system, absorbing about 1 of 6 health care dollars. Excluding childbirth and its complications, heart diseases and stroke make up 4 of the top 5 hospital costs for all players, and 4 of the top 5 Medicare hospital costs.

Despite progress, heart attack, stroke and other cardiovascular diseases remain the leading cause of death in the United States and a main cause of disability.

An increase in research funding for NHLBI heart and stroke-related-research is critical to reduce premature death, improve quality of life, cut health care costs and enhance America's economic competitiveness. Many Americans agree! An overwhelming number of respondents in a recent nationwide survey support more federal funding for heart and stroke research, 79 percent and 77 percent, respectively. However, in FY 1986 constant dollars, funding for the NHLBI extramural Heart Program decreased 5.5 percent from FY 1986 to FY 1996.

Promising scientific opportunities in the battle against cardiovascular diseases could be realized with more resources for research. This is the time to capitalize on progress in understanding cardiovascular diseases.

The National Coalition for Heart and Stroke Research applauds your leadership in the fight against these killer diseases and commends your initiative in offering this amendment.

Sincerely,
RENEE SMITH, *Representative.*

Mr. DORGAN. Madam President, it is my hope that in some small way, with this small step, a researcher will now unlock one more mystery of how the human heart works.

I mentioned the wonderful discoveries that are made through research and the wonderful treatments that are provided in our hospitals in the area of cardiology, and yet there is so much we still do not know. Those of us who have waited through heart surgery with members of our family know that when you talk to the cardiovascular surgeons they will tell you that there are times when they simply don't know what has caused this or that condition.

It seems to me more and more research can unlock those mysteries and give us the opportunity to save more and more lives in this country that otherwise would be lost to this insidious enemy called heart disease.

With that, I thank very much the chairman and the ranking member and ask that my amendment be favorably considered. I yield the floor.

Mr. SPECTER. Madam President, I thank my distinguished colleague from North Dakota for offering this amendment. I agree with him about the importance of additional funding for pulmonary research, for heart research. It is a major killer in the United States. We ought to be doing everything we can to investigate, find cures and implement them.

The amendment which has been offered carries an offset on administration and it has been modified from what the Senator from North Dakota had originally suggested, which would have been earmarking, which poses problems, because we do not earmark but instead leave that designation to the National Institutes of Health so we do not have excessive management or micromanagement by the Congress as to what the NIH funds must have. I think Senator DORGAN made a forceful statement that those funds ought to be directed in that way, and the officials at NIH will have that before them. I am confident they will make every effort they can to carry out the intent with which my colleague has expressed here.

We have vast sums of money at NIH. We are increasing it. It is $952 million now, and is up to $13.7 billion. Notwithstanding all that funding, there are many applications which are not granted. This one expresses what the Senator from North Dakota thinks ought to be done.

I am advised Senator HARKIN is off the floor now attending a committee meeting and necessarily absent, but I am advised by his staff that Senator HARKIN finds this amendment acceptable, as do I, as manager for the majority. We accept the amendment.

I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1068) was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. GREGG. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1070

Mr. GREGG. I ask unanimous consent the pending amendment be set aside, and I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1070.

Mr. GREGG. I ask unanimous consent the reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) PROHIBITION OF FUNDS FOR NATIONAL TESTING IN READING AND MATHEMATICS.—None of the funds made available in this Act may be used to develop, plan, implement, or administer any national testing program in reading or mathematics.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the following:

(1) The National Assessment of Educational Progress carried out under sections 411 through 413 of the Improving America's Schools Act of 1994 (20 U.S.C. 9010–9012).

(2) The Third International Math and Science Study (TIMSS).

Mr. GREGG. Madam President, as the excellent chairman of the labor subcommittee of the Appropriations Committee mentioned earlier, there is a pending issue which is of considerable significance which has arisen in the last few weeks as a result of the question of how we are going to pursue national testing. The chairman of the committee has mentioned he would hope this issue, from the standpoint of an amendment to the bill, would be taken up for final vote tomorrow sometime. I am certainly agreeable to that.

However, it had been my intention, along with Senator COATS, to offer an amendment today on this issue, and in talking it over with the chairman he suggested we offer the amendment and then hold the vote until tomorrow. That certainly is an approach which I am perfectly happy to follow.

This amendment, which is basically directed at codifying what we understand now to be the President's position—and we say ''now'' because the President's position on national testing appears to have undergone a transformation at some fairly high level of significance. It reflects that decision by the President to no longer push national testing as something that should be controlled and directed by the Department of Education but rather to have national testing to the extent it be developed by independent agencies. Using the term ''independent,'' I mean agencies which are independent of the Federal Government and which are not under the Federal Government or even under the Federal Government's control through the use of the appropriations process.

Why is this important? There are a large number of us involved in the issue of reforming education who feel very strongly that national testing makes sense, but to have it controlled by, designed by or in any way managed by the Department of Education here in Washington does not make sense. That would be a fundamental flaw.

We are encouraged, and we think it is appropriate that the President appears to have come to this conclusion himself over the weekend. Although his initial reaction was to have the Department of Education run this type of a national testing program, his decision now is to move it to the private sector and allow the private sector and the private nonprofits to develop the proper testing standards.

Why is this important? Because the issue of national testing is important at a variety of different levels. In a positive way it is important because it will give communities an opportunity to compare how their students are doing with other students, to compare how their schools are doing with other schools, compare how their educators are doing with other educators across the country. That is very significant.

It is not unique, national testing. We have in this country one of the most expansive national testing programs probably anywhere in the world called the SAT test. It comes at the end of the school system, the end of the educational experience, at least as far as elementary and secondary schools are concerned, and juniors and seniors and sometimes sophomores, students in their high school years, will take tests. They have the SAT, the SAT 2, they have achievements, they have advanced placement tests, a whole series of tests which they take, quite a battery of tests. Anybody who has a child going through the SAT experience understands its intensity and recognizes this is one heck of a testing system which we have which is nationally driven which is, in fact, nationally directed, which is, in fact, nationally developed, and which is, in fact, a heck of a good system. I think the reason it worked so well is it has been energized and directed by the private sector of our country, not by the Federal Government.

The downside of national testing is that if it is done by the Federal Government, at the direction of the Federal Government, under the control of the Federal Government or funded by the Federal Government, you are stepping, in my opinion, and I think in the opinion of many of us who view education as a critical asset of the community, of the State, of people at the lowest level of government who have the right to control how their children's lives are determined in their school systems rather than having it be controlled from Washington, those of us who view that education should be directed locally and not nationally, you are stepping on the slippery slope of once again the issue of national control over curriculum, national control over contents, national control over teachers' standards in the educational system because a federally designed, federally paid for, federally controlled national educational testing system would be, in my opinion and I think the opinion of many people who view this issue and who have looked at it for a while as I have, as being one of the first steps toward a nationally directed curriculum, a nationally directed content in education, and a nationally directed standard for our teachers.

That is something that I would most vehemently object to and have objected to, and in fact when we went through Goals 2000, raising the issue of national curriculum was the core question. We amended that law dramatically from its initial structure so that it would not end up as a national curriculum exercise.

Now that we have pushed forward onto the playing field a national testing system, at something other than the end of your high school years, a national testing system which will probably be targeted on the third grade or the eighth grade or maybe both grades, to determine competency, especially in objective types of discipline such as mathematics and science, such a national testing system has to be entered into with some caution to be sure that we do not end up going down the wrong path, that we use it for the purposes for which it should be used, which is to give our local communities the capacity to evaluate how their local school systems are doing in educating their children—not use it with the capacity of taking away from our local communities the capacity to control their local school systems by taking away control over curriculum or taking away control over content.

So this amendment is basically directed at saying it is not appropriate for the Department of Education to be an aggressive participant, a funded participant in the designing of a national testing system. Rather, that should be left to the private or quasiprivate or nonprofit sector which presently does such a good job in areas such as SAT's.

The view, which was not the original view of the President and now is the view of the President, is something which we congratulate him on changing his position on and coming to a conclusion that is of that position and which we want to support by passing this amendment.

Senator COATS and I have put this amendment together. It tracks what was passed in the House, or what is being proposed in the House—I am not sure it has been passed yet—by Representative GOODLING from Pennsylvania, chairman of the authorizing committee which deals with education in the House.

I appreciate the courtesy of the chairman of the committee in allowing us to go forward with it and in his support in going forward with it. We are certainly sensitive to his desire to have the vote tomorrow if there is to be a formal vote, if it is not adopted by agreement, which I hope would be because it does reflect, we believe, the administration position.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I expect we will have a rather spirited debate about this amendment, and we should have. I think this is an interesting, timely, and important subject for the Senate at this point. My understanding is that there will be lengthy debate and a hearing in the Senate tomorrow morning, followed by a vote tomorrow on this subject.

This debate is not about developing some sort of enforced Federal standard. Rather, this is a very important question about this country's educational system and whether parents, no matter where they live, have an opportunity and the ability to measure how well their children are doing at two levels. Can they read at the fourth-grade level, and how do they read relative to other kids in this country, and can they achieve basic proficiency in mathematics at the eighth-grade level?

We have some significant choices to make in this country on the subject of education. No one that I know of suggests that we wrest the control of educating our kids in the elementary and secondary schools from the local school boards. No one. That is where we make decisions about how to educate our kids. But we do as a country have an obligation, I think, to begin asking the question: Should we not have some basic standard of measurement to find out what our children are achieving in our schools to be able to measure community to community, school to school, State to State? How are they doing? Are they able to read at the fourth grade level? Are they proficient in mathematics at the eighth grade level?

I want to read a couple of comments as we begin.

Jim Barksdale, the CEO and president of Netscape Communications, one of the new communications companies in our country, and L. John Doerr, a partner in the firm of Kleiner, Perkins, Caulfield & Byers, on behalf of 240 technology industry leaders in a bipartisan call for high national education standards in reading and math, say this:

> Every State should adopt high national standards, and by 1999, every State should test every fourth grader in reading and eighth grader in math to make sure these standards are met. President Clinton's national testing initiative offers a new opportunity to use widely accepted national benchmarks in reading and math against which States, school districts, and parents can judge student performance.

This national testing initiative is not about suggesting a national or Federal system by which anyone from up here can control someone down there.

The Senator from New Hampshire, I think, began by saying he was not opposed to developing some kind of national testing program. I think from that statement we ought to be able to find a way to develop a program of achievement standards. I am not wedded to the notion that it be here or there or with this money or that money. I am wedded to the notion that this country deserves to know what it is getting for the money it is spending for elementary and secondary education.

We spend a substantial amount of money sending our children to school. A substantial amount of money is spent sending our children into the classrooms of our country. The question is, what are we getting for that? What are we achieving? What kind of accomplishments exist at the fourth grade level? Are our fourth graders able to read? In which schools? In which States? And if not, why not? Before one can embark on a plan to improve education, you must first know where you are. And we don't have a basic approach by which we can measure achievement.

You get to 17 or 18 years of age, and guess what? You want to go to college. You are going to show up someplace, and you are going to have to take a test. That test is going to measure what you have achieved, what you know, what you have studied, and what you have retained from that. So when you get to be 17 or 18 and begin to take the college entrance tests, then at that point somebody is going to measure what you have been given, what you have learned, and what you are prepared to do. But by that point, we have spent a substantial amount of money.

Why don't we decide, as the U.S. Chamber of Commerce and literally hundreds of other business leaders in this country have, that we ought to get more for our education system by measuring whether our students, student to student and school to school and State to State, are reaching certain levels of achievement?

I am a parent. I have two little children sitting this afternoon in a public school classroom. They are the most wonderful kids in the world. I assume that every father would say that about their children. I want those children to have the best possible education that our school system can give them. But I, as one parent, believe that it is important for us to measure as we go along what our children have learned from that school system.

Things have changed. This is not 40 years ago when we as a country could tie one hand behind our back and beat anybody else in the world at almost anything, and do it easily. We now face shrewd, tough international competition in every direction that we look. We now face competition, yes, in the job market, yes, in our economies, in our schools, and we face competition with countries who send their kids to school 240 days a year. We send our kids to school 180 days a year.

You have seen and I have seen some of the comparisons of students in the United States with students from Japan, students from Korea, students from Jordan, and students from around the world.

What the business leaders in this country, the U.S. Chamber of Commerce, technology industry leaders, and others, including education leaders, are saying, is let us find a way by which we establish a measurement of achievement, by which we aspire to a goal that says that by the fourth grade children ought to be able to read competently, and let's measure to make

sure that our school system makes that happen so that by the eighth grade they have certain proficiency in math. That is what this is about.

From the discussion I just heard—I expect there will be a lot of it today—the issue is, should there be a Federal mandate by a Federal agency that federally enforces some Federal test? No, of course not. No one has proposed that. I would not support that.

If you say, however, that with the money we spend for education, we ought to measure the output as taxpayers, and as parents we ought to find out what are we getting, if you say that ought to be the goal—it is my goal, I expect it is probably your goal—then let's find a way to do that. Parents have a right to know whether their kids have mastered the basics in education, no matter what State they live in, no matter what city or school district they live in.

Those in this country who are concerned about our education system know that we must make some improvements. How do we make improvements? You create a blueprint, a plan, or a design for how you fix what is wrong. But before you can do that, you must assess what you have. What are the achievement levels? What are you getting for what you are now spending? That is what this is about.

I think that the debate—I guess I shouldn't prejudge; I will listen to it—will not be so much about whether it is useful for parents to learn how their kids or how their schools stack up against other kids or other schools in other cities or in other States. I think the debate will not be about that because I would expect most parents and taxpayers would want that kind of information.

Incidentally, this effort to develop tests to measure achievement is all voluntary. There is nothing here that is mandatory. Any school can opt out. Any student can opt out. Any State can opt out.

If there is heartburn over the question of who develops these benchmarks, let us find agreement on some independent entity that would establish appropriate goals for ourselves and for our children.

Occasionally, I—as I am sure everybody in the Senate does—get on a radio call-in show. Inevitably, someone will call in and say, ''This is some one-world international conspiracy. This is the Federal Government wanting to run the local school system.'' You have heard all of the debate about all of these issues. In fact, going back, that became the argument that was used to say, ''Let's get rid of the Department of Education at the Federal level.'' We do not hear much about that anymore. I don't expect we will see an amendment about that, although there may be Members in the Chamber who believe that we should offer that amendment and have that debate.

Does education reach a level of national importance sufficiently so that we have a Department of Education? I think so. Most of the American people think so. But we have had in the not-too-distant past those who say, ''Let's abolish the Department of Education. What on Earth should we be doing thinking nationally about education?'' Well, the American people know what we should be doing nationally about education. It is not running the school systems—not at all. What we should be doing nationally is worrying about whether we as a country are able to measure achievement—basic achievement in a range of areas, especially reading and mathematics, sufficient so that our students are prepared to be everything they can possibly be. Achievement that allows them to contribute not only to themselves but to this country, and to help us compete internationally. That is what all of this is about.

We are faced with tougher and tougher tests as a country. We are faced with a changing world economy and global markets. Companies these days are not national companies. They are international conglomerates. They want to produce where it is cheaper to produce. They want to go wherever they can find the skilled labor at the least cost, and so on. So it is tougher competitively for us than it was before. That is why our education system is so much more important now than it was. That is why it is so important that the education system work well. It is important that we as parents have information with which to measure what we are getting from this education system.

So let me, so that no one misinterprets what I have just said, say it again. I think parents and taxpayers have every reason to believe that we ought to be able to measure what we are getting from our education system student to student, school to school, school district to school district, or State to State. We ought to be able to measure that. The first standard ought not be when you reach 18 decide to take a test to go to college. But the development of achievement standards ought not be confused with some of the discussion about a Federal agency developing a federally enforced standard that they will use to mandate Federal policy for local education. That is totally hogwash. That is not what this effort is about.

I will be interested in listening to the later debate because my hope is that through this discussion perhaps we can find common ground to say, Yes, let's aspire to some achievement levels that we can measure across this country in order to better prepare our children for the future. If you measure achievement levels, you know how your children are doing relevant to other children; you know how your schools are doing; you know how your teachers are doing. If we aspire to do that and have the tools that give parents the ability to better manage the school, to better help their children, then we will be better off as a country. If that is a goal—and I hope it is—then we should be able to find a way to cooperate in reaching that goal through the development of some kind of entity that does not impose the specter of Federal control over local schools, because that is not the desire at all.

The proposal originally by the President was a proposal for a voluntary system in which any State, any school, or any student can opt out. But even if that causes heartburn because it has the specter of a Federal entity creating the tests, then let us find a method by which we create that same kind of measurement and give parents the same kind of opportunity without inciting the fear that some would ascribe to it as representing a Federal initiative. We can do that. I think we can do that. But we cannot do that if we stand up and mischaracterize the initiative in the first place. This is not about Federal control and a federally enforced test and Federal usurpation of local prerogatives with respect to education.

Having given that initial discussion, I will anxiously listen to the debate by two of the Members for whom I have the greatest respect. I think both are bright and interesting people who have contributed a great deal to this Senate, and while we might disagree on this, the purpose of my standing up is that my hope is perhaps we can find an area of agreement. Both of my colleagues are parents. I think they probably want the same output here that I want from this system, the best possible education our schools can give our children and along the way as parents the best opportunity to measure how our kids are doing and how our schools are doing. If we have those opportunities, we will improve not only our children's future but the future of this country.

Madam President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

AMENDMENT NO. 1071 TO AMENDMENT NO. 1070

(Purpose: To prohibit the development, planning, implementation, or administration of any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute)

Mr. COATS. Madam President, let me first say I very much appreciate the efforts of the Senator from New Hampshire in addressing this issue. I think it is an important issue and one which goes to a topic which deserves and needs a great deal of discussion and debate.

Clearly, our public education system in this country has many cracks in the once solidly supported and, I think, respected position that it once had. We have many failing public schools, not just in our major cities, but across our land. The goal that we share, whether you are Republican, Democrat, liberal or conservative, is that we want to improve education in this country and we want to address some of the shortcomings that we find in education.

The Senator from North Dakota raised a point which in many instances I think I do not disagree with. We do want to find ways of assessing where we are educationally, and giving parents a better idea of where their schools are in terms of preparing their children for a successful future.

The proposal to look at reading levels of achievement at the end of the third grade in reading and in eighth grade in math is not necessarily a goal that we should not attempt to reach. The concern that was raised by the Senator from New Hampshire is that if we address this in a way in which the Department of Education controls and designs the way this will be tested and then potentially uses this to establish standards, we continue a process of Federal Government knows best in terms of how to fix the education system in this country.

Frankly, the positive changes that are being brought about in the education of the young people in this country are not coming from Washington. They are coming from local and State initiatives. We do not want to do anything that deters that. In fact, we want to do everything we can to encourage that. I think it is safe to say if the initiatives that have been proposed and tried and are being tested and used in a number of our local educational jurisdictions and in a number of our States had to have the approval of the Federal Government, we would have gotten nowhere. We would not have charter schools in this country if the Department of Education had to approve it. We would not have had many of the experimental programs aimed at better addressing the situation of our at-risk children who are learning very little, or not at all, in many of our public schools, and particularly our public schools in urban areas across this country, because the national education unions have a lock on the public school process and a lock on the Department of Education.

I have been in the Chamber proposing a number of new initiatives, most in the form of demonstration programs which merely ask that we test a new idea to gauge its effectiveness. I do this so often because the only thing we know about the current system for sure is that it is failing many of our children. So why not try something new, why not experiment with some new ideas? And if it works, then decide how we want to encourage it. And if it does not work, throw it out and try something else. But what we have is a Department of Education locked into a no-change system because the teachers unions, not merely the teachers but the teachers unions, say don't touch it—no merit pay for teachers, no changes in the rules on tenure. They just fight every change that is proposed.

And so when the idea comes along of OK, let's set a testing standard so that we know where we stand, it looks good on its face—I think we all want that information; it can be useful to local jurisdictions and useful to States. But what we do not want is to get into the situation we got into with the national history standards whereby Federal bureaucrats and the organizations that currently control funding for public education basically say we will define what those standards ought to be, and we will set those standards and then we will measure the test against those standards.

We don't want to get into that trap again. We went through that not a short time ago, and those standards were soundly rejected because they were taking us in absolutely the wrong direction.

Now, I think that we can address the goals raised by the Senator from North Dakota, which I think Senator GREGG and I share in, of trying to find a way to provide local educational institutions and States with information about where students stand relative at least to reading and to math at fourth and eighth grade levels without falling into the problem that we would have if the administration were allowed to go forward with its original plan.

What the Senator from North Dakota apparently was not aware of was that the Department of Education has already begun developing tests, and has already contracted with a consortium of testing agencies whereby the Department of Education defines how this is going to be done, without using an independent agency.

Now, the President just this past Saturday in his national radio address wisely concluded that was not the direction the American people wanted to go, or that was not the way in which we ought to pursue this concept of trying to find where we stand at certain levels in regard to the subjects of reading and mathematics. And so the President announced on Saturday that he would defer to the critics' complaints that this should be done by an independent agency and should not be administered or controlled by the Department of Education.

What Senator GREGG and I are trying to do is to hold the President to his word, so that it is not just something said on a radio address but it is something that is actually fulfilled by members of his own Department of Education. So the amendment that was offered was intended to prohibit the use of funds in this act, or any act, for the development or implementation of a national testing program.

Now, we know that the Department has already signed a contract to begin developing this testing program, and as a consequence of that we are now trying to send a signal to the Department encouraging them to slow down. This is something that the Congress should debate, as the Senator from North Dakota said. This is something that the Congress should authorize. This is something on which the will of the people should be heard, that the input from the education institutions at the local and State levels ought to be heard before we proceed with this national effort. This truly should be a decision that is not first made in Washington and imposed on the States, but rather one that is first supported in State capitols and local jurisdictions around the country and only then decided on by Congress.

Because there is a question raised about what the underlying amendment is intended to accomplish, I propose that we pause here, and agree to work together, as the Senator from North Dakota said, to achieve what many feel is a desirable goal. I think it would be helpful for local educational agencies and for States to have an assessment of where their students are. I think it would be helpful for parents to know how their schools are performing and measuring up in relation to other schools. I think that puts pressure for change on the system.

I am trying to avoid the situation that we have frequently encountered after the passage of education legislation of parents getting involved because they don't like what is going on in Washington. For instance, if we don't take the time to check whether parents really want national testing, if they are unhappy, they will call up their Congressman and they will call up their Senators. They'll say, wait a minute; we are not so sure about this new Federal initiative to fix the problem of poor student performance because it looks like more Federal control. Federal control in education hasn't worked very well in the past, and we are not sure it is going to work in the future. Besides how does the Department of Education conclude it knows what is best for the education system when it has been over 15 years since a blue ribbon commission came out with a shocking report talking about the mediocrity of public education in America, and since then the only real reforms that have taken place have not been at the Federal level; reforms have been at the local and the State level, and we want to preserve the right of local jurisdictions and States to make those reforms.

So I am offering a second-degree amendment to the underlying amendment which says that no Federal funds can be used for national testing until Congress has specifically authorized those tests. It does not say that we should not pursue the goal of some type of national testing. But what it does say is that the Congress ought to debate this and it ought to be authorized by the Congress before the administration, through the Department of Education, simply goes forward.

My second-degree amendment says that none of the funds made available in this act, or any other act, will be used to develop, plan, implement, or administer any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute.

The operative phrase is that you can't go forward with this and use Federal funds unless it is specifically authorized by the Congress. That allows us to engage in the debate that the Senator from North Dakota thought we ought to engage in, and I agree that allows us to define how this testing will take place, that allows us to acknowledge the concern that the Senator from North Dakota expressed that maybe we do not want the Department of Education running this.

Having been involved in the issue of student loans over the past several years and raising objections to the Department of Education taking over the student lending business, which it says it can do more effectively and more efficiently than the private sector, I find it ironic that Congress Daily reports that the Department of Education has had to suspend all direct loan consolidation efforts because it is overwhelmed by the effort. It cannot handle the work. And so students who want to consolidate their loans in terms of paying them back are now not able to do so because the Department of Education cannot handle it.

A number of us, including Senator GREGG and many others, have raised concerns about the ability of the Department of Education to properly manage and administer the very complex business of making and collecting student loans. Frankly, we have never thought that they have the capacity to handle it. It is not that they are not well intended. The problem is there are no competitive pressures. They do their own thing. And it is the nature of bureaucracy—that is why it is called bureaucracy—to become bureaucratized and inefficient.

I remember when the First Lady was here promoting her health plan, and in her first presentation to the Congress to two of the committees here, one of which I sit on, I said it seems to me that this massive national health plan is based on a number of faulty assumptions, one of which is that Government can accomplish an objective more efficiently and effectively than the private sector. I said that in my experience in 18 years in government and in my reading over the history of this Government, I have not been able to identify an area where the Federal Government has performed a service more effectively or efficiently than the private sector. I said, can you name me one? And the First Lady said, ''Well, Senator, I think you are correct in terms of past performance of the Federal Government, but this time we think we have it right.'' We think, in terms of the health care plan that was being proposed here by Mr. Magaziner and herself, that we can avoid that problem.

As we have learned, that health care plan was rejected overwhelmingly by the American people because they had no faith that the Federal Government could take 15 percent of our economy, the entire health care system of the United States, and turn it over to Government to run with any assurance that it would be run effectively and efficiently. And, therefore, those of us who have a philosophy grounded in the free enterprise system are very skeptical about new proposals to inject the Federal Government further and further into those efforts handled by the private sector.

So, at the very time the Department of Education now admits that it can't handle a small fraction of the lending business that is the consolidation of loans, and that it is going to take months and months and months for it to get its act together, if then, it now wants to enter into a new area of national testing, who knows where this is going to take us. And of course, who knows how many additional people will have to be assigned to have to administer this, to oversee the contracts and define the standards.

Those are the concerns that Senator GREGG and I have, and those are the concerns we are trying to address. What we would like to do with this amendment, then, is simply follow up on the President's concession last Saturday and basically say, No. 1, this should not be done by the Federal Government, should not be done by the Department of Education, it ought to be done, if done at all, through an independent agency. And since we are dual players in this town, both the administration and the Congress, in doing the people's business, this is something the Congress ought to authorize. Therefore my second-degree amendment would prohibit funds from being used to further this national testing program until it is authorized by Federal statute.

The chairman of the relevant appropriations committee, Senator SPECTER, will be holding hearings as early as tomorrow whereby the Secretary of Education will come forward, as well as Mr. GOODLING, whom I deeply respect in terms of his experience with education. They will both come to testify as to the pros and cons of national testing. I think we need hear those pros and cons. I think we need to debate those pros and cons, and then I think we need to go forward and make a decision as to how we proceed.

Again, I say this as someone who is not unalterably opposed to national testing for reading in fourth grade and math at eighth grade. Frankly, one of the reasons I want these tests is because I think it will draw more attention to the failure of the public system to educate our children. When we look at the disparities that exist in public education in some of our schools and we look at some of our efforts, I think it will put additional pressure on the public system to open up, to try new alternatives, and parents will be demanding that we provide better education for their children and different ways of providing that education. So, from that standpoint, I think national testing can be of benefit.

With that, Madam President, I send my second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for himself and Mr. GREGG, proposes an amendment numbered 1071 to amendment 1070.

Mr. COATS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment, add the following:

SEC. . None of the funds made available in this Act or any other Act, may be used to develop, plan, implement, or administer any national testing program in reading or mathematics unless the program is specifically authorized by Federal statue.

Mr. COATS. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Madam President, I ask what is the current business before the Senate?

The PRESIDING OFFICER. The pending business is the second-degree amendment offered by the Senator from Indiana.

Mr. GRAMS. I ask unanimous consent the amendment be set aside and I be allowed to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I thank the Chair.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 1145 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending business is the second-degree amendment offered by the Senator from Indiana, Senator COATS, to Senator GREGG's amendment.

Mr. SPECTER. Madam President, I ask unanimous consent that amendment be temporarily set aside and the Kyl amendment, No. 1056, be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1072

(Purpose: To fund demonstration projects on Medicaid attendant care services, within amounts available)

Mr. SPECTER. Madam President, I now offer an amendment and send it to the desk for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1072.

The amendment is as follows:

On page 39, before the period on line 25, insert the following: '': *Provided further*, That $2,000,000 of the amount available for research, demonstration, and evaluation activities shall be available for carrying out demonstration projects on Medicaid coverage of community-based attendant care services for people with disabilities which ensures maximum control by the consumer to select and manage their attendant care services''.

Mr. SPECTER. Madam President, as noted, that $2 million will be utilized from an existing fund for a demonstration project to test the effectiveness of providing attendant care services to individuals with disabilities, regardless of age.

Every State in the country currently provides long-term services to eligible individuals who require the assistance of an attendant in nursing homes or other institutions. However, under a curious provision of the current Medicaid law, these individuals are not guaranteed the right to remain in their own homes and communities while receiving the assistance of an attendant as an alternative to institutional care.

I have sought to persuade the Secretary of Health and Human Services to change this provision in the Medicaid Program, and I wrote to Secretary Shalala accordingly on February 28, 1997. I ask unanimous consent a copy of that letter be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. The amendment that I am introducing today directs the Department to test the cost effectiveness of this policy option to allow the disabled to remain at home and to obtain the Federal Medicaid benefits. It is clear that the current long-term care system is highly regulated and very costly. It is my thought that there is a clear-cut need for a program to be put into effect which will enable the disabled to stay at home or in the community as an alternative to institutional care.

On February 17 of this year, I had the privilege of visiting a group of disabled individuals, many of whom have substantial disabilities, struggling to live independent lives. They gave me a sweatshirt, and I now display it for my colleagues and for those on C–Span II, showing, ''Our Homes, Not Nursing Homes.'' And it is the symbol of someone who is disabled.

When I met with these individuals, who were struggling in their wheelchairs, with enormous disabilities, and found that they could not receive Medicaid benefits unless they were in an institution, it seemed to me manifestly unfair. It is clear that it would be less costly to have the disabled remain in their communities or in their own homes so they could care for themselves and could receive the Medicaid benefits.

So I said to these people in North Philadelphia that I would bring the matter to the Secretary of Health and Human Services with the view of having an administrative change. But I find that it is very complicated because the preliminary estimates from the Congressional Budget Office say that this would be an enormously expensive change to enable the disabled to have benefits to live in their communities or in their homes.

I wondered why. The best explanation which I have been able to receive so far is that, at the present time, these people, the disabled, are cared for by their relatives, by friends or somehow by themselves because they don't want to go into an institution, so they forgo the assistance which Medicaid offers the disabled. The Congressional Budget Office asserts that if these individuals were to have the ability to have this care outside of the institution, the costs would skyrocket.

It seems to me, Madam President, unfair that where the Medicaid law says the disabled are entitled to certain benefits if they are in an institution, that they should be compelled to be institutionalized when they want to live in their homes or their own communities. This is quite a conundrum, quite a Catch-22. So the best course that I see at the present time would be for us to undertake this program on a test basis, and to have a study, made to see what the costs would be in order to try to arrive at some fair determination.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, February 28, 1997.

Hon. DONNA SHALALA,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR SECRETARY SHALALA: I am writing to alert you that I intend to raise with your at next week's Subcommittee hearing a matter concerning Medicaid coverage of attendant care services for people with disabilities.

It has been brought to my attention that considerable savings to the Medicaid program could be achieved by redirecting long-term care funding toward community-based attendant services, and by requiring States to develop attendant service programs meeting national standards to assure that people of all ages with disabilities have full access to such services. Please be prepared to summarize the current status of Medicaid services to the disabled population, and to discuss your views on establishing a national program of community-based attendant services. I would also appreciate your thoughts on what further could be done, both administratively and through legislative action, to better enable people with mental and physical disabilities to live independently.

I look forward to discussing this and other issues with you next Tuesday when you appear to present the Administration's fiscal year 1998 budget request for your Department.

My best.

Sincerely,

ARLEN SPECTER,
Chairman, Subcommittee on Labor, Health and Human Services, and Education.

Mr. SPECTER. Madam President, Senator HARKIN is now attending a committee meeting, and I have been advised by his staff that this amendment is agreeable to him, so I ask unanimous consent that it be adopted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1072) was agreed to.

AMENDMENT NO. 1070 AND AMENDMENT NO. 1071

Mr. SPECTER. Madam President, now briefly addressing the amendments offered by Senator GREGG and Senator COATS, it is my hope that the amendments will be debated today for all those who have views and care to express them; that is, as I said earlier, because this is a complicated matter. In my conversation yesterday in a telephone call which I received from the Secretary of Education, he asked for my support, and I told him that I did not know enough about the matter to render a judgment and had said earlier it seems to me that testing is desirable, but I do not know that it ought to be undertaken by the Federal Government.

We have scheduled a hearing tomorrow which we have advanced from 9 o'clock to 8:30 in the morning because we have since had a request from Congressman GOODLING to testify at the hearing. So we are now going to have the Secretary of Education, Richard Riley, we are going to have the chairman of the House Education Committee, and we are looking, as a matter of balance, to find someone in opposition to the Department of Education program. So that hearing will be conducted from 8:30, hopefully until 10 a.m. It is my hope that we will complete action on the remainder of this bill today, with the exception of the vote on the Gregg amendment, and take that up tomorrow.

Madam President, I now call up amendment No. 1069.

AMENDMENT NO. 1069

(Purpose: To express the sense of the Senate that the Attorney General has abused her discretion by failing to appoint an independent counsel on campaign finance matters and that the Attorney General should proceed to appoint such an independent counsel immediately)

The PRESIDING OFFICER. Without objection, the pending amendments are set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1069.

Mr. SPECTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING APPOINTMENT OF INDEPENDENT COUNSEL.

(a) FINDINGS.—The Congress finds that—

(1) press reports appearing in the early Spring of 1997 reported that the FBI and the

Justice Department withheld national security information from the Clinton administration and President Clinton regarding information pertaining to the possible involvement by the Chinese government in seeking to influence both the administration and some members of Congress in the 1996 elections;

(2) President Clinton subsequently stated, in reference to the failure by the FBI and the Justice Department to brief him on such information regarding China: ''There are significant national security issues at stake here,'' and further stated that ''I believe I should have known'';

(3) there has been an acknowledgment by former White House Chief of Staff Leon Panetta in March 1997 that there was indeed coordination between the White House and the DNC regarding the expenditure of soft money for advertising;

(4) the Attorney General in her appearance before the Senate Judiciary Committee on April 30, 1997 acknowledged a presumed coordination between President Clinton and the DNC regarding campaign advertisements;

(5) Richard Morris in his recent book, ''Behind the Oval Office,'' describes his firsthand knowledge that ''the president became the day-to-day operational director of our [DNC] TV ad campaign. He worked over every script, watched each ad, ordered changes in every visual presentation and decided which ads would run when and where;''

(6) there have been conflicting and contradictory statements by the Vice President regarding the timing and extent of his knowledge of the nature of a fundraising event at the Hsi Lai Buddhist Temple near Los Angeles on April 29, 1996;

(7) the independent counsel statute requires the Attorney General to consider the specificity of information provided and the credibility of the source of information pertaining to potential violations of criminal law by covered persons, including the President and the Vice President;

(8) the independent counsel statute further requires the Attorney General to petition the court for appointment of an independent counsel where the Attorney General finds that there is a reasonable likelihood that a violation of criminal law may have occurred involving a covered person;

(9) the Attorney General has been presented with specific and credible evidence pertaining to potential violations of criminal law by covered persons and there is a reasonable likelihood that a violation of criminal law may have occurred involving a covered person; and

(10) the Attorney General has abused her discretion by failing to petition the court for appointment of an independent counsel.

(b) It is the Sense of the Senate that the Attorney General should petition the court immediately for appointment of an independent counsel to investigate the reasonable likelihood that a violation of criminal law may have occurred involving a covered person in the 1996 presidential federal election campaign.

Mr. SPECTER. Madam President, this is the amendment that I had referred to earlier on sense of the Senate for independent counsel.

I ask unanimous consent that a letter from Senator MCCAIN to Attorney General Reno dated October 11, 1996, requesting independent counsel be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
October 11, 1996.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: I am writing to you to request that you use the authority granted to you in the Independent Counsel Reauthorization Act to immediately appoint an Independent Counsel to investigate charges raised in the media regarding the Democratic Party and Clinton-Gore Reelection Committee's use of soft money contributions which appear to have been in violation of election law.

These allegations charge that foreign nationals have been circumventing the law in order to funnel large campaign contributions to the Democratic party. I have enclosed copies of recent New York Times, Washington Post, and Wall Street Journal articles regarding this situation.

During this election season, I believe it is impossible for any Administration officials to determine whether any illegalities or ethical lapses have been committed regarding this situation. Therefore, it is crucial for the sake of the integrity of the Office of the President and the political party fundraising apparatus that this matter be investigated by an Independent Counsel.

Your immediate attention to this matter is appreciated.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

Mr. SPECTER. I ask unanimous consent that a letter dated October 29, 1996, from five Members of the House of Representatives requesting independent counsel be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, October 29, 1996.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: We are writing to request that you immediately apply for the appointment of an Independent Counsel to investigate the serious allegation that Federal criminal laws may have been violated by a number of high ranking officials in the Clinton Administration and at the Democratic National Committee (''DNC'').

This investigation should include, but not be limited to, the following specific reports that indicate violations of Federal law may have taken place:

1. The involvement of President Clinton, Vice President Gore, and officials of the Democratic National Committee in the solicitation, acceptance, and receipt of $250,000 from Cheong Am America, when the corporation had little or no domestic income, in direct violation of the Federal Election Campaign Act, and in the solicitation or receipt of over $300,000 from Arief and Soraya Wiriadinata at a time when the Wiriadinatas no longer resided in the United States, violating the plain language in Federal law prohibiting contributions by non-citizens outside the United States. Although the Cheong Am America contribution was returned following media inquiries, the $300,000 from the Wiriadinatas has been retained by the DNC for use in influencing American elections.

2. Incorrect reporting to the Federal Election Commission by officials of the DNC of the residence address of Arief and Soraya Wiriadinata, which presented the public appearance that the Wiriadinatas were in the United States and potentially intended to conceal the fact that their contributions were in fact unlawful. News reports indicate that the contributions apparently came after the Wiriadinatas had returned to Indonesia and that the Vice Chairman of Finance of the Democratic National Committee knew that the Wiriadinatas were out of the country (Los Angeles Times, 10/14/96). Property records on file in Fairfax County, Virginia show that the home reported on DNC Federal Election Commission (''FEC'') Reports as the Wiriadinata home address was sold by the Wiriadinata family on December 15, 1995, yet contributions received as late as July, 1996 continued to be reported as coming from that address.

3. The solicitation, acceptance and receipt of contributions from individuals, including Arief and Soraya Wiriadinata ($450,000), Yogesh Gandhi ($325,000), and individuals who made contributions in connection with the April 29, 1996 event at the Hsi Lai Temple in Hacienda Heights, California (an estimated $140,000) and a fundraiser at the Hay-Adams Hotel in Washington, D.C., in February 1996 (an estimated $1,000,000), when DNC officials involved in fundraising may have had good reason to know that these contributors did not have the financial resources to make contributions in the large amounts reported, and the contributors may therefore have been conduits for prohibited funds from foreign sources.

4. Fundraising activities on behalf of the DNC by John Huang while he was a Presidential appointee at the Department of Commerce, possibly with the knowledge of officials of the DNC, in violation of the Hatch Act. Contributions from the Wiriadinatas to the DNC were received in November of 1995, while Huang was serving as Deputy Assistant Secretary of Commerce for International Economic Policy. DNC Press Secretary Amy Weiss Tobe has stated to the press (Washington Post, October 12, 1996) that Arief and Soraya Wiriadinata contributed to the DNC after meeting John Huang in 1995, during the time he was employed at the U.S. Department of Commerce.

5. Possible improper influence on official government decisions as a result of large contributions made to the DNC or other entities by associates and allies of the Riady family and the Lippo group of foreign-owned and foreign-controlled corporations. Press reports indicate that a series of events, which would economically benefit the Lippo Group and the Riady family, took place after meetings between President Clinton, Clinton Administration officials, John Huang and James Riady. Federal bribery statutes prohibit the performing of any official government act in return for campaign contributions or other payments.

6. Knowing use of tax-exempt facilities at the Hsi Lai Temple by the DNC for fundraising purposes and knowing solicitation and acceptance of prohibited in-kind contributions from a non-profit entity to a political campaign through the DNC's failure to reimburse the Temple for its expenses in connection with the event until questioned by the media. Further, despite statements by Vice President Gore that the event was not a fundraiser, news reports have indicated that Mr. Huang called it a fundraiser, contributions were collected at the event, and attendees believed that they had to pay to attend.

7. The possible attempt by Mr. John Huang, an employee of the DNC, with either the knowledge or implicit approval of the DNC, to obstruct any investigation of his activities by evading the service of a subpoena for the purpose of preventing the release of information about his fundraising activities until after the November 5, 1996 election. Mr. Huang is reported to have raised as much as

$5 million in contributions for the DNC, and has so far refused to answer questions in public about his fundraising activities. Until a U.S. District Court Judge intervened, the DNC refused to cooperate or assist in having its employee, John Huang, provide information which would resolve questions as to the legality of the contributions which he solicited and which the DNC is now using to influence American elections.

8. Reports filed by the DNC with the Federal Election Commission for the period ending September 30, 1996 list the home address of at least thirty-one contributors to the DNC (with contributions totaling over $225,000) as 430 South Capitol Street SE, Washington, D.C. This address is not a residence, it is the address of the business offices of the DNC. By filing false and misleading information with the FEC, DNC officials may have sought to conceal and impede investigation into the true source and nature of these contributions.

Equally important as each of these individual acts is the overall pattern of questionable fundraising activity and the apparent deliberate flaunting of federal election law and usurpation of power and official privilege by the DNC's Vice Chairman of Finance, John Huang, for the benefit of and with the apparent cooperation of President Bill Clinton, Vice President Gore, and the Democratic National Committee. The magnitude of the funds involved, the high-rank of the officials involved and the potential knowing and willful violations committed make it impossible for any officials of this Administration's Justice Department to carry out an investigation that will be considered fair and free of outside influence!

Therefore it is crucial for the sake of the integrity of the Office of the President and the Office of the Vice President that this matter be investigated promptly by an independent counsel.

We look forward to a reply to this communication by Friday, November 1, 1996. Your early reply will reassure the American people that you are committed to preserving the integrity and independence of the Department of Justice.

Sincerely,

BILL THOMAS,
Chairman, Committee on House Oversight.
BEN GILMAN,
Chairman, Committee on International Relations.
BILL CLINGER,
Chairman, Committee on Government Reform and Oversight.
GERALD B. SOLOMON,
Chairman, Committee on Rules.
JOHN MCCAIN,
U.S. Senator.

Mr. SPECTER. I ask unanimous consent that a letter dated March 13, 1997, from the 10 Republican members of the Senate Judiciary Committee requesting independent counsel be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 13, 1997.

Hon. JANET RENO,
Attorney General of the United States, U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: This letter serves as a formal request, pursuant to 28 U.S.C. §592(g)(1), that you apply for the appointment of an independent counsel to investigate possible fundraising violations in connection with the 1996 presidential campaign. The purpose of this letter is not to provide an exhaustive list of the particular allegations that, we believe, warrant further investigation. Indeed, since the Department of Justice has been conducting an extensive investigation into fundraising irregularities for several months now, you presumably have far greater knowledge than do we of the various matters that are being, and will need to be, investigated, and we presume that your judgment as to the necessity of an independent counsel is based on all of the information before you. Rather, the purpose of this letter is to articulate why we believe this investigation should be conducted by an independent counsel. As you know, the Senate Committee on the Judiciary has, to date, refrained from joining the assortment of other individuals who have called upon you to initiate an independent counsel appointment. Recent developments over the past few weeks, however, have persuaded us that such an appointment is now necessary.

When you appeared before the Senate in 1993 when we were considering reenactment of the Independent Counsel statute, you stated:

''There is an inherent conflict of interest whenever senior Executive Branch officials are to be investigated by the Department of Justice and its appointed head, the Attorney General. The Attorney General serves at the pleasure of the President. Recognition of this conflict does not belittle or demean the impressive professionalism of the Department's career prosecutors, nor does it question the integrity of the Attorney General and his or her political appointees. Instead, it recognizes the importance of public confidence in our system of justice, and the destructive effect in a free democracy of public cynicism.''

You further testified that:

''It is absolutely essential for the public to have confidence in the system and you cannot do that when there is conflict or an appearance of conflict in the person who is, in effect, the chief prosecutor. * * * The Independent Counsel Act was designed to avoid even the appearance of impropriety in the consideration of allegations of misconduct by high-level Executive Branch officials and to prevent * * * the actual or perceived conflicts of interest. The Act thus served as a vehicle to further the public's perception of fairness and thoroughness in such matters, and to avert even the most subtle influences that may appear in an investigation of highly-placed Executive officials.''

We believe that, in light of recent developments, a thorough Justice Department investigation into possible fundraising violations in connection with the 1996 presidential campaign will raise an inherent conflict of interest, and that the appointment of an independent counsel is therefore required to ensure public confidence in the integrity of our electoral process and system of justice.

First recent revelations have demonstrated how officials at the highest level of the White House were involved in formulating, coordinating and implementing the DNC's fundraising efforts for the 1996 presidential campaign. Recent press reports, the files released by Mr. Ickes, and public statements by very high ranking present and former Clinton Administration officials indicate how extensively the Administration was involved in planning, coordinating, and implementing DNC fundraising strategy and activities. All this has led The New York Times to a conclusion which we find hard to challenge; namely, that ''the latest documentation shows clearly that the Democratic National Committee was virtually a subsidiary of the White House. Not only was [President] Clinton overseeing its fund-raising efforts, not only was he immersed in its ad campaigns, but D.N.C. employees were installed at the White House, using White House visitors' lists and communicating constantly with [President] Clinton's policy advisers.'' The New York Times, February 27, 1997. As a consequence, we believe that a thorough investigation of all but the most trivial potential campaign fundraising improprieties necessarily includes an inquiry into the possible knowledge and/or complicity of very senior White House officials in these improprieties. We believe that, without questioning in the slightest the integrity, professionalism or independence of the Attorney General or the individuals conducting the present Justice Department fundraising investigation, the fact that the Department's investigation will inescapably take it to the highest levels of the Executive Branch presents an inherent conflict of interest calling for the appointment of an independent counsel under 28 U.S.C. §591(c).

Moreover, these revelations raise new questions of possible wrongdoing by senior White House officials themselves, including but not limited to whether federal officials may have illegally solicited and/or received contributions on federal property; whether specific solicitations were ever made by federal officials at the numerous White House overnights, coffees, and other similar events, and whether these events themselves, often characterized in White House and DNC memoranda as ''fundraising'' events, constituted improper ''solicitations'' on federal property; whether government property and employees may have been used illegally to further campaign interests; and whether the close coordination by the White House over the raising and spending of ''soft''—and purportedly independent—DNC funds violated federal election laws, and/or had the legal effect of rendering those funds subject to campaign finance limitations they otherwise would not be subject to. It seems to us that, even accepting the narrow constructions of some of the governing statutes that have been suggested—which are not necessarily the constructions an independent counsel would render—the answer to whether criminal wrongdoing has occurred will of necessity turn on the resolution of disputed factual, legal, and state of mind determinations. Because the inquiry necessary to make these determinations will inescapably involve high level Executive Branch officials, we believe they should be left to an independent counsel in order to avoid a real or apparent conflict of interest. Moreover, where individuals covered by the independent counsel statute are involved, as they plainly were here, see 28 U.S.C. §591(b), the Ethics in Government Act requires that these inquiries be conducted by an independent counsel. Whether the Act simply permits or requires the appointment of an independent counsel, however, we believe that prudence and the American people's ability to have confidence that the investigation remains free of a conflict of interest, requires it.

Second, the emerging story regarding the possibility that foreign contributions were funneled into U.S. election coffers to influence U.S. foreign policy further highlights the conflict of interest your ongoing investigation inescapably confronts. A March 9, 1997, Washington Post article quoted ''U.S. government officials''—presumably familiar with the Department's ongoing investigation—as stating that investigators have obtained '''conclusive evidence' that Chinese government funds were funneled into the United States last year,'' and quoted one official as stating that ''there is no question that money was laundered.'' This article reported that U.S. officials described a plan by China ''to spend nearly $2 million to buy influence not only in Congress but also within

the Clinton Administration.'' If the FBI truly is investigating these allegations, as is reported, and this investigation extends to high level Executive Branch officials, it raises an inherent conflict of interest.

Moreover, a closer look at the activities and associations of some of the particular individuals who are reported to be the principal figures in the ongoing investigation further illustrates why this investigation ultimately must involve high levels of the Executive Branch. Especially troubling is the information revealed to date regarding the Riady family and their associate, Mr. John Huang, but serious questions are also raised by the activities and associations of Mr. Charles Yah Lin Trie, Ms. Pauline Kanalanchak, and Mr. Johnny Chung, among others. Taken together, these reported events raise a host of serious questions warranting further investigation: To what extent were illegal contributions from foreign sources, in particular China, being funneled into the United States, and with whose knowledge and involvement? To what extent was U.S. policy influenced by these contributions, and with whose knowledge and/or involvement? To what extent were the decisions to hire Huang at the Commerce Department, to support most-favored-nation status for China and Chinese accession to the World Trade Organization, or to normalize relations with Vietnam, influenced by contributions, and with whose knowledge and/or involvement? To what extent was the standard NSC screening process for admission to the White House waived or modified so as to permit special access to large donors and their guests where it would ordinarily be denied, and with whose knowledge and/or involvement? To what extent was John Huang placed at the DNC to raise money in exchange for past and future favors, and with whose knowledge and/or involvement?

It is evident that these questions cannot be properly investigated without a conflict of interest, since investigating most of these questions will require inquiring into the knowledge and/or conduct of individuals at the highest levels of the Executive Branch. Moreover, several of the principal figures in this investigation, including the Riadys and the Lippo Group and Charlie Trie, reportedly have longstanding ties to President Clinton.

Indeed, the conflicts at issue here are precisely the sort of ''inherent conflict[s] of interest'' to which you testified during Senate hearings in 1993 on the re-enactment of the Independent Counsel Act. Avoiding an actual or perceived conflict of interest was the basis not just for your application for the appointment of an independent counsel to investigate James McDougal, but also for your recent requests to extend that counsel's jurisdiction to include investigations of Anthony Marceca and Bernard Nussbaum. The same concern warrants your application for an independent counsel here, where public confidence can be assured only by the appointment of an independent counsel to investigate any alleged wrongdoing in connection with DNC, Clinton Administration, and Clinton/Gore Campaign fundraising during the 1994–1996 election cycle. As you yourself testified, applying for an independent counsel, and our request that you make such an application, in no way detracts from the integrity and independence of the Attorney General or the career prosecutors presently investigating these allegations.

Pursuant to the statute, please report back to the Committee within 30 days whether you have begun or will begin a preliminary investigation, identifying all of the allegations you are presently investigating or as to which you have received information, and indicating whether you believe each of these allegations are based on specific information from credible sources, and either pertain to a covered individual or present a conflict of interest. Please also provide your reasons for those determinations. See 28 U.S.C. §592(g)(2). In the event you conduct a preliminary investigation, but do not apply for the appointment of an independent counsel, or apply for an independent counsel but only with respect to some of the various allegations on which you have received information, please identify all those allegations which in your view do not warrant appointment of an independent counsel, and explain your view whether those allegations warrant further investigation, pertain to a covered individual, and/or present a conflict of interest. See 28 U.S.C. §592(g)(3).

Sincerely,

Orrin Hatch, Chuck Grassley, John Ashcroft, Spencer Abraham, Mike DeWine, Strom Thurmond, Arlen Specter, Jon Kyl, Fred Thompson, Jeff Sessions.

Mr. SPECTER. And I ask unanimous consent that a copy of the letter from Attorney General Reno dated April 14, 1997, responding to Senator HATCH be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, April 14, 1997.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On March 13, 1997, you and nine other majority party members of the Committee on the Judiciary of the United States Senate wrote to me requesting the appointment of an independent counsel to investigate possible fundraising violations in connection with the 1996 presidential campaign. You made that request pursuant to a provision of the Independent Counsel Act, 28 U.S.C. §592(g)(1), which provides that ''a majority of majority party members [of the Committee on the Judiciary] * * * may request in writing that the Attorney General apply for the appointment of an independent counsel.'' The Act requires me to respond within 30 days, setting forth the reasons for my decision on each of the matters with respect to which your request is made. 28 U.S.C. §592(g)(2).

I am writing to inform you that I have not initiated a ''preliminary investigation'' (as that term is defined in the Independent Counsel Act) of any of the matters mentioned in your letter. Rather, as you know, matters relating to campaign financing in the 1996 Federal elections have been under active investigation since November by a task force of career Justice Department prosecutors and Federal Bureau of Investigation (FBI) agents. This task force is pursuing the investigation vigorously and diligently, and it will continue to do so. I can assure you that I have given your views and your arguments careful thought, but at this time, I am unable to agree, based on the facts and the law, that an independent counsel should be appointed to handle this investigation.

1. THE INDEPENDENT COUNSEL ACT

In order to explain my reasons, I would like to outline briefly the relevant provisions of the Independent Counsel Act. The Act can be invoked in two circumstances that are relevant here:

First, if there are sufficient allegations (as further described below) of criminal activity by a covered person, defined as the President and Vice President, cabinet officers, certain other enumerated high Federal officials, or certain specified officers of the President's election campaign (not party officials), see 28 U.S.C. §591(b), I must seek appointment of an independent counsel.

Second, if there are sufficient allegations of criminal activity by a person other than a covered person, and I determine that ''an investigation or prosecution of [that] person by the Department of Justice may result in a personal, financial or political conflict of interest,'' see 28 U.S.C. §591(c)(1), I may seek appointment of an independent counsel.

In either case, I must follow a two-step process to determine whether the allegations are sufficient. First, I must determine whether the allegations are sufficiently specific and credible to constitute grounds to investigate whether an individual may have violated Federal criminal law. 28 U.S.C. §591(d). If so, the Department commences a ''preliminary investigation'' for up to 90 days (which can be extended an additional 60 days upon a showing of good cause). 28 U.S.C. §592(a). If, at the conclusion of this ''preliminary investigation,'' I determine that further investigation of the matters is warranted, I must seek an independent counsel.

Certain important features of the Act are critical to my decision in this case:

First, the Act sets forth the only circumstances in which I may seek an independent counsel pursuant to its provisions. I may not invoke its procedures unless the statutory requirements are met.

Second, the Act does not permit or require me to commence a preliminary investigation unless there is specific and credible evidence that a crime may have been committed. In your letter, you suggest that it is not the responsibility of the Department of Justice to determine whether a particular set of facts suggests a potential Federal crime, but that such legal determinations should be left to an independent counsel. I do not agree. Under the Independent Counsel Act, it is the Department's obligation to determine in the first instance whether particular conduct potentially falls within the scope of a particular criminal statute such that criminal investigation is warranted. If it is our conclusion that the alleged conduct is not criminal, then there is no basis for appointment of an independent counsel, because there would be no specific and credible allegation of a violation of criminal law. See 28 U.S.C. §592(a)(1).

Third, there is an important difference between the mandatory and discretionary provisions of the Act. Once I have received specific and credible allegations of criminal conduct by a covered person, I must commence a preliminary investigation and, if further investigation is warranted at the end of the preliminary investigation, seek appointment of an independent counsel. If, on the other hand, I receive specific and credible evidence that a person not covered by the mandatory provisions of the Act has committed a crime, and I determine that a conflict of interest exists with respect to the investigation of that person, I may—but need not—commence a preliminary investigation pursuant to the provisions of the Act. This provision gives me the flexibility to decide whether, overall, the national interest would be best served by appointment of an independent counsel in such a case, or whether it would be better for the Department of Justice to continue a vigorous investigation of the matter.

Fourth, even this discretionary provision is not available unless I find a conflict of interest of the sort contemplated by the Act. The Congress has made it very clear that this provision should be invoked only in certain narrow circumstances. Under the Act, I must conclude that there is a potential for an actual conflict of interest, rather than merely an appearance of a conflict of interest. The Congress expressly adopted this higher standard to ensure that the provision

would not be invoked unnecessarily. See 128 Cong. Rec. H 9507 (daily ed. December 13, 1982) (statement of Rep. Hall). Moreover, I must find that there is the potential for such an actual conflict with respect to the investigation of a particular person, not merely with respect to the overall matter. Indeed, when the Act was reauthorized in 1994, Congress considered a proposal for a more flexible standard for invoking the discretionary clause, which would have permitted its use to refer any ''matter'' to an Independent Counsel when the purposes of the Act would be served. Congress rejected this suggestion, explaining that such a standard would ''substantially lower the threshold for use of the general discretionary provision.'' H.R. Conf. Rep. No. 511, 103rd Cong., 2nd Sess. 9 (1994).

2. COVERED PERSONS—THE MANDATORY PROVISIONS OF THE ACT

Let me now turn to the specific allegations in your letter. You assert that there are ''new questions of possible wrongdoing by senior White House officials themselves,'' and you identify a number of particular types of conduct in support of this claim. While all of the specific issues you mention are under review or active investigation by the task force, at this time we have no specific, credible evidence that any covered White House official may have committed a Federal crime in respect of any of these issues. Nevertheless, I will discuss separately each area that you raise.

a. *Fundraising on Federal Property*. First, you suggest that ''federal officials may have illegally solicited and/or received contributions on federal property.'' The conduct you describe could be a violation of 18 U.S.C. §607. We are aware of a number of allegations of this sort; all are being evaluated, and where appropriate, investigations have been commenced. The Department takes allegations of political fundraising by Federal employees on Federal property seriously, and in appropriate cases would not hesitate to prosecute such matters. Indeed, the Public Integrity Section, which is overseeing the work of the campaign financing task force, recently obtained a number of guilty pleas from individuals who are soliciting and accepting political contributions within the Department of Agriculture.

The analysis of a potential section 607 violation is a fact-specific inquiry. A number of different factors must be considered when reviewing allegations that this law may have been violated:

First, the law specifically applies only to contributions as technically defined by the Federal Election Campaign Act (FECA)—funds commonly referred to as ''hard money.'' The statute originally applied broadly to any political fundraising, but in 1979, over the objection of the Department of Justice, Congress narrowed the scope of section 607 to render it applicable only to FECA contributions. Before concluding that section 607 may have been violated, we must have evidence that a particular solicitation involved a ''contribution'' within the definition of the FECA.

Second, there are private areas of the White House that, as a general rule, fall outside the scope of the statute, because of the statutory requirement that the particular solicitation occur in an area ''occupied in the discharge of official duties.'' 3 Op. Off. Legal Counsel 31 (1979). The distinction recognizes that while the Federal Government provides a residence to the President, similar to the housing that it might provide to foreign service officers, this residence is still the personal home of an individual within which restrictions that might validly apply to the Federal workplace should not be imposed. Before we can conclude that section 607 may have been violated, we must have evidence that fundraising took place in locations covered by the provisions of the statute.

Thus, while you express concerns about the possibility of ''specific solicitations * * * made by federal officials at the numerous White House overnights, coffees, and other similar events,'' we do not at this time have any specific and credible evidence of any such solicitation by any covered person that may constitute a violation of section 607.

We do not suggest, of course, that our consideration of information concerning fundraising on Federal property is limited to whether the conduct constituted a violation only of section 607. However, at this point in time, we have no specific and credible evidence to suggest that any crime was committed by any covered person in connection with these allegations.

b. *Misuse of Government Resources*. You next assert that Government property and employees may have been used illegally to further campaign interests—conduct which might, in some circumstances, constitute a theft or conversion of Government property in violation of 18 U.S.C. §641. Again, we are actively investigating allegations that such misconduct may have occurred. However, we are unaware at this time of any evidence that any covered person participated in any such activity, other than use of Government property that is permitted under Federal law, such as the reports that the Vice President used a Government telephone, charging the calls to a nongovernment credit card. Federal regulations permit such incidental use of Government property for otherwise lawful personal purposes. See, e.g., 5 C.F.R. §2635.704; 41 C.F.R. §201–21.601 (personal long distance telephone calls). Thus, for example, allegations that a Government telephone or telefacsimile machine may have been used on a few occasions by a covered person for personal purposes does not amount to an allegation of a Federal crime. To the extent that there are allegations warranting investigation that individuals not covered by the Independent Counsel Act diverted Government resources, it is my conclusion, as I explain below, that there is at present no conflict of interest for the Department of Justice to investigate and, if appropriate, prosecute those involved in any such activity.

c. *Foreign Efforts to Influence U.S. Policy*. You next cite reports suggesting the possibility that foreign contributions may have been made in hopes of influencing American police decisions. These allegations are under active investigation by the task force. The facts known at this time, however, do not indicate the criminal involvement of any covered person in such conduct.

It is neither unique nor unprecedented for the Department to receive information that foreign interests might be seeking to infuse money into American political campaigns. That was precisely the scenario that underlay the criminal investigations, prosecutions and congressional hearings during the late 1970s involving allegations that a Korean businessman was making illegal campaign contributions, among other things, to Members of Congress to curry congressional support for the Government of South Korea. In a more recent example, in 1996 an individual was prosecuted and convicted for funneling Indian Government funds into Federal elections through the cover of a political action committee.

Absent specific and credible evidence of complicity by a covered person, it has never been suggested that the mere allegation that a foreign government may have been trying to provide funds to Federal campaigns should warrant appointment of an independent counsel. Nor can it be the case that an independent counsel is required to investigate because campaign contributors or those who donated to political parties believed their largesse would influence policy or achieve access. The Department of Justice routinely handles such allegations, and because of its experience in reviewing and investigating these sensitive matters, embracing, among other things, issues of national security, is particularly well-equipped to do so.

d. *Coordination of Campaign Fundraising and Expenditures*. You also suggest that the ''close coordination by the White House over the raising and spending of 'soft'—and purportedly independent—DNC funds violated Federal election laws, and/or had the legal effect of rendering those funds subject to campaign finance limitations they otherwise would not be subject to.'' We believe this statement misapprehends the law. The FECA does not prohibit the coordination of fundraising or expenditures between a party and its candidates for office. Indeed, the Federal Election Commission (FEC), the body charged by Congress with primary responsibility for interpreting and enforcing the FECA, has historically assumed coordination between a candidate and his or her political party.

Of course, coordinated expenditures may be unlawful under the FECA if they are made with funds from prohibited sources, if they were misreported, or if they exceeded applicable expenditure limits. However, we presently lack specific and credible evidence suggesting that any covered person participated in any such violations, if they occurred.

With respect to coordinated media advertisements by political parties (an area that has received much attention of late, the proper characterization of a particular expenditure depends not on the degree of coordination, but rather on the content of the message. Indeed, just last year the FEC and the content of the message. Indeed, just last year the FEC and the Department of Justice took this position in a brief filed before the Supreme Court, in a case decided on other grounds. See generally, Brief for the Respondent, *Colorado Republican Federal Campaign Committee* v. *FEC* (S. Ct. No. 95–489), at 2–3, 18 n. 15, 23–24. In this connection, the FEC has concluded that party media advertisements that focus on ''national legislative activity'' and that do not contain an ''electioneering message'' may be financed, in part, using ''soft'' money, i.e., money that does not comply with FECA's contribution limits. FEC Advisory Op. 1995–25, 2 Fed. Elec. Camp. Fin. Guide (CCH) ¶ 6162, at 12,109–12,110 (August 24, 1995); FEC Advisory Op. 1985–14, 2 Fed. Elec. Camp. Fin. Guide (CCH) ¶ 5819, at 11,185–11,186 (May 30, 1985). Moreover, such advertisements are not subject to any applicable limitations on coordinated expenditures by the party on behalf of its candidates. AO 1985–14 at 11–185–11,186.

We recognize that there are allegations that both presidential candidates and both national political parties engaged in a concerted effort to take full advantage of every funding option available to them under the law, to craft advertisements that took advantage of the lesser regulation applicable to legislative issue advertising, and to raise large quantities of soft political funding to finance these ventures. However, at the present time, we lack specific and credible evidence suggesting that these activities violated the FECA. Moreover, even assuming that, after a thorough investigation, the FEC were to conclude that regulatory violations occurred, we presently lack specific and credible evidence suggesting that any covered person participated in any such violations.

3. CONFLICT OF INTEREST—THE DISCRETIONARY PROVISIONS OF THE ACT

In urging me to conclude that the investigation poses the type of potential conflict of interest contemplated by the Act, you rely heavily on my testimony before the Senate Committee on Government Affairs in 1993 in support of reauthorization of the Independent Counsel Act. I stand by those views and continue to support the overall concept underlying the Act. My decisions pursuant to the Act have been, I believe, fully consistent with those views.

The remarks you quote from my testimony should be interpreted within the context of the statutory language I was discussing. When, for example, I referred to the need for the Act to deal with the inherent conflict of interest when the Department of Justice investigates ''high-level Executive Branch officials,'' I was referring to persons covered under the mandatory provisions of the Act. With respect to the conflict of interest provision, my testimony expressed the conviction that the Act ''would in no way preempt this Department's authority to investigate public corruption,'' and that the Department was clearly capable of ''vigorous investigations of wrongdoing by public officials, whatever allegiance or stripes they may wear. I will vigorously defend and continue this tradition.'' While I endorsed the concept of the discretionary clause to deal with unforeseeable situations, I strongly emphasized that ''it is part of the Attorney General's job to make difficult decisions in tough cases. I have no intention of abdicating that responsibility[.]'' These principles continue to guide my decisionmaking today.

There are times when reliance on the discretionary clause is appropriate, and indeed, as you point out, I have done so myself on a few occasions. However, in each of those cases, I considered the particular factual context in which the allegations against those persons arose and the history of the matter. Moreover, even after finding the existence of a potential conflict, I must consider whether under all the circumstances discretionary appointment of an independent counsel is appropriate. In each case, therefore, the final decision has been an exercise of my discretion, as provided for under the Act.

I have undertaken the same examination here. Based on the facts as we know them now, I have not concluded that any conflict of interest would ensue from our vigorous and thorough investigation of the allegations contained in your letter.

Your letter relies upon press reports, certain documents and various public statements which you assert demonstrate that ''officials at the highest level of the White House were involved in formulating, coordinating and implementing the [Democratic National Committee's (DNC's)] fundraising efforts for the 1996 presidential campaign.'' You suggest that a thorough investigation of ''fundraising improprieties'' will therefore necessarily include an inquiry into the ''knowledge and/or complicity of very senior White House officials,'' and that the Department of Justice would therefore have a conflict of interest investigating these allegations.

To the extent that ''improprieties'' comprise crimes, they are being thoroughly investigated by the agents and prosecutors assigned to the task force. Should that investigation develop at any time specific and credible evidence that any covered person may have committed a crime, the Act will be triggered, and I will fulfill my responsibilities under the Act. In addition, should that investigation develop specific and credible evidence that a crime may have been committed by a ''very senior'' White House official who is not covered by the Act, I will decide whether investigation of that person by the Department might result in a conflict of interest, and, if so, whether the discretionary clause should be invoked. Until then, however, the mere fact that employees of the White House and the DNC worked closely together in the course of President Clinton's reelection campaign does not warrant appointment of an independent counsel. As I have stated above, the Department has a long history of investigating allegations of criminal activity by high-ranking Government officials without fear or favor, and will do so in this case.

I also do not accept the suggestion that there will be widespread public distrust of the actions and conclusions of the Department if it continues to investigate this matter, creating a conflict of interest warranting the appointment of an independent counsel. First, unless I find that the investigation of a particular person against whom specific and credible allegations have been made would pose a conflict, I have no authority to utilize the procedures of the Act. Moreover, I have confidence that the career professionals in the Department will investigate this matter in a fashion that will satisfy the American people that justice has been done.

Finally, even were I to determine that a conflict of interest of the sort contemplated by the statute exists in this case—and as noted above I do not find such a conflict at this time—there would be a number of weighty considerations that I would have to consider in determining whether to exercise my discretion to seek an independent counsel at this time. Because invocation of the conflict of interest provision is discretionary, it would still be my responsibility in that circumstance to weigh all the factors and determine whether appointment of an independent counsel would best serve the national interest. If in the future this investigation reveals evidence indicating that a conflict of interest exists, these factors will continue to weigh heavily in my evaluation of whether or not to invoke the discretionary provisions of the Act.

I assure you, once again, that allegations of violations of Federal criminal law with respect to campaign financing in the course of the 1996 Federal elections will be thoroughly investigated and, if appropriate, prosecuted. At this point it appears to me that that task should be performed by the Department of Justice and its career investigators and prosecutors. I want to emphasize, however, that the task force continues to receive new information (much has been discovered even since I received your letter), and I will continue to monitor the investigation closely in light of my responsibilities under the Independent Counsel Act. Should future developments make it appropriate to invoke the procedures of the Act, I will do so without hesitation.

Sincerely,

JANET RENO.

Mr. SPECTER. Madam President, I have circularized my intent to pursue this amendment, and there is no other Senator on the floor now who seeks recognition. Before suggesting the absence of a quorum, let me say that we had talked earlier about having a vote on the Kyl mendment at 5 o'clock this afternoon. We have not yet locked in that amendment, but it is now being hot lined. It is my expectation that we will vote at 5 o'clock this afternoon on the Kyl amendment.

I now ask, Madam President, that anybody who opposes the sense-of-the-Senate resolution for independent counsel come to speak, anybody who favors it come to speak, or if somebody has another amendment, come to speak. We will be glad to set this aside and proceed with the business.

We also ask there be a hot line looking for a unanimous consent agreement later this afternoon, perhaps early evening, 6 o'clock, 6:30, to limit any further amendments which may be offered so that we may get a calendar as to what we are going to do on this bill to proceed to third reading and final disposition, because it is the intention of the managers to move for third reading if no other amendments are pending.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, I ask unanimous consent that Ann McKinley, a fellow on my staff, be granted the privilege of the floor during consideration of the fiscal year 1998 Labor-HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1056

Mr. WELLSTONE. I thank the Chair. Mr. President, I actually will be brief. I had a chance yesterday to speak in opposition to the amendment of my colleague from Arizona, Senator KYL. I know that other Senators have spoken about this as well.

I was on the floor early this morning when both Senator SPECTER and Senator HARKIN spoke about it. Mr. President, the part of the Kyl amendment which I am sympathetic to, and my guess is that a good many other Senators are sympathetic to it as well, would be the effort to try to expand funding for the Pell Grant Program. And, Mr. President, as my colleague, Senator HARKIN from Iowa, said earlier this morning, interestingly enough, the Pell Grant Program, named after Claiborne Pell, our Senator—I think all of us really came to admire and believe in Claiborne Pell—really does represent a kind of positive role for the public sector, for Government, because what we as a country have decided is that there are certain decisive areas of life in a

nation where you do not just leave it up to a market verdict.

If, in fact, you have a family, a young person or not such a young person who cannot afford higher education, there is a role to make sure that man or that woman can afford to go on to college, especially since this is becoming more and more important in determining how they will do economically or how their families will do.

Indeed, there is a statistic that is a shameful statistic that we have had since the late 1970's, about an 8-percent graduation rate from colleges and universities of those men and women from families with incomes under $20,000 a year, the main reason being that they have not been able to afford to go on and get their higher education.

I said this yesterday—and I will have an amendment that will try to speak to this today or tomorrow—it is also true that with all the discussion about HOPE scholarships and tax credits, since they are not refundable, all families with incomes below $28,000 a year are not going to become eligible. So we still have a huge hole, especially for those students from moderate- and low-income families. So it seems to me, if we are going to be talking about providing support for higher education and for families and for young men and women and older men and women—many of our students are older now in our community colleges—we ought to make sure that low-income are included.

The problem with the Kyl amendment is that he takes the funding from the LIHEAP, the Low-Income Energy Assistance Program, which is a lifeline program for very vulnerable families, especially for those of us who represent cold weather States, although part of low-income energy assistance is also, I say to the Chair, since he is from the great State of North Carolina, some of it also is for cooling assistance. I think it was two summers ago that we had a number of people in Chicago, poor people, who died, elderly people, from exposure to heat. They just could not afford air conditioning.

So, Mr. President, what the Kyl amendment does is it rescinds about $500 million, takes about half of what is in a $1 billion program—it has already been cut way down—and it essentially ends the program.

Mr. President, I just want people to know, my colleagues to know—I think they do—I think we are going to have a strong vote in opposition to the amendment, and that the vast majority of the recipients of an energy grant is maybe $300 a year, or thereabouts. It is a lifeline program. It just enables an elderly person to be able to afford heat and not have to then spend more than she can afford and, therefore, not be able to get ahold of a prescription drug she needs or maybe have to cut back on food on the table.

It is not much. It is extremely important. The vast majority of the citizens—there are about 110,000 households in Minnesota that have participated, have incomes under $8,000 a year. These are not wealthy people or middle-income people. These are people who are hard pressed. This is a lifeline program. It represents the goodness in us. And we cannot be gutting this program.

I have been involved in this fight to kind of maintain or protect the LIHEAP program for the last 3 or 4 years. I do not know why we have to go through this every time.

Mr. President, let me just make it clear that if you wanted to expand the Pell Grant Program, I can think of other ways to do it. I mean, now we know that with the B–2, the stealth bomber program, we have planes that cannot fly in the rain or the snow. I mean, I will have an amendment later on that will say, let us not build any more of these turkeys. And you can just transfer that funding for the Pell Grant Program. But do not take it out of low-income energy assistance.

I see my colleague from Pennsylvania here. I thank him for his graciousness in allowing me to have some time to speak about this. But again, colleagues have heard it from the Senator from Pennsylvania, Senator SPECTER, Senator HARKIN, any number of Senators who have come to the floor on this. And, again, I hope there will be a strong vote against the amendment.

It is extremely important. It is a matter of elementary decency, if you will, to provide people with some support that they need. It is a lifeline support program. And I tell you, to a cold weather State like Minnesota, it is very important. We already know in Minnesota right now that we are going to have to ask for some additional emergency energy assistance. We did last winter. That is what happens. This is an underfunded program, not overfunded. The only reason I do not have an amendment calling for more funding is I know the White House, the administration, has been good about providing that emergency funding for States that need it.

So, Mr. President, the last thing in the world that makes any sense is to essentially gut this program by rescinding $500 million. To all my colleagues, I hope you will vote against this amendment. To Senator KYL, who is a Senator that I like and respect, I think you are profoundly mistaken with this amendment, as much as I appreciate your good work here. I hope that we will have a very strong bipartisan vote against this amendment.

Mr. KENNEDY. Mr. President, I oppose the amendment offered by Senator KYL. I am reluctant to do so because I strongly support changes in the eligibility rules for independent and dependent students for Pell grants.

Congress needs to make changes in the eligibility rules for these students. Both independent students and dependent students are unfairly disadvantaged by the rules now in effect. Today, single independent students at public 4-year institutions are not eligible for a Pell grant if their income is over $10,000. Many of these students will not benefit from the HOPE tax credit and the tax credit for lifelong learning. Federal funds should be available to help them meet their most basic college expenses.

A similar problem faces dependent students. The income protection allowance is so low for them that it has become a disincentive for college students to work part-time to help them contribute to college costs. Over three-quarters of undergraduates work part-time while enrolled in college. The current system penalizes students who work during the summer and part-time through the school year by reducing their Pell grant eligibility. We should be encouraging students to take part-time jobs, rather than take out additional loans.

The budget agreement contains a commitment to allocate $700 million for changes to the needs analysis formula under the Pell grants. The House appropriations subcommittee provided over $500 million toward this commitment, but the Senate bill contains no funds for this needed change.

I am working with others in Congress and with the Department of Education to ensure that a satisfactory appropriation level is contained in the final bill.

Senator KYL supports making funds available to reform the needs analysis. But unfortunately, to pay for the reform, he makes a deep cut in the Low-Income Home Energy Assistance Program.

For the 5 million beneficiaries of LIHEAP across the Nation, including 120,000 in Massachusetts, it will be an unnecessarily harsh winter if this important program is slashed.

Some 95 percent of the households receiving LIHEAP assistance have annual incomes below $18,000. They spend an extremely burdensome 18 percent of their income on energy, compared to the average middle-class family, which spends only 4 percent.

Researchers at Boston City Hospital have documented a ''heat or eat effect.'' Higher utility bills during the coldest months force low-income families to spend less money on food. The result is increased malnutrition among children.

Almost twice as many low-weight and undernourished children were admitted to Boston City Hospital's emergency room immediately following the coldest month of the winter. No family should have to choose between heating and eating.

Low-income elderly will be at the greatest risk if LIHEAP funds are slashed, because they are the most vulnerable to hypothermia. In fact, older Americans accounted for more than half of all hypothermia deaths in 1991.

In addition, the elderly are much more likely to live in homes built before 1940, which are less energy efficient and put them at greater risk.

Low-income elderly who have trouble paying their fuel bills are often driven

to rely on room heaters, fireplaces, ovens, and wood-burning stoves to save money. Between 1986 and 1990, these higher-risk heating sources were the second leading cause of fire deaths among the elderly. In fact, elderly citizens are up to 12 times more likely to die in heating-related fires than adults under 65.

LIHEAP is a lifeline for Massachusetts and many other cold weather States. I hope we can work together to make the needs analysis changes in the Pell grants, without denying this lifeline to a very vulnerable group. I urge that the Kyl amendment be defeated.

Mr. JEFFORDS. Mr. President, I rise today to join with the distinguished chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, Senator SPECTER and the subcommittee's ranking member Senator HARKIN, in opposition to Senator KYL's amendment to cut funding for the Low-Income Home Energy Assistance Program [LIHEAP]. While I applaud the Senator from Arizona's goal to increase funding for Pell grants, I can not sanction a move that would essentially gut the LIHEAP program, effectively depriving millions of the disadvantaged, elderly, and disabled of critical assistance.

Mr. President, the appropriation for LIHEAP has declined more than 50 percent over the past decade, down from $2.1 billion in fiscal 1985. During that time, the eligible population has grown from 23 to 30 million. In Vermont, Federal cutbacks have forced the State to push back the deadline for applying for fuel aid to September 2. Mr. President, I strongly disagree with the contention that the need for fuel assistance has declined since the program's founding. Last winter, two-thirds of the 1,400 Vermonters who missed the State's benefits deadline were denied assistance; and the number of people who ran out of fuel and requested emergency aid doubled.

Mr. President, Federal cutbacks since 1995 have reduced the number of families in Vermont that receive assistance from over 24,000 to around 12,000 this year. These families should not face the prospect of further cutbacks.

Mr. President, I want to emphasize to the program's critics that LIHEAP helps the neediest of the needy. As others have already stated, almost 70 percent of recipient families have an annual income of less than $8,000, and 44 percent have at least one member who is elderly and 20 percent have one member who is disabled. Currently, only 5 million families are being served nationally, a million less than 2 years ago.

Mr. President, this is a time to increase funding for LIHEAP not decrease it. Last month, as cochair of the Northeast-Midwest Senate Coalition, I spearheaded a letter to Senators SPECTER and HARKIN that asked for an increase in regular funding for LIHEAP so that the program is not forced to rely on releases of emergency funds to meet basic needs. Fifty-five Senators signed on to this letter.

Mr. President, the Appropriations Committee should be commended for recognizing that the need for LIHEAP is greater than current resources. The committee has included $1.2 billion in so-called advance funds for fiscal 1999. I urge my colleagues to overwhelmingly reject this amendment to cut LIHEAP and support Senators SPECTER and HARKIN in their effort to increase LIHEAP funding in fiscal 1999.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, there has been a hotline run, that is to say, Senators on both sides of the aisle have been notified, and I now ask unanimous consent that a vote occur on or in relation to the pending Kyl amendment at 5 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I again renew the request that any Senator who has an amendment to offer should come to the floor. And again I say that we are going to be seeking a unanimous-consent agreement to limit amendments which were filed, trying to get that accomplished by late afternoon or early evening.

Again, in the absence of any Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I rise to discuss the pending amendment. I understand we will soon vote on the amendment of the Senator from Arizona, Senator KYL. I wanted to take just a moment to address that amendment that is before the body.

Mr. President, Senator KYL has suggested that we increase Pell grant funding by $528 million. That is a worthy goal. That is something that I would like to see done. But he suggests paying for it by taking that money out of the low-income heating assistance program.

The Senator from Arizona experiences a different reality than the one I experience. The Senator from Arizona says the energy crisis is over; the need for low-income heating assistance has ended. I could not disagree more. We have just had in my State the worst winter in our history. In fact, we saw heating oil prices spike significantly, with natural gas hitting an all-time high. Propane spiked dramatically, hitting an all-time high.

Mr. President, this is not the time to end the low-income heating assistance program. We just went through a winter in which not only did we have the worst winter in terms of snowfall in our history, but we had, if I am not mistaken, eight blizzards and nine major winter storms. We also had the most powerful winter storm in 50 years in the first week of April.

Mr. President, that was devastating in my State. In fact, this collection of storms was devastating in my State. Low-income heating assistance played a key role in helping people who are faced with the choice between heating and eating. That is not a choice anybody should have to make in this country.

So, while I certainly support the underlying intention of the Senator from Arizona to increase assistance for Pell grants, I would simply point to the record of what we have already done.

We have a $1 billion increase for Pell grants in this legislation; funding of $6.9 billion for Pell grants. Again, I would like to see that increased further. But I don't think the way to fund it is to dramatically reduce what is available for low-income heating assistance. This bill has $1 billion for fiscal year 1998 in low-income heating assistance and $300 million in an emergency contingency fund. To cut back by $528 million to add to Pell grants I don't think can be justified.

So I ask my colleagues to join me in opposing the Kyl amendment, not because I am opposed to an increase in Pell grants but because I am opposed to taking it out of low-income heating assistance at a time when we have just experienced in the northern plains the worst winter in our history, and, if the almanac is to be believed, we may be faced with another tough winter this year. I hope that is not the case, but if it is, low-income heating assistance may make the difference between people making a decision of heating versus eating. Again, that is not a decision anybody should have to make.

I thank the Chair.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that we be given an extra 5 minutes past 5 o'clock to make statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DAY OF RECOGNITION FOR THE HUMANITARIAN EFFORTS OF DIANA, PRINCESS OF WALES

Mr. HATCH. Mr. President, today I am offering for myself, Senator LEAHY, Senator SPECTER, Senator LANDRIEU, Senator MIKULSKI, and I am sure others, a resolution that designates Saturday, September 6, 1997, as a National Day of Recognition for the Humanitarian Efforts of Diana, Princess of Wales.

Death is always difficult to accept. It is, however, more difficult when it captures someone in the prime of her life as it has Princess Diana. It is safe to say that events surrounding her death will make us all take a closer look at the handling of this event by the press, its responsibilities, and the role it should play in the future.

As a mother, humanitarian, and a goodwill ambassador, Princess Diana was an inspiration to many people throughout the world who admired her strength in adversity, her dedication to those less fortunate, and her devoted love to her children.

The extraordinary outpouring of grief and affection is a true testament to the legacy that she leaves. The stunning array of flowers, candles, and notes in front of the British Embassy is just one indication of the high esteem in which the Princess was held here in the United States. Our country rejected a monarchy a long time ago, but we know a true friend when we see one.

In a town accustomed to the art of issue advocacy, the Princess of Wales was clearly one of the most persuasive and compelling advocates to have graced our Nation's Capital. Much has already been said about her efforts to raise awareness and attention to breast cancer and AIDS. She recently took up the cause of banning the deployment of antipersonnel landmines. She was informed and articulate and committed to these causes.

Many people can make speeches, and many people can throw gala benefits. What set Diana apart from others working for these same causes was the gentleness of her spirit. To break the back of intolerance and to help to dispel unfounded notions about AIDS, Diana broke tradition, and held babies afflicted with AIDS in her arms and to offer her hands to comfort AIDS patients.

We understood that she participated in these activities not just out of a sense of duty but because she genuinely cared. She delighted in children, commiserated with the rank and file, and listened to the elderly or less fortunate. Her vulnerability was also her strength. She could connect with people like few people ever could. She was indeed the people's Princess.

Although she was a symbol of glamour and celebrity, she taught us all that the quality of life is measured by what you do for others and how you treat others. By that measure, Diana's all too short life was very rich indeed. Her warmth and joie de vivre transcended wealth and power.

Along with my fellow Utahns and millions of people around the world, Elaine and I were shocked and saddened to hear the tragic news of her untimely and tragic death. We want to extend our sincere and heartfelt condolences and sympathy to her family, and especially to her two sons, Prince William and Prince Harry.

In offering this resolution, Mr. President, Senator LEAHY and I believe it is appropriate to extend the sympathy of all Americans to the people of the United Kingdom on the death of such an extraordinary lady.

Mr. President, we expect to pass this today and I urge the support of all of our colleagues.

This is a sad event. This was a sad day. This is a tremendous loss for the world. And this is the least we can do.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am proud to cosponsor with the senior Senator from Utah this resolution that designates September 6, 1997, as a National Day of Recognition for the Humanitarian Efforts of Diana, Princess of Wales.

What we try to do with this resolution is to convey a sense of the tremendous sorrow that Americans—indeed, people around the world—felt at the shocking news of her death in Paris.

I was with my wife in Vermont, and was called out of a gathering to be given the preliminary news of the accident. The two of us went back to our home that evening praying that the injuries were not life threatening. Of course, within a matter of hours we learned that she had died.

We have all been moved by the outpouring of affection by people everywhere, who remember the Princess of Wales as an extraordinary humanitarian who gave voice to the most vulnerable people. I remember the conversations I had with her about the scourge of landmines. This was an issue that I was honored to work with her on. She and Elizabeth Dole, the wife of our former distinguished majority leader and President of the American Red Cross, and myself and others, held a fundraiser for the victims of landmines earlier this year, and raised over half a million dollars for people who had lost arms and legs or their eyesight from landmines. She could do that, by simply spending an evening talking about the plight of landmine victims. She said about her trip to Angola, ''Before I went to Angola, I knew the facts but the reality was a shock.'' I wish more people would go see what she saw, and walk where she walked. Landmines would be banned tomorrow.

A lot of us can give speeches about landmines. Many people around the world have worked to stop the scourge of landmines, but Diana brought a human face to the crusade to ban them. She gave a voice to landmine victims. When she visited them, in Angola, or Bosnia, the whole world saw those victims. When she held in her arms a child maimed by a landmine, the whole world saw that child. And when they saw her walk into a minefield, the whole world saw the danger so many people face every day.

There was never a question in my mind, in my conversations with her, about the sincerity of her compassion. She saw the victims of landmines through the eyes of a mother, a mother who cared not only for her own two sons, but for the sons and daughters of those dying worldwide.

This week and next week nations of the world meet in Oslo to take the final steps toward an international treaty banning landmines. I hope each of them will think of what this woman did, in calling attention to the victims of landmines. There would be no more fitting memorial to this great woman than a treaty that bans anti-personnel landmines from this Earth forever.

I thank my distinguished colleague. I have appreciated working with him on this. He spoke about the many other humanitarian causes the Princess was involved in. I mentioned landmines, of course, because I saw first-hand how she became involved not as a Princess but as a mother, a mother who knew how other mothers suffered when their children suffered. She spoke for all of us.

I yield the floor.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1056

The PRESIDING OFFICER (Mr. ABRAHAM). Under the previous order, the Senate will now vote on amendment No. 1056 offered by the Senator from Arizona. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas [Mr. MURKOWSKI] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 25, nays 74, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—25

Allard	Gramm	McCain
Ashcroft	Hatch	McConnell
Breaux	Helms	Nickles
Brownback	Hutchinson	Roberts
Cochran	Hutchison	Sessions
Coverdell	Inhofe	Shelby
Faircloth	Kyl	Thurmond
Feinstein	Lott	
Gorton	Mack	

NAYS—74

Abraham	Durbin	Lieberman
Akaka	Enzi	Lugar
Baucus	Feingold	Mikulski
Bennett	Ford	Moseley-Braun
Biden	Frist	Moynihan
Bingaman	Glenn	Murray
Bond	Graham	Reed
Boxer	Grams	Reid
Bryan	Grassley	Robb
Bumpers	Gregg	Rockefeller
Burns	Hagel	Roth
Byrd	Harkin	Santorum
Campbell	Hollings	Sarbanes
Chafee	Inouye	Smith (NH)
Cleland	Jeffords	Smith (OR)
Coats	Johnson	Snowe
Collins	Kempthorne	Specter
Conrad	Kennedy	Stevens
Craig	Kerrey	Thomas
D'Amato	Kerry	Thompson
Daschle	Kohl	Torricelli
DeWine	Landrieu	Warner
Dodd	Lautenberg	Wellstone
Domenici	Leahy	Wyden
Dorgan	Levin	

NOT VOTING—1

Murkowski

The amendment (No. 1056) was rejected.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will please come to order so the Senator from Pennsylvania may be recognized.

Mr. SPECTER. Mr. President, after consulting with the majority leader, it is our intention to proceed with a series of amendments and to have perhaps two stacked votes at about 7 o'clock. We have next up an amendment that will just take a moment or two, a very brief amendment by Senator MCCAIN. Then we are going to follow that with a brief amendment by Senator NICKLES.

Will that require a rollcall vote, Senator NICKLES? It will.

Then we have an amendment by Senator LIEBERMAN, and then we will be in a position to, we hope, have a list of amendments which will be limited so we can proceed to see precisely how we will finish the bill.

Mr. WARNER. Mr. President, will the Senator entertain a unanimous-consent request, a brief one?

Mr. SPECTER. Yes.

Mr. WARNER. I thank the manager.

The PRESIDING OFFICER. The Senator from Virginia.

EXPLANATION OF ABSENCE—VOTE ON AMENDMENT NO. 1057

Mr. WARNER. Mr. President, I was absent this morning during the vote on the Harkin amendment. Had I been here, I would have voted with the distinguished Senator from Iowa. I was at the funeral of a friend, an employee of 35 years, who passed on, and I was privileged to give the eulogy.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I have an amendment I would send to the desk on behalf of myself and Senator MCCAIN.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. WELLSTONE. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1074

(Purpose: To provide for the establishment of a program for research and training with respect to Parkinson's disease)

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. MCCAIN, Mr. CRAIG, Mr. BURNS, Mr. DURBIN, Mr. FORD, Mr. D'AMATO, Mr. BREAUX, Ms. MOSELEY-BRAUN, Mr. SANTORUM, Mr. JOHNSON, Ms. SNOWE, Mr. REID, Mr. HOLLINGS, Mr. TORRICELLI, Mr. FAIRCLOTH, Mr. LEVIN, Mr. LAUTENBERG, Mr. HATCH, and Mr. BRYAN, proposes an amendment numbered 1074.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . PARKINSON'S DISEASE RESEARCH.

(a) SHORT TITLE.—This section may be cited as the ''Morris K. Udall Parkinson's Research Act of 1997''.

(b) FINDING AND PURPOSE.—

(1) FINDING.—Congress finds that to take full advantage of the tremendous potential for finding a cure or effective treatment, the Federal investment in Parkinson's must be expanded, as well as the coordination strengthened among the National Institutes of Health research institutes.

(2) PURPOSE.—It is the purpose of this section to provide for the expansion and coordination of research regarding Parkinson's, and to improve care and assistance for afflicted individuals and their family caregivers.

(c) PARKINSON'S RESEARCH.—Part B of title IV of the Public Health Service Act (42 U.S.C. et seq.) is amended by adding at the end the following:

''PARKINSON'S DISEASE

''SEC. 409B. (a) IN GENERAL.—The Director of NIH shall establish a program for the conduct and support of research and training with respect to Parkinson's disease (subject to the extent of amounts appropriated under subsection (e)).

''(b) INTER-INSTITUTE COORDINATION.—

''(1) IN GENERAL.—The Director of NIH shall provide for the coordination of the program established under subsection (a) among all of the national research institutes conducting Parkinson's research.

''(2) CONFERENCE.—Coordination under paragraph (1) shall include the convening of a research planning conference not less frequently than once every 2 years. Each such conference shall prepare and submit to the Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Commerce of the House of Representatives a report concerning the conference.

''(c) MORRIS K. UDALL RESEARCH CENTERS.—

''(1) IN GENERAL.—The Director of NIH shall award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's. The Director shall award not more than 10 Core Center Grants and designate each center funded under such grants as a Morris K. Udall Center for Research on Parkinson's Disease.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—With respect to Parkinson's, each center assisted under this subsection shall—

''(i) use the facilities of a single institution or a consortium of cooperating institutions, and meet such qualifications as may be prescribed by the Director of the NIH; and

''(ii) conduct basic and clinical research.

''(B) DISCRETIONARY REQUIREMENTS—With respect to Parkinson's, each center assisted under this subsection may—

''(i) conduct training programs for scientists and health professionals;

''(ii) conduct programs to provide information and continuing education to health professionals;

''(iii) conduct programs for the dissemination of information to the public;

''(iv) separately or in collaboration with other centers, establish a nationwide data system derived from patient populations with Parkinson's, and where possible, comparing relevant data involving general populations;

''(v) separately or in collaboration with other centers, establish a Parkinson's Disease Information Clearinghouse to facilitate and enhance knowledge and understanding of Parkinson's disease; and

''(vi) separately or in collaboration with other centers, establish a national education program that fosters a national focus on Parkinson's and the care of those with Parkinson's.

''(3) STIPENDS REGARDING TRAINING PROGRAMS.—A center may use funds provided under paragraph (1) to provide stipends for scientists and health professionals enrolled in training programs under paragraph (2)(B).

''(4) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding five years. Such period may be extended by the Director of NIH for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

''(d) MORRIS K. UDALL AWARDS FOR EXCELLENCE IN PARKINSON'S DISEASE RESEARCH.—The Director of NIH shall establish a grant program to support investigators with a proven record of excellence and innovation in Parkinson's research and who demonstrate potential for significant future breakthroughs in the understanding of the pathogensis, diagnosis, and treatment of Parkinson's. Grants under this subsection shall be available for a period of not to exceed 5 years.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $100,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000.''.

Mr. WELLSTONE. Mr. President, I could talk at some length about this amendment, and I will not. I will just make a few introductory comments, and then my colleague, Senator MCCAIN, will speak on this.

We have, I believe, close to 66, or thereabouts, cosponsors. This amendment, which I am very proud to offer today, is really an amendment that is

named after Mo Udall, who was a very distinguished Representative in the House of Representatives and somebody that many people here have a great deal of love and respect for.

This amendment would call for 10 Parkinson's research centers. This would be $100 million a year. The reason for this amendment is that Parkinson's disease is a devastating neurological disease. Probably my colleagues are very familiar with it. They may have had a loved one who suffered from it. I had two parents who suffered from Parkinson's disease.

Mr. President, what happens with people with Parkinson's is that there is a tremendous problem with shaking, people have difficulty walking, and many people have really found it difficult to be, if you will, their own lobbyist. People have found it difficult to speak for themselves.

But what has happened in the last several years is that there has been a wonderful group of people who have come here. The Udall family has been very, very important in this whole struggle. In addition, Joan Samuelson, with the Parkinson's Action Network, has been really critical to this. They have come here and I think have met with Senators, Democrats and Republicans alike. This is a bipartisan effort we have on the floor of the Senate. They have essentially said to all of us, ''Time is not on our side. We have the research that we can point to. It is such promising research. We are on the cuspis of major breakthroughs, but if we do not at least increase this funding for research for many of us, we really will not have that much of a future.''

Mr. President, there are a million people in our country, men and women who struggle with Parkinson's disease. Up to now, we have been spending about $30 per person. It is a really shamefully low amount of money that we have spent. Very little has been invested.

But now these men and women, this community, has come to the Nation's Capital. They have met with all of us, and they have made their case. I am very honored to offer this amendment with Senator MCCAIN. I hope we will get very, very strong support.

Mr. President, I ask unanimous consent to add as original cosponsors to this amendment Senator CRAIG, Senator BURNS, Senator DURBIN, Senator FORD, Senator D'AMATO, Senator BREAUX, Senator MOSELEY-BRAUN, Senator SANTORUM, Senator JOHNSON, Senator SNOWE, Senator HARRY REID, Senator HOLLINGS, Senator TORRICELLI, Senator FAIRCLOTH, Senator LEVIN, and Senator LAUTENBERG.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1074, AS MODIFIED

Mr. WELLSTONE. Mr. President, I ask unanimous consent to send a modification to the desk, along with the cosponsors.

The PRESIDING OFFICER. The Senator has a right to modify his amendment, the yeas and nays not having been ordered.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. . PARKINSON'S DISEASE RESEARCH.

(a) SHORT TITLE.—This section may be cited as the ''Morris K. Udall Parkinson's Research Act of 1997''.

(b) FINDING AND PURPOSE.—

(1) FINDING.—Congress finds that to take full advantage of the tremendous potential for finding a cure or effective treatment, the Federal investment in Parkinson's must be expanded, as well as the coordination strengthened among the National Institutes of Health research institutes.

(2) PURPOSE.—It is the purpose of this section to provide for the expansion and coordination of research regarding Parkinson's, and to improve care and assistance for afflicted individuals and their family caregivers.

(c) PARKINSON'S RESEARCH.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

''PARKINSON'S DISEASE

''SEC. 409B. (a) IN GENERAL.—The Director of NIH shall establish a program for the conduct and support of research and training with respect to Parkinson's disease (subject to the extent of amounts appropriated under subsection (e)).

''(b) INTER-INSTITUTE COORDINATION.—

''(1) IN GENERAL.—The Director of NIH shall provide for the coordination of the program established under subsection (a) among all of the national research institutes conducting Parkinson's research.

''(2) CONFERENCE.—Coordination under paragraph (1) shall include the convening of a research planning conference not less frequently than once every 2 years. Each such conference shall prepare and submit to the Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Commerce of the House of Representatives a report concerning the conference.

''(c) MORRIS K. UDALL RESEARCH CENTERS.—

''(1) IN GENERAL.—The Director of NIH shall award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's. The Director shall award not more than 10 Core Center Grants and designate each center funded under such grants as a Morris K. Udall Center for Research on Parkinson's Disease.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—With respect to Parkinson's, each center assisted under this subsection shall—

''(i) use the facilities of a single institution or a consortium of cooperating institutions, and meet such qualifications as may be prescribed by the Director of the NIH; and

''(ii) conduct basic and clinical research.

''(B) DISCRETIONARY REQUIREMENTS.—With respect to Parkinson's, each center assisted under this subsection may—

''(i) conduct training programs for scientists and health professionals;

''(ii) conduct programs to provide information and continuing education to health professionals;

''(iii) conduct programs for the dissemination of information to the public;

''(iv) separately or in collaboration with other centers, establish a nationwide data system derived from patient populations with Parkinson's, and where possible, comparing relevant data involving general populations;

''(v) separately or in collaboration with other centers, establish a Parkinson's Disease Information Clearinghouse to facilitate and enhance knowledge and understanding of Parkinson's disease; and

''(vi) separately or in collaboration with other centers, establish a national education program that fosters a national focus on Parkinson's and the care of those with Parkinson's.

''(3) STIPENDS REGARDING TRAINING PROGRAMS.—A center may use funds provided under paragraph (1) to provide stipends for scientists and health professionals enrolled in training programs under paragraph (2)(B).

''(4) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding five years. Such period may be extended by the Director of NIH for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

''(d) MORRIS K. UDALL AWARDS FOR EXCELLENCE IN PARKINSON'S DISEASE RESEARCH.—The Director of NIH shall establish a grant program to support investigators with a proven record of excellence and innovation in Parkinson's research and who demonstrate potential for significant future breakthroughs in the understanding of the pathogenesis, diagnosis, and treatment of Parkinson's. Grants under this subsection shall be available for a period of not to exceed 5 years.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section and section 301 and title IV of The Public Health Service Act with respect to direct Parkinson's disease research, there are authorized to be appropriated a total of $100,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000.

Mr. WELLSTONE. I defer to my colleague from Arizona, and I thank him for his—I am not going to use the word ''leadership'' because many people always talk about Senator MCCAIN's leadership—but for his emotional and personal involvement. He is a Senator who is very connected to people. I thank him for all of his work. I hope we will get a good, strong vote.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my friend from Minnesota. He is a man of great spirit, a man of great commitment. When the Senator from Minnesota gets involved in an issue, he is heard from. I believe his involvement in this issue is important and, indeed, critical. I don't think it is inappropriate to mention that the life of the Senator from Minnesota has been touched in the most graphic and dramatic fashion by this disease we are discussing today. I thank the Senator from Minnesota.

Mr. President, I support Senator WELLSTONE's amendment. Scientists have made tremendous new discoveries and progress in regard to Parkinson's disease, which clearly illustrates how close we are to finding a cure and treatment for this deadly disease. According to a wide array of experts, we

are on the verge of substantial, groundbreaking scientific discoveries in the next few years regarding the cause and potential cure of Parkinson's disease.

The most recent scientific discovery of a gene abnormality that causes some cases of Parkinson's disease has provided researchers with a powerful new tool for understanding Parkinson's disease. This is the kind of breakthrough that makes a strong case for ensuring adequate funding for Parkinson's research.

I don't come to the floor very often on a situation like this, but there is a gross inequity here and one that needs rectification. I find it gravely disturbing that despite the significant progress scientists are making in the field of Parkinson's, the National Institutes of Health continuously fail to provide an appropriate amount of funding for Parkinson's research, which is why the Senator from Minnesota and I are here.

During fiscal year 1996, the National Institutes of Health spent $32 million for direct Parkinson's research. That is about $32 for each of the approximately 1 million Parkinson's patients—$32 for each of the approximately 1 million Parkinson's patients. Compare this to the $2,143 per AIDS victim; $338 per cancer victim; or $200 per breast cancer victim; or $81 per Alzheimer's victim; $74 per heart disease victim, not including the additional funding just adopted as an amendment to this bill.

Obviously, funding for Parkinson's research is grossly inadequate compared to support which other diseases receive at NIH. By failing to provide scientists with adequate funding, we are potentially letting a cure for this dreadful disease slip further and further into the future. This amendment will ensure that our scientific researchers have available the necessary funding and support to proceed as quickly as possible to combat Parkinson's.

Mr. President, the Senator from Minnesota has described what this legislation would do, including the establishment of 10 Morris K. Udall Centers for Research on Parkinson's Disease throughout the Nation, create a national Parkinson's disease clearinghouse and other things.

Approximately 1 million Americans are afflicted with Parkinson's disease. Parkinson's is a debilitating, degenerative disease which is caused when nerve centers in an individual's brain lose their ability to regulate body movements. People afflicted by this disease experience tremors, loss of balance and repeated falls, loss of memory, confusion and depression. Ultimately, this disease results in total incapacity of an individual, including the inability to speak. This disease knows no boundaries, does not discriminate and strikes without warning.

This amendment is supported by the National Parkinson's Foundation, the American Parkinson's Disease Association and Parkinson's Action Network. These organizations, as well as many other individuals involved in grassroots support activities, have worked long and hard to achieve widespread support for this authorization bill in both the House and Senate.

The Mo Udall Parkinson's Research and Education Act, which is the basis for this amendment, has 64 cosponsors in the Senate and approximately 240 cosponsors in the House. Mr. President, we cannot afford to lose this opportunity to continue the momentous progress in finding the cause for a cure for this terrible illness. On behalf of the millions of Americans afflicted with Parkinson's and their families and friends, I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that Senator HATCH be added as an original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, finally, I would like to thank the people that I mentioned earlier—the National Parkinson's Foundation, the American Parkinson's Disease Association, and Parkinson's Action Network. Without the help of these organizations, we would not be here today.

Finally, I know sometimes amendments have a tendency to be dropped in conference. The Senator from Minnesota and I feel very strongly about this amendment, and that is why we feel it is necessary that we have a rollcall vote on this issue. I hope that the managers of the bill will see the way clear to preserve this amendment in conference, as it is supported by, as I mentioned, now 65 of our colleagues in the Senate and over 240 Members of the House.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I want to add one final word to what my colleague, Senator MCCAIN, has had to say. Above and beyond the organizations that Senator MCCAIN recognized for their fine work, and above and beyond Mo Udall, this amendment comes from legislation which, as I said, is really named after Mo Udall, for reasons I don't need to explain to any colleague. I also would like to thank, but I want to do this carefully, Muhammad Ali, who has been very courageous, and I use that word carefully. Muhammad Ali struggles with Parkinson's, and he could have chosen to have had the world or the country have only seen him as he was when he was in his prime as a boxer. Instead, he has been very public, very visible and a very, very strong advocate, not just for himself but for many, many other people.

Mr. President, I say to my colleagues, and I know that my colleague from Indiana is going to have a second-degree amendment which I think really adds strength to this and he has some very thoughtful and important questions to raise or comments to make, but I am going to end on a personal note. I want to say to everybody here that we really do need to have a strong vote, and we need to keep this in conference.

When Senator MCCAIN was talking about this disorder and what it does to people, I remember when L-Dopa, the first drug, came out. My father was in the original pilot group. For a while, L-Dopa helped, but then it reached the point where it did not. With my father, Leon Wellstone, at the very end, he not only could not walk, and he was a writer and his hand would shake and he could not type, but, in addition, he could not even speak.

It can be so ravaging to people. It can be so devastating. The reason we have brought this amendment to the floor is that it is an equity question. So precious little has been invested in Parkinson's research at the very time when there is such potential for big breakthroughs.

I want to make it clear to everybody that we have had the Parkinson's community come here to Washington, and they have come year after year for the last 3 or 4 years that they have been working on this. Each time, we make progress, and then at the very end, for some reason, they get shut out.

So I make a plea to people on the basis of please vote for this funding. It is just a matter of elementary fairness and justice. It is just a matter of equity. Please don't shut people out. I just don't want to see people who have been so courageous and who have come here and have struggled so hard not be successful in this Senate and in this House of Representatives. We have to pass this legislation. It really would be a wonderful vote, and it really would make a huge difference in the lives of many of our neighbors and many of our friends who are men and women of enormous worth and enormous dignity and enormous substance. Nothing I say is said out of pity, it is said out of respect for the dignity of people. I just would like to say one more time, I hope we will get a huge vote for this amendment. I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment to provide a statutory program for research and training with respect to Parkinson's, I think, is well founded.

We have worked within the subcommittee to increase the funding for the National Institute of Neurological Disorders and Stroke which included language in the Senate report highlighting the importance of further activity on Parkinson's disease research. And the activities of the sponsors of

this amendment, whom I commend, will direct greater intensive effort on Parkinson's, which is a horrible disease. It has afflicted many, many people.

With the enactment of this amendment, I think we will be taking a firm stand to show the emphasis that the Senate, hopefully, ultimately the full Congress, will place on additional research and resources being directed against Parkinson's.

There is a great deal that could be said. We have a number of other amendments, so I will limit my comments to those brief remarks.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I want to concur with what the chairman just said about this amendment. Obviously, all of us are very concerned about the lack of, shall we say, appropriate funding levels for research into the causes and interventions and cures of Parkinson's disease. This is something that I have been very close to for the last several years. I know that both Senator MCCAIN and Senator WELLSTONE have been leaders on this issue in the Senate. And I congratulate them and commend them for their leadership on the issue of proper funding for Parkinson's research.

There have been some recent breakthroughs in the causes of Parkinson's, some recent breakthroughs in genetic tracing, some recent breakthroughs in possible interventions, early interventions for those who are detected early with the onset of Parkinson's disease.

This is a quantum increase. It is not out of bounds. Certainly the incidents of Parkinson's disease in this country and around the globe warrants the type of investment in research that the amendment anticipates. It remains to be seen whether or not we can accommodate this huge increase within the confines of the conference. I can assure the authors of the amendment that this Senator, and I am sure that Senator SPECTER, will do what we can to maintain this type of a level for Parkinson's research. What the disposition will be on the House side, obviously, we have no control over that. But I want to commend both Senator MCCAIN and Senator WELLSTONE for their leadership on this issue and hope that we can do what we can in conference to keep the funding level up for Parkinson's research.

I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I want to add my support to this. I have been a supporter of additional funds for Parkinson's. But in the process of all of this, and serving on the committee, I have raised, on a number of occasions, my concerns that we are making decisions about which diseases, which research centers at NIH receive the funds. We are making that decision, I think, in well-intended ways, in ways that we hope will direct funds to provide breakthroughs and better research and hopefully cures for some of these diseases, yet I have been concerned we are doing it on a piecemeal basis.

I am concerned that those organizations which have the greatest lobbying clout, who have been able to contact the most Senators or Congressmen, the ones who have generated the most support at home or who are best organized have become those that are rewarded by passage of legislation like this, and that those who do not have the lobbying expertise, the lobbying clout, do not have the same kind of friends in Congress that others have and end up being shorted. As a consequence, we are making decisions on the basis of anecdotal evidence—and some scientific evidence—but on the basis of political decisions as much as scientific decisions.

Medical research is a complicated field. NIH is a wonderful organization that attempts to direct funds in ways that will ensure that research dollars are going into those areas where the best results can be obtained. And yet, in my visits to NIH, and talking with a number of people out there, and my observation of the process here, it is clear that those funds are not always directed in the most expeditious manner, not always directed in ways that provide the most hope in terms of finding breakthroughs and in finding cures.

Having said that, there is no question that Parkinson's research over the years has been shorted. In 1994, it had a funding rate of $26 per patient, the lowest of all the major diseases, yet it affects one million or more Americans. Its direct funding in 1994 was only $26 million, the lowest dollar number of all the major diseases.

So I think it is important that we recognize that here is a debilitating disease that affects a million or more Americans, that has had a personal impact on many of us and our families, that has generated a very effective organization that supports research, increased funding for research, but at the same time I think we have to acknowledge or we should acknowledge and recognize that this is not the best way to go about allocating funds for research at NIH, that the lobby group that is the most effective or the Members who are in the best position to direct the funds because of their committee positions or whatever, that is not the way that we ought to be allocating research dollars.

We ought to be doing it on a meritorious basis, one that is supported by medical science, one that receives the recommendation of independent researchers or an independent body or medical experts that certainly have more expertise in this area than we do. I say that because if you look at the list of diseases and the centers and the way we fund those, there is clearly an imbalance. We clearly are directing funds to areas where research is unnecessary or is duplicated. We clearly are not directing funds to areas where we need research.

I have discussed this with NIH officials. I have been told—and will not quote any names—but I have been told by people who are in a position to know, they are duplicating and in some cases tripling the amount of funds going into the same research simply because they are directed by the Congress to fund that specific disease. And, of course, any duplication or triplication or every excess dollar that has to be spent because it is politically directed to be spent and not medically necessary or scientifically required and going to meritorious studies is a dollar that does not go into some other research, whether it is direct research or indirect research, that could offer potentially life-saving breakthroughs in other diseases.

Just an example or two. All of us have heard about Parkinson's, and we are going to increase Parkinson's here. And I am going to support that increase. I will say this. This is the last specific research dollar increase that I am going to support until we have an outside organization that can give us some recommendations as to how to allocate our money. This ''disease of the month'' or who has the best lobby or who has the most influential friends in Congress is not the way that we ought to be directing research funds. But I have been a long-time supporter of Parkinson's.

They have made their case. But I have told them I am not going to continue on this basis. I will support the bill this year, but I am going to be adding shortly an amendment that Senator FRIST will speak to, of which I would like to add him as a cosponsor, which will initiate this study so that we would have a report so that in next year's appropriations process we have before us the information we need in order to make rational decisions, meritorious decisions rather than just simply political decisions. I don't mean just simply political decisions, but decisions that are not wholly supported by medical science.

Very few people have heard of polycystic kidney disease, PKD. I had not heard of it until I was visited by a friend of mine who introduced me to the disease. PKD receives a ridiculously low appropriation, and yet PKD is a disease that affects 500,000 Americans. It affects their kidneys in a way that they do not function. And yet, as a Government, because kidney dialysis is covered under Medicaid and Medicare, we spend untold millions of dollars in paying the bills for kidney dialysis when we provide virtually nothing for research in an area where some amazing advances are possible, according to the medical researchers, that can eliminate this disease and save the taxpayer literally billions of dollars.

But because PKD is something that has not generated a huge lobbying effort, does not have influential friends in Congress in key positions, PKD continues to get the short end of the stick

in terms of research dollars. And yet, if there was ever an area where we ought to be directing research funds, if the medical science says we have an opportunity here to utilize these effectively and provide research, if there is ever an area that can free up funds that we can use for more research, in Parkinson's and other areas, or to help with the Medicare funding or Medicaid funding or Medicare funding, it ought to be in polycystic kidney disease, because the Government, we have agreed we are going to pay for transfusions on dialysis, we are going to pay for those out of Federal funds. And so year after year after year we pay billions of dollars to provide very costly and very difficult relief for people suffering from this disease, and yet we give them virtually nothing in terms of their research.

As a consequence of all that, and through discussions we have had in committee with some NIH scientists and researchers, I think we are coming to a consensus here that we ought to initiate a process by which we can coordinate our research dollars in a way that it gives us an effective use of those dollars and gives us the best chance to provide the best research in the best ways.

This amendment that I am going to offer shortly would require a comprehensive review of NIH and congressional policies and procedures for establishing priorities for research dollars. And that review has to be independent of the agency. The amendment requires that the agency contract with the Institute of Medicine, which I think is a highly respected and reputable institution, to conduct the study according to the statutory specifications, and requires a report to Congress within 6 months so that the authorizing and the appropriating committees for next year's cycle will have that information before them before they make their decisions.

It raises critical questions about how we ought to direct research dollars, talks about how much funding that would be appropriate, and the statutory changes that will be needed to change NIH policies and procedures.

The Institute of Medicine is particularly directed to focus on the factors and criteria used by NIH to make disease funding allocations, to focus on the process by which the funding decisions are made, the mechanisms for public input and the impact of congressional statutory directives.

Again, as I said, Dr. Olonow, from NIH, who testified before our committee, thought that this was an appropriate way to proceed. The funding is drawn from NIH's general administrative funds. None of these funds will come from existing research dollars. This amendment is not opposed by NIH. I think it will give us a means of making wiser decisions about how we appropriate dollars in the future.

AMENDMENT NO. 1075

(Purpose: To provide for the conduct of a comprehensive, independent study of National Institutes of Health research priority setting)

Mr. COATS. Mr. President, I now offer this amendment by sending it to the desk, and ask unanimous consent that Senator FRIST be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to setting aside the pending amendments so the Coats amendment would be considered as a first-degree amendment?

Mr. WELLSTONE. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for himself and Mr. FRIST, proposes an amendment numbered 1075.

Mr. COATS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, after line 26, add the following:

COMPREHENSIVE INDEPENDENT STUDY OF NIH RESEARCH PRIORITY SETTING

SEC. . (a) STUDY BY THE INSTITUTE OF MEDICINE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine to conduct a comprehensive study of the policies and process used by the National Institutes of Health to determine funding allocations for biomedical research.

(b) MATTERS TO BE ASSESSED.—The study under subsection (a) shall assess—

(1) the factors or criteria used by the National Institutes of Health to determine funding allocations for disease research;

(2) the process by which research funding decisions are made;

(3) the mechanisms for public input into the priority setting process; and

(4) the impact of statutory directives on research funding decisions.

(c) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit a report concerning the study to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate, and the Committee on Commerce and the Committee on Appropriations of the House of Representatives.

(2) REQUIREMENT.—The report under paragraph (1) shall set forth the findings, conclusions, and recommendations of the Institute of Medicine for improvements in the National Institutes of Health research funding policies and processes and for any necessary congressional action.

(d) FUNDING.—Of the amount appropriated in this title for the National Institutes of Health, $300,000 shall be made available for the study and report under this section.

Mr. COATS. Mr. President, I appreciate the support and the efforts that Senator WELLSTONE has provided. We have discussed this matter on a number of occasions. He is, I believe, willing to accept the amendment and supports what we are trying to do.

I know Senator FRIST and maybe others would like to speak on the Coats amendment. I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Minnesota.

Mr. WELLSTONE. Madam President, could I add Senator BRYAN as an original cosponsor of the Wellstone-McCain amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank my colleague from Indiana and also my colleague from Tennessee for their thoughtful and important amendment, and I thank them for their support.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. I rise to commend my colleagues, Senators WELLSTONE and MCCAIN, for their excellent leadership on this issue and their commitment to improving the lives of patients suffering from Parkinson's disease.

I would like to recognize at this time the important efforts of all of the advocacy groups who have done such a wonderful job in educating people broadly, increasing the awareness about the devastation of this disease, and the continued need for research, and to the causes and to the treatments and to the eventual cure of Parkinson's disease. It is in large part due to these efforts, this broad effort at the grassroots level across this country that there has been increased focus on Parkinson's disease and Parkinson's research at the National Institutes of Health.

I want to reiterate and support the words of my colleague from Indiana who has expressed some concern with regard to the process of how these decisions are made and are brought forward, and thus our amendment which he has put forward. As chair of the subcommittee on public health and safety that has jurisdiction over the majority of the public health agencies, including the National Institutes of Health, I must state today, because I believe we should not be placing authorizing legislation on an appropriations bill but should rather be considering this particular bill within the overall NIH reauthorization process.

I, along with my fellow committee members, Senators JEFFORDS and COATS, have discussed at length the critical role our public health agencies play in improving the health and well being of American citizens. We have a strong commitment to push forward authorization legislation for each of the National Institutes of Health's vital programs, but we have to do this in a systematic way through a coherent process, one in which we would be able to give thoughtful review and comparative review to the programs that we establish.

Thus, although I am very supportive of increasing funding in support for Parkinson's research, my preference very clearly would have been to work

with my colleague and to include this bill within our overall NIH reauthorization bill that would address the various concerns.

I also want to reiterate what my colleague from Indiana has said, that we have to be very careful because once again we are falling into this risky area of establishing a precedent that once again we take a disease either of the week or of the month or of the year or in reflection or in response to a very strong advocacy group and react to that individual disease without consideration of this larger process.

Every week people come to my office with multiple voices requesting more funds to be allocated to research in a variety of diseases. It might be heart disease, lung disease, kidney disease or pancreatic disease or neurological research. Again, each comes forward making a very strong case. As a physician, and as one who is empathetic and who has treated many of these diseases, my initial response is to say we should increase funding, and if we do increase funding we will find a cure, better treatment or relieve suffering.

The problem is that is exactly the way the system works today. I am concerned that if we continue to appropriate as we are today, disease by disease, we are sending an inaccurate or wrong message to our patient groups. Therefore, we come in today with this amendment, to have a comprehensive study of talking, of discussing exactly how these decisions of prioritization, of research, should be made.

As a physician and as a researcher, I understand the many, many complex factors that must be considered in determining the priorities for research and the enormous difficulty that exists in making decisions of heart disease versus lung disease versus renal disease versus pancreatic disease versus Parkinson's disease. Indeed, each of us in this Chamber, if you came and asked us, would have different priorities based on our own personal circumstances, who we know who has come to see us, who in our family has suffered from a particular disease, and then we are asked to turn around and vote on particular pieces of legislation to be supported by the available research dollars.

My fellow members of the Senate Labor Committee and I have discussed the issue of the priority-setting process within the NIH in two hearings, one on May 1 and the other on July 24. In those hearings we engaged the various committee members in the dialog about the process at the National Institutes of Health regarding funding allocation decisions and what should be the appropriate congressional role in directing Federal biomedical research dollars. Our committee members have expressed concern, as again so well articulated by the Senator from Indiana, that Congress should take caution in micromanaging biomedical research by establishing legislative mandates for specific areas of research without a thorough comparative review of other diseases, of other interests.

We have to be honest with ourselves that there is genuine disagreement among various constituencies about how NIH funds should be distributed among the various institutes and agencies at the NIH. Indeed, there has been much discussion over the need for increased Parkinson's research, and I recognize that disputes have taken place regarding over what the exact amount of research dollars currently spent on Parkinson's disease should be.

As legislators, we have a responsibility, an obligation to the American people to assess the overall strategy, the overall system, the overall process of prioritizing our research dollars. We must do that to ensure the public trust in the decisionmaking process as the NIH addresses the health needs of the Nation.

However, we must ensure that we are funding the best scientific opportunities through the appropriate process. I believe we all have the same goal, to use our resources in the very best way possible to reduce the burden of illness and human suffering. Our challenge is to figure out the system, the process, the path for best achieving that goal. I believe the best way to answer these questions is to ensure that the process at the NIH is working, that the public has a vote in that process.

The amendment we are offering today supports a study to be undertaken by the Institute of Medicine of the National Academy of Science to conduct a comprehensive independent study of the policies and the processes used by the NIH to determine how they allocate funds for biomedical research. The study will look at those factors or criteria that are used to determine funding allocations for disease research, the process by which these research funding decisions are made, the mechanisms for public input into the priority-setting process, to make sure we hear from the public, and lastly, the impact of the statutory directives on research funding decisions.

The report of the study will set forth the findings and the recommendations and the conclusions of the Institute of Medicine for improvements in this process, and the Institute of Medicine will submit the report to both the Senate and the House authorizing committee and Appropriations Committees within 6 months.

I believe this is the best way to address this challenge of prioritizing research. It is my goal that we ensure that the process and the policies at the NIH appropriately address funding allocation and research decisions. The scientific community is equipped to help set the Nation's research priorities.

In conclusion, I again want to state my preference on the underlying amendment would have been to work with my colleagues in the Senate within the overall NIH reauthorization process to resolve the various issues rather than legislating on the appropriations bill today. However, I do support the underlying bill to support the increase in Parkinson's research, and I urge my colleagues to support our amendment to initiate this comprehensive independent study of NIH policies and processes for making funding decisions in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I speak in favor of the Coats amendment and I urge its adoption. I do have problems with the underlying amendment. On the other hand, I recognize that the large majority of Members desire to tell NIH what they should be doing with respect to Parkinson's disease. I also recognize it is a serious problem for those that have Parkinson's disease, and many of my friends across the country do so.

I think the Coats amendment is an important addition to let NIH know that they have to at least be more forthcoming with respect to the processes they use in determining how they should expend the money in research. I, therefore, commend Senator COATS for bringing this to our attention, and as a way to prevent the need for amendments such as the underlying amendment as we move toward the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Parliamentary inquiry. What is the status of the pending issue before the Senate?

The PRESIDING OFFICER. The pending question is the Coats amendment numbered 1075.

Mr. SPECTER. Further inquiry, Madam President. Has the amendment offered by Senator MCCAIN and Senator WELLSTONE been set aside?

The PRESIDING OFFICER. It has been set aside.

Mr. SPECTER. Madam President, the amendment offered by the distinguished Senator from Indiana is acceptable to this side of the aisle. It calls for a study which I think is well-founded, and we are prepared to accept it.

I commend my colleague from Indiana for offering the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment numbered 1075, offered by the Senator from Indiana.

The amendment (No. 1075) was agreed to.

Mr. SPECTER. Madam President, if we can proceed with sequencing, I have just discussed with the Senator from Indiana a subsequent amendment which he intends to offer and he is prepared to accept a 20-minute time limit, equally divided, so we can proceed to a vote on that amendment in relatively short order.

I believe we will have to get concurrence from my colleague, Senator HARKIN.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I think we will be able to work out a time agreement, 20 minutes equally divided, but we have to check on the other side of the aisle.

Why do we not proceed at this time, and then we will work on that time agreement. I suggest my colleague from Indiana proceed with his 10 minutes at this time.

Mr. COATS. If I could state to the Senator, before we have an agreement, why do I not just, while we are working on the agreement, why do I not begin? I could probably pretty much make my statement, and I might not need the full 10 minutes in the agreement. I will be glad to yield back. There are a certain amount of things I want to say. Until we hear from the other side——

Mr. HARKIN. I think if we might, the Senator from Indiana would go ahead and make some remarks and at least at the beginning outline what his amendment is about. That will certainly alert offices. If we do not hear, in a decent amount of time, that some people are objecting to a time limit, we will go ahead with an agreement.

Mr. SPECTER. I think that arrangement is acceptable.

Why do we not proceed on that basis, with the Senator from Indiana proceeding with his argument, and we will try to solidify that time agreement as we hotline it or allow Members to know what we are doing generally.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. The amendment I will offer, and I will hold offering it until such time as an agreement can be at least reached on the other side, this amendment is something that we have debated before. I think it is an important debate. I think it does not require that we make a lengthy debate because it has been discussed and debated.

I want to make sure that each Senator is aware of a certain practice and the implications of that practice before they cast their final vote on the Parkinson's research or any other research that might involve the use of fetal tissue. The amendment says, briefly, notwithstanding any other provision of law, none of the amounts subject to the provisions of subsection (e) of the Morris K. Udall Parkinson's Research Act of 1997 may be expended for any research which utilizes human fetal tissues, cells, or organs obtained from a living or dead embryo or dead fetus during or after an induced abortion. The subsection does not apply to human fetal tissues, cells, or organs obtained from a spontaneous abortion or an ectopic pregnancy.

We just debated, and I believe will vote tonight or tomorrow, and certainly it will pass and I will vote for it, the provision offered by the Senator from Minnesota to increase funding for Parkinson's research. I was pleased the Senate accepted the amendment I just offered to provide a study which will give us guidance in terms of how we can direct research funds in the future.

But on the question of Parkinson's research, it is important that we address an issue that a lot of people do not like to talk about but it is an issue that I think is relevant and one that is important, and that is that in certain research—and I believe it is very limited research, and fortunately it is research that is much more limited than it was in the past because it has not shown that much promise—the implantation of human fetal tissue has been one of the means by which researchers have attempted to address the symptoms of Parkinson's disease.

Now, from a practical standpoint it is important to understand that the amendment here only affects use of fetal tissue, the use of funds to provide fetal tissue research for Parkinson's disease. There are a number of other diseases, diabetes and others, that use fetal tissue research, and that is a subject for a separate time. This only applies to that particular section of the Udall bill and it simply says that funds that we will appropriate cannot be used for fetal tissue research. It does not affect research in other areas. It does not affect indirect research that affects Parkinson's.

Frankly, I do not know that this should even be an issue in Parkinson's, and I cannot speak with scientific authority, but to the best of my knowledge fetal tissue research has held very little and is diminishing in importance in terms of Parkinson's research.

The Parkinson's Action Network has issued a statement, and I will quote from that statement that says:

> Even those involved with fetal tissue research readily acknowledge that the result of their research will not use human fetal tissues. Current work is intended only to demonstrate the capability. Ultimately, another source of fetal material must be found.

That is the statement from the Parkinson's Action Network.

So we are not even talking about direct use here as a potential cure or alleviation of circumstances of Parkinson's. One of the reasons for that is that human tissue has consistently been found to be unsanitary or not fit for clinical use.

Now, the good news is that there are other sources of tissue that have shown some promise that are not from induced abortions. There are xenografts, fetal pig tissue, that at this time and to my understanding are believed to be more useful than human tissue.

There are human cell lines that are more promising sources of tissue than tissue derived from abortions. Genetically engineered cell research has shown significant promise. And tissue that is derived from miscarried pregnancies is now being utilized as a substitute for utilizing fetal tissue from induced abortions.

So I want my colleagues to understand, we are not trying to impede significant research on Parkinson's from the limited amount of research that does come from fetal tissue. There are alternative means of obtaining tissue, whether it is animal tissue, whether it is human cell lines, whether genetically engineered, or whether it is actual fetal tissue, but fetal tissue obtained from miscarriages, from spontaneous abortions, which are miscarriages, but also from ectopic pregnancies.

So there are alternatives to obtain the material necessary for this research.

In addition, the research seems to be moving away from fetal tissue and even new tissue toward more promising areas of research in Parkinson's disease. Implanted brain stimulators work for some but obviously do not work for all. Surgical pallidotomies, proton therapy, genetic-based therapy—these are all alternatives to the fetal tissue research.

So, therefore, just from a practical standpoint, regardless of how you feel about the ethical question, I think there is a real basis to avoid the controversy and to avoid the profound ethical questions and concerns that arise from the utilization of human fetal tissue through induced abortions.

What are those ethical questions that we ought to be asking ourselves? Many of us in the Senate—I am included in this—either have parents, children, spouses, relatives, friends, or colleagues who have, unfortunately, incurred a neurological disease in which fetal tissue transplantation has offered some hope of treatment. So it is not a subject that we ought to lightly dismiss.

I just outlined why I think in the area of Parkinson's research that it is really not even a major issue any more. But I think we have to address the question of the wrenching dilemma that it ought to pose—that is posed—by the issue of human tissue research. Therefore, I think we ought to be searching for a path that serves both public health needs and concerns and the questions of moral principle, a path that offers hope for breakthroughs in research, for cures, for alleviating symptoms, but a path which also shows ethical insight.

Scientific research does not occur in a moral vacuum. I think it has to be guided by something that is more than just practically possible or feasible research. It has to be guided by some ethical considerations that I think each of us need to ask ourselves.

In this regard, the ethical questions, I believe, are the following:

Question No. 1: Will the use of tissue from elective abortions create an irreversible economic and an institutional bond between abortion centers and biomedical science?

Just think for a minute. If medical research becomes dependent on widespread abortion, a vested interest would clearly be created in a substantial uninterrupted flow of human fetal

tissue. Medical science would be dependent on continued legal abortion on demand. Does that create an ethical dilemma? I would argue that it does. The reason that it does is that there is no way that we could provide sufficient tissue from spontaneous abortions, miscarriages, or ectopic pregnancies because we know that if tissue transplants are the cure for diabetes, Parkinson's, Alzheimer's, and other neurological trauma, then we are talking about between 34 million and 20 million fetuses a year necessary to supply the need for the fetal tissue to address the problem.

So just on this basis alone, it seems that we need to look at alternative ways to generate fetal tissue without elective abortions—to look at cell cultures, use of animal tissue, and other research that I have just mentioned. We have an ethical nightmare, a potential ethical nightmare that we will face if we can't address ourselves to alternatives.

Another question is: By what right is this fetal tissue obtained? Certainly the remains of the fetus in elective abortions are not donated in the traditional sense of the word. The fetus can't give consent. It is instead provided by the very people who have made the decision to end the life of the fetus. Can the person who ends the life be morally permitted to determine the use of the organs in the life that that person just ended?

Mr. SPECTER. If the distinguished Senator will yield for a moment.

Mr. COATS. I would be happy to yield to the Senator.

Mr. SPECTER. Madam President, we have been checking with various Senators to see if we could reach a unanimous-consent agreement, and it now appears that we will not be able to make that determination very fast. Senators are waiting to find out what is going to happen with respect to the vote and we had earlier talked about stacked votes at 7. It now appears we cannot have stacked votes. So we will set the vote at 7 o'clock by agreement with the other side of the aisle on the Wellstone-McCain, McCain-Wellstone amendment so we will at least proceed with that vote at that time, and by 7 we should be in a position to know what we will be able to do about a unanimous-consent agreement here and further scheduling.

I thank my colleague from Indiana for yielding.

The PRESIDING OFFICER. Does the Senator make a request that the vote occur at 7 p.m?

Mr. COATS. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Madam Chair, I will not object, but might I inquire, the amendment that we have introduced, Wellstone-McCain, McCain-Wellstone, this precludes a second-degree amendment, I gather. Is that correct?

Mr. SPECTER. Madam President, parliamentary inquiry as to whether it precludes a second-degree amendment.

The PRESIDING OFFICER. The present agreement would not preclude a second-degree amendment.

Mr. WELLSTONE. Madam Chair, I ask unanimous consent that this vote at 7 preclude a second-degree amendment.

Mr. SPECTER. I agree with that modification, Madam President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I regret that we were not able to obtain an agreement. I will finish my statement very shortly here and then offer the amendment. I certainly would agree to set it aside so that the Senator from Pennsylvania can continue with what other business he has. We obviously will have to address this issue in greater detail at another time, either later this evening or tomorrow.

Mr. SPECTER. Madam President, I think it may still be possible to have a time agreement, but we could not get that determination. Rather than await that determination to get back-to-back votes, I decided we ought to get the vote set at 7 and perhaps we could have a time agreement entered into after that. We will decide when to have the vote, but perhaps we can have a time agreement. We have a great many amendments pending, and to the extent we can have limited time agreements, we ought to try to do that.

I thank my colleague from Indiana.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Let me return to the question of the ethical dilemma that is posed with utilization of fetal tissue in research. There is a broad ethical question that affects all neurological research or any research that utilizes human fetal tissue. I have tried to raise some of the questions that I think ought to give all of us pause before we sign off on the use of human fetal tissue in medical research.

Does it create an irreversible economic and institutional bond been abortion centers and biomedical science? That is a legitimate question. Because if the cure or alleviation of symptoms for neurological diseases, diseases including Alzheimer's and Parkinson's and diabetes and other neurological trauma, is dependent on utilization of human fetal tissue, then we are talking about the need to supply fetal tissue patches or pieces from up to 20 million abortions, induced abortions a year. That poses a profound ethical question.

Second, the question is, by what right will we obtain this fetal tissue? We obtain it with the consent of the very person who has made the decision to end the life of the fetus from which the fetal tissue will be derived. So there is no such thing as consent of the human species, the human being, the human person whose life is ended to provide the fetal tissue in the name of medical science.

And is it really possible to separate the practice of abortion from its use in biomedical research? Are researchers merely using the results of abortion, or are they dictating its practice?

There are real concerns about how fetal tissue is derived, how it is procured. A report issued by the University of Minnesota Center for Bioethics has stated that in Sweden, ''Doctors say they have obtained brain tissues with a forceps before the fetus was suctioned out of the mother. That raises the question of whether the fetus was killed by the harvesting of brain tissue or by abortion.''

Janice Raymond, professor of women's studies and medical ethics at the University of Massachusetts, has testified that doctors are already altering the methods of abortion in order to get the tissue that they desire, and I quote from her.

> Doctors who are eager to get good tissue samples must put women at additional risk of complication by altering the methods of performing abortions and by extending the time it takes to perform the conventional abortion procedure.

Dorie Vawter of the Center for Bioethics at the University of Minnesota has reaffirmed this observation, noting that some clinics currently alter abortion methods for tissue harvesting—slowing down the abortion procedure, reducing the pressure of the suction machine, and increasing the size of dilation instruments, all practices which place women at additional risk.

And so in the harvesting of human tissue, the human tissue has to be at a certain condition. I talked a few moments ago about how much of this tissue is unfit for effective use in Parkinson's research or other neurological research. And now we have testimony of people who are altering the procedures of obtaining the human fetal tissue so that the human fetal tissue is in a better condition for this research. But in doing so they place the health of the woman who is carrying the child, from whom the fetal tissue is derived, at greater health risk.

And then I think we have to ask probably the most difficult of questions, and that is, are we encouraging abortion by covering it with a veneer of compassion?

Dr. Kathleen Nolan, formerly of the Hastings Center, writes,

> Lifesaving cures resulting from the use of cadaveric material might make abortion, and fetal death, seem less tragic. Enhancing abortion's image could thus be expected to undermine efforts to make it as little needed and little done procedure as possible.

This is a very real concern because often people come up to me and say: Why do you offer amendments? Why do you think that utilization of fetal tissue should be restricted to noninduced abortions, because it does so much good, it holds so much potential.

Look at the ethical question involved. Is taking a life, is killing a

fetus in order to obtain material that is useful in providing research which offers promising health benefits to individuals, is that not one of the most profound ethical and moral questions that we have to face?

And so I think when we look at a question like this, we clearly have to understand, as Stephen Post said,

Ultimately, it is the specter of a society whose medical institutions are inextricably bound up with elective abortion and whose people come to believe that for their own health they have every right to feed off the unborn, that gives pause.

Arthur Caplan of the University of Minnesota expresses these concerns in another way.

This is the ultimate issue of generational justice. You're not just asking for the pocketbooks of the young—you're asking for their body parts.

Now, fortunately, Madam President, we have alternatives available to us. I have listed those alternatives. In the case of Parkinson's, and that is the issue we are facing here—we will address the other issue at another time—but in the case of Parkinson's research, we are learning that fetal tissue research is of diminishing importance and of diminishing effectiveness.

We are learning that there are more viable alternatives that hold far greater benefit and hope for breakthroughs in treating Parkinson's than fetal tissue. And so while I think it is appropriate that we are focusing on increasing funds for research in Parkinson's, I believe it is also appropriate that we place this most limited of restrictions on this research, both for practical reasons because it offers very little hope of any research breakthroughs and because this tissue can be obtained by other alternatives without taking human life, without inducing abortions. Fetal tissue cells from human fetuses can be obtained through miscarriages, spontaneous abortions, ectopic pregnancies, but the other forms of research, the xenografts from animal tissue, which are now being found to be more useful than human tissue, human cell lines, genetically engineered cells, and then all the other more promising means of research in Parkinson's, I think allow us to say that at least in this area we will not pursue and we do not need to pursue the utilization of human fetal tissue.

AMENDMENT NO. 1077

(Purpose: To prohibit the use of funds for research that utilizes human fetal tissue, cells, or organs that are obtained from a living or dead embryo or fetus during or after an induced abortion)

Mr. COATS. So with that, Madam President, I send my amendment to the desk and ask for its consideration with the understanding that it may be possible to enter into an agreement that would limit the time.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Hearing no objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for himself and Mr. NICKLES, proposes an amendment numbered 1077.

Mr. COATS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . LIMITATION ON USE OF FUNDS.—Notwithstanding any other provisions of law, none of the amounts subject to the provision of subsection (e) of the ''Morris K. Udall Parkinson's Research Act of 1997'' may be expended for any research that utilizes human fetal tissue, cells, or organs that are obtained from a living or dead embryo or fetus during or after an induced abortion. This subsection does not apply to human fetal tissue, cells, or organs that are obtained from a spontaneous abortion or an ectopic pregnancy.

Mr. COATS. Madam President, I yield the floor.

Mr. HARKIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KENNEDY. Will the Senator withhold.

Mr. HARKIN. I withdraw that.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Madam President, I ask unanimous consent that Susan Hammersten, a fellow in my office, be granted the privilege of the floor during the pending Labor, HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I strongly support the amendment that Senator MCCAIN and Senator WELLSTONE have offered. More research is clearly needed if we are to conquer this debilitating disease that afflicts more than a million Americans.

I strongly disagree, however, that this is an appropriate place to revisit the issue of fetal tissue research, and I urge the Senate to defeat the Coats amendment.

The earlier ban on fetal research was lifted 4 years ago, and that action was deeply justified. The ban was lifted by the administration and Congress after careful consideration and exhaustive debate.

Research involving fetal tissue holds the potential to provide tremendous advances in treatments and cures for a long list of debilitating conditions such as Parkinson's disease, Alzheimer's disease, Huntington's disease, diabetes, multiple sclerosis, epilepsy, blindness, leukemia, hemophilia, sickle cell anemia, spinal cord injuries, deficiencies of the immune system, birth defects, and certain conditions causing intractable pain. The list goes on and on.

It is no wonder, then, that opposition to a ban on fetal tissue research is supported by a wide range of organizations dedicated to improving the health of Americans, including the Alzheimer's Association, the Epilepsy Foundation of America, the Cystic Fibrosis Foundation, the Parkinson's Disease Foundation, and the Society for Pediatric Research.

Four years ago, Congress decided that the benefits of this research far outweighed the unsubstantiated fears and concerns that the need for fetal tissue would lead to increases in abortions. The vote in the Senate to lift the ban was a resounding 93 to 4.

The bill enacted in 1993 established rigorous standards to safeguard against any possibility that fetal tissue research would influence individual decisions about abortion. Those safeguards are in place and they are working—and working well.

A 1997 GAO study of the safeguards reports that ''the act's documentation requirements were met'' and that ''there have been no reported violations in the acquisition of human fetal tissue for use in transplantation.''

The safeguards are working not just in research on Parkinson's disease, but in all research involving fetal tissue. It is irrational and inappropriate to revisit this debate by singling out research on Parkinson's disease for excessive restrictions.

Since 1993, the NIH has awarded more than $23 million in grants for research involving the study, analysis, and use of human fetal tissue. The research that is being carried out today is producing effective solutions that can end the suffering associated with a wide variety of illnesses, and it makes no sense, no sense at all, to restrict it.

One other point should be made. The research being conducted today with fetal tissue is also providing new techniques such as specialized cell lines and genetically engineered cells. In fact, the development of these new technologies may well eliminate the need for using fetal tissue for research purposes. Ironically, the best way to achieve the goal of the Coats amendment is to defeat the Coats amendment, and I urge the Senate to do so.

My Republican colleagues have argued that women will decide to have an abortions in order to donate tissue for research.

These claims are unfounded and uncorroborated. The substantial history of fetal tissue research—extending back at least 30 years to the development of the polio vaccine—shows no evidence—and no evidence has been presented here to the Senate this evening—that the results have encouraged abortion.

American women for various personal and entirely unrelated reasons choose to have over 1 million legal abortions each year. These legal abortions will continue to be performed in the future, regardless of the extent of fetal tissue research.

Congress enacted stringent safeguards to address this claim. No woman can know in advance if the remains from her abortion would or even

could be used for research purposes. A woman may not be approached for consent to donate the aborted tissue until after she has made the decision to have an abortion.

Safeguards established by the NIH have eliminated any potential incentives for abuse. No profit can be derived from providing the tissue for research. No family member or friend can benefit from a woman's abortion. A woman may not designate who will be the recipient of the tissue.

This issue has been reviewed and studied as to the effectiveness of the rules and regulations which have been established. It is effectively working and working well. This amendment would have an adverse impact in terms of the real potential for making significant progress in areas of research, and it would not be justified in terms of providing the kind of restrictions that are included in the Coats amendment. For that reason, I hope the Coats amendment will not be accepted.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1074, AS MODIFIED

Mr. WELLSTONE. Madam President, on the Wellstone-McCain/McCain-Wellstone amendment, I ask unanimous consent that Senator BOXER be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senator ROBB be listed as a cosponsor of the Wellstone-McCain / McCain-Wellstone amendment.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mr. WELLSTONE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 1074, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—95

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Bumpers	Harkin	Roberts
Burns	Hatch	Rockefeller
Byrd	Helms	Roth
Campbell	Hollings	Santorum
Chafee	Hutchinson	Sarbanes
Cleland	Hutchison	Sessions
Coats	Inhofe	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kempthorne	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Faircloth	Lott	

NAYS—3

Ashcroft	Enzi	Jeffords

NOT VOTING—2

Inouye	Murkowski

The amendment (No. 1074), as modified, was agreed to.

Mr. WELLSTONE. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, each year a small portion of the Medicare budget is devoted to HCFA's Office of Research and Demonstrations for Activities that help guide Medicare policymaking on coverage, financing and other operational issues. This year the Appropriations Committee has approved $47 million for this purpose, an increase, of $3 million over the last year.

The Appropriations Committee has urged the Secretary of Health and Human Services to use a portion of this research budget to conduct a 2-year demonstration project on coverage of medical nutrition therapy by registered dietitians under Medicare part B. I would like to take this opportunity to reiterate my support for this project and to urge the Secretary to move expeditiously to initiate this program.

Research has shown that medical nutrition therapy is an effective way to save health care dollars and improve patient outcomes. By reducing and shortening hospital admission, preventing and controlling medical complications and limiting the need for physician follow-up visits, medical nutrition therapy can lower the cost of treating a variety of diseases. Of particular note are the savings that have been documented for patients with diabetes and cardiovascular disease, two ailments that account for a staggering 60 percent of all Medicare expenditures.

As we continue efforts to modernize and improve the Medicare Program, we should not overlook medical nutrition therapy as an important way to save program dollars and improve patient treatment options. A demonstration project in this area will help us understand how we can best integrate this important service into any future Medicare improvements.

AMENDMENT NO. 1057

Mr. MOYNIHAN. Mr. President, earlier today I voted to support Senator HARKIN's amendment to fund the Food and Drug Administration's ''Youth Tobacco Initiative'' regulations. When this amendment was first offered on July 23, 1997, I voted to table it. I was concerned at that time that the offset was a tax; taxes fall under the jurisdiction of the Ways and Means and Finance Committees. I am pleased that Senator HARKIN changed the offset so that I was able to vote for the amendment today. I am a strong supporter of the Food and Drug Administration's efforts to reduce the number of young people who begin smoking cigarettes each year. I believe that the money designated for that purpose today is crucial to the success of those efforts.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of S. 830, the FDA reform bill.

The PRESIDING OFFICER. Is there an objection?

Mr. DASCHLE. On behalf of Senator KENNEDY, I object.

The PRESIDING OFFICER. The objection is heard.

MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. I move to proceed to S. 830, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 105, S. 830, the FDA reform bill.

Trent Lott; Jim Jeffords; Pat Roberts; Kay Bailey Hutchison; Tim Hutchinson; Conrad Burns; Chuck Hagel; Jon Kyl; Rod Grams; Pete Domenici; Ted Stevens; Christopher Bond; Strom Thurmond; Judd Gregg; Don Nickles; and Paul Coverdell.

Mr. LOTT. I withdraw the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. For the information of all Senators, I regret that the cloture motion is necessary at this time. I understand all of the interested parties were in agreement just prior to the recess. In fact, I stayed very close to the members of the committee that reported this legislation and to those who have continued to work to try to work out remaining disagreements, including Senator JEFFORDS, Senator MACK, Senator FRIST, others on this side of the aisle, as well as Senator DODD and Senator MIKULSKI.

This is truly a bipartisan issue and one we certainly should take up and finish before we go out at the end of this year.

When you talk about quality of life for Americans, certainly having a reformed Food and Drug Administration would be in their interest. Too many procedures, pharmaceuticals, and medical devices are delayed, hung up by bureaucracy. What we need is an expedited process, the reforms that are necessary to make that happen, and safe procedures for the American people.

I hope we can get this done. The only objection I know of was one that has been lodged by Senator KENNEDY. We thought we had the agreement all worked out the last week we were in session. At the last minute, there seemed to be some further objection. As a matter of fact, I had hoped over the last 2 weeks before we went out the 1st of August for our State work period that we could get this agreed to. Now there is apparently some disagreement with regard to cosmetics. I would think this legislation is much more important than some remaining small disagreement in this area.

So as a result of filing this cloture motion, a cloture vote will occur on Friday, September 5 in the morning unless something is worked out in the meantime. I will consult with the Democratic leader and all the Senators involved on both sides of the aisle as to how we can proceed. We need to get this done.

By the way, this is on the motion to proceed. It looks like we will have a filibuster even on the motion to proceed. I am committed to this. If we have to have a cloture on the motion to proceed, if we have to have more than one, if we have to have cloture on the bill itself, whatever is necessary, I feel that we should force this to an action.

However, I do ask unanimous consent the mandatory quorum under rule XXII be waived at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each, with the exception of Senators HUTCHISON of Texas and ROBERTS.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBAL SOVEREIGN IMMUNITY

Mr. GORTON. Mr. President, on October 25, 1994, Jered Gamache lost his life, and his brother, Andy, was seriously injured on their way home from school when a Yakama tribal police officer, driving at 68 miles per hour, ran through a red light and crashed into their truck. Jered was 18 and Andy was 16. Despite the loss of Jered's life and the injuries to Andrew, the Gamache family has been totally unable to seek damages against the Yakama tribal government for the actions of its police officer.

Now, let us compare this situation, Mr. President, to the case of Abner Louima, the Haitian immigrant who was brutalized a few weeks ago by New York City police officers. According to the New York Times, in addition to the ongoing criminal investigation, Mr. Louima's attorneys are planning to file a $465 million civil damage suit against New York City.

Now, Mr. President, what makes the case of Jered and Andy Gamache different from the case of Abner Louima? The answer is simple: Tribal sovereign immunity. Unlike New York City, the Yakama tribal government can claim immunity from any civil lawsuit, including suits involving public safety and bodily harm, in both State and Federal courts. As a consequence, the lawyers retained by the Gamache family have told them it is pointless to bring any kind of lawsuit. They have no recourse.

New York City does not have sovereign immunity, and thus, of course, is subject to a lawsuit in any amount of money on the part of victims of malfeasance, on the part of members of its police department.

A few weeks ago, up until the present time, the New York Times has run articles and editorials showcasing the Louima case as an example of police brutality and the need for permanent reform. While that case has sparked outrage from editorialists in New York and elsewhere, last Sunday the New York Times vilified my efforts to provide exactly the same avenue for relief to the Gamache family as the New York Times eloquently advocates for Mr. Louima. The New York Times has decided that while it is unacceptable for New York City to brutalize a person, it rejects non-Indians' right to bring similar claims against tribal police agencies in the U.S. courts. So we have 18- and 16-year-old victims who have no recourse.

Enormous injustices can be done whenever a technical claim can prevent the adjudication of a just claim on the part of an individual against a government. It is for exactly that reason that the doctrine of sovereign immunity was long ago dropped by the Federal Government and the State government in cases of this nature.

Let us consider another case, Mr. President, the case of Sally Matsch. When she was fired from an American Indian casino in Minnesota she felt that she was a victim of age discrimination, so she sued the Prairie Island Indian Tribe. The tribe, however, invoked its sovereign immunity against lawsuits in State or Federal courts, and her case was heard by an Indian court on the second floor of the casino and was dismissed amid the sounds of slot machines by a judge who served at the pleasure of the tribal council that ran the casino.

Seventeen years ago I was attorney general of the State of Washington. I brought a lawsuit that asserted the right of the State of Washington to tax the sale of cigarettes in Indian smoke shops to non-Indians. The Supreme Court of the United States upheld our position that those sales were taxable. For all practical purposes, however, in the 17 years since that time, States have been unable to enforce a right that the Supreme Court of the United States said they had because they cannot sue the tribe or the tribal business entities in order to collect those taxes or to enforce their collection. Why? Tribal sovereign immunity.

Barbara Lindsey, Mr. President, is president of an organization of Puget Sound beach property owners in Washington State. In 1989, 16 Indian tribes sued those property owners in the State of Washington claiming that ''treaty rights'' gave them the right to enter private property to remove clams and oysters. A Federal district court in large measure has accepted that claim, but Barbara Lindsey and the thousands of property owners she represents, Mr. President, cannot sue the Indian tribes for violations of their property rights, even in cases when those violations are obvious and open. The problem? Tribal sovereign immunity.

So, Mr. President, this body will debate next week when it debates the Interior appropriations bill a provision that for a period of 1 year, as a rider on the appropriations bill, requires the waiver of tribal sovereign immunity on the part of those tribes—and I believe

it is all of them—whose governmental entities, whose police forces, are being funded by money appropriated by the Congress out of the taxes collected from all of the American people. The proposal does not change any substantive laws. It simply says if, in fact, the law has been violated, there should be a remedy in a neutral Federal court—we have not extended it to State courts—but in a neutral Federal court.

Is it fair to prevent a family from seeking justice for the wrongful death of their son? Is it fair that a claim of age discrimination cannot be made or decided in a neutral court? Is it fair that a decision of the Supreme Court of the United States on taxes cannot effectively be enforced? It is not, Mr. President, and claims that sovereignty is somehow undercut by saying that the sovereign is subject to the laws is simply not the case.

The claim of those who believe we should make no change is a claim that an Indian tribe can act in a totally lawless fashion and not be held responsible in any court of the United States for those lawless actions.

It can be dressed up in whatever fancy language about sovereignty that one may propose, but it comes right down to that proposition: Is it fair that if you are injured by a New York City policeman you can sue New York City, but if you are injured by a Yakama tribal police officer, you may not sue its tribe. The doctrine is one that stems from the kings of England. It is an anachronism in today's world. Under constitutional guarantees of due process to every American citizen, every American citizen should be granted the opportunity to bring his or her case in a neutral court and get an answer as to whether or not crimes have, in fact, been committed. The only issue that will be involved in this case is, Should any government be permitted to act in an entirely lawless fashion and not be called to account for its acts? The answer to that question is ''no''. We should not be involved in that kind of action, and the only body with constitutional authority to make that decision across this United States is the Congress of the United States. The buck stops here.

SUBMITTING CHANGES TO THE BUDGET RESOLUTION DISCRETIONARY SPENDING LIMITS, APPROPRIATE BUDGETARY AGGREGATES, AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Section 314(b)(2) of the Congressional Budget Act, as amended, allows the chairman of the Senate Budget Committee to adjust the discretionary spending limits, the appropriate budgetary aggregates and the Appropriations Committee's allocation contained in the most recently adopted budget resolution—in this case, House Concurrent Resolution 84—to reflect additional new budget authority and outlays for continuing disability reviews subject to the limitations in section 251(b)(2)(C) of the Balanced Budget and Emergency Deficit Control Act.

I ask unanimous consent that revisions to the nondefense discretionary spending limits for fiscal year 1998 contained in sec. 201 of House Concurrent Resolution 84 in the following amounts be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	1998
Budget Authority:	
Current nondefense discretionary spending limit	$261,698,000,000
Adjustment	245,000,000
Revised nondefense discretionary spending limit	261,943,000,000
Outlays:	
Current nondefense discretionary spending limit	286,556,000,000
Adjustment	230,000,000
Revised nondefense discretionary spending limit	286,786,000,000

I hereby submit revisions to the budget authority, outlays, and deficit aggregates for fiscal year 1998 contained in sec. 101 of H. Con. Res. 84 in the following amounts:

Budget Authority:	
Current aggregate	1,390,541,000,000
Adjustment	245,000,000
Revised aggregate	1,390,786,000,000
Outlays:	
Current aggregate	1,372,111,000,000
Adjustment	230,000,000
Revised aggregate	1,372,341,000,000
Deficit:	
Current aggregate	173,111,000,000
Adjustment	230,000,000
Revised aggregate	173,341,000,000

I hereby submit revisions to the 1998 Senate Appropriations Committee budget authority and outlay allocations, pursuant to sec. 302 of the Congressional Budget Act, in the following amounts:

Budget Authority:	
Current Appropriations Committee allocation	801,276,000,000
Adjustment	245,000,000
Revised Appropriations Committee allocation	801,521,000,000
Outlays:	
Current Appropriations Committee allocation	828,183,000,000
Adjustment	230,000,000
Revised Appropriations Committee allocation	828,413,000,000

SUBMITTING CHANGES TO THE BUDGET RESOLUTION ALLOCATION TO THE APPROPRIATIONS COMMITTEE

Mr. DOMENICI. Mr. President, to comply with the provisions of Public Law 105–33, the Balanced Budget Act of 1997, that amend the Congressional Budget Act of 1974, I hereby submit a revised allocation for the Appropriations Committee pursuant to section 302(a) of the Budget Act.

This revised allocation includes all previous adjustments made to section 201 of House Concurrent Resolution 84, the concurrent resolution on the budget for fiscal year 1998, and to the Appropriations Committee budget authority and outlay allocations pursuant to section 302 of the Budget Act.

This revised allocation also includes an adjustment to the Appropriations Committee budget authority and outlay allocations pursuant to section 205 of House Concurrent Resolution 84 regarding priority Federal land acquisitions and exchanges.

I ask unanimous consent that the revised allocation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	Budget authority	Outlays
Defense discretionary	269,000,000,000	266,820,000,000
Nondefense discretionary	262,643,000,000	287,043,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total allocation	807,721,000,000	832,262,000,000

JOB CORPS

Mr. ROTH. Mr. President, I rise to express my sincere interest in establishing a Job Corps campus within my home State of Delaware. Today, the Senate considers legislation increasing our commitment to the Job Corps program—a program to educate and provide job training to youth at high risk of falling into government dependent or criminal lifestyles. Most of the young people who benefit from the Job Corps' services live at residential centers in their home States. In some cases, students enrolled in Job Corps can even commute from their homes. Currently, Delaware's young people do not have either of these options available to them. This situation potentially limits the number of my young constituents able to take advantage of the Job Corps, cutting off a path to self-reliance and a brighter future for many.

My office has worked in concert with a host of Delaware's other elected and appointed officials on this issue. It is my hope that a small portion of the funding this legislation dedicates to this program can be used to begin establishment of a Delaware Job Corps facility. I applaud Senators STEVENS and SPECTER for including an acknowledgement of our efforts to bring a Job Corps campus to Delaware in S. 1061's accompanying committee report. I look forward to working with the administration on this important matter.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 2, 1997, the Federal debt stood at $5,424,368,836,901.08. (Five trillion, four hundred twenty-four billion, three hundred sixty-eight million, eight hundred thirty-six thousand, nine hundred one dollars and eight cents)

Five years ago, September 2, 1992, the Federal debt stood at $4,044,021,000,000.

(Four trillion, forty-four billion, twenty-one million)

Ten years ago, September 2, 1987, the Federal debt stood at $2,358,780,000,000. (Two trillion, three hundred fifty-eight billion, seven hundred eighty million)

Fifteen years ago, September 2, 1982, the Federal debt stood at $1,109,939,000,000 (One trillion, one hundred nine billion, nine hundred thirty-nine million) which reflects a debt increase of more than $4 trillion—$4,314,429,836,901.08 (Four trillion, three hundred fourteen billion, four hundred twenty-nine million, eight hundred thirty-six thousand, nine hundred one dollars and eight cents) during the past 15 years.

TRIBUTE TO DR. RICHARD LESHER

Mr. HATCH. Mr. President, I rise to pay a word of tribute to Dr. Richard Lesher, outgoing president of the U.S. Chamber of Commerce.

Mr. President, it has been my pleasure to know and work with Dick Lesher since I was a freshman Member of the Senate. We have served in the army of free enterprise in many important legislative battles. Dick was a dedicated fighter for small businesses.

Dick can also be justifiably proud of the growth and success of the U.S. Chamber over the last 22 years. During his tenure as president, the Chamber has grown to 215,000 strong.

The Chamber has also expanded its information services to include television. ''First Business'' is carried on 42 local stations, the USA Latin American channel, and USIA's WorldNet. ''It's Your Business'' is seen on USA Cable Network and 140 stations around the country.

Dick Lesher also took very seriously the Chamber's responsibility to help educate the next generation of business leaders and created the Center for Workforce Preparation.

These are just a few of Dick Lesher's many accomplishments as president of the flagship business organization in our country.

But, Dick is a man we can appreciate as much for who he is as for what he did. I have always known Dick Lesher to be straightforward and honest. He never pulled punches. You knew where you stood. And, even if Dick disagreed on a matter of policy, he admired his opponents' convictions. Such a fair-minded attitude sets the stage for alliances on other issues. And, I have always believed, having genuine respect for everyone on the playing field is not only good business, it is a hallmark of good character.

Dick is leaving the Chamber to return to his hometown in Chambersburg, PA. I wish him all the best in his new home and, hopefully, more relaxed lifestyle.

But, while he will be leaving the day-to-day battles on labor and tax policy to his successor, I do not believe for a minute that he is retiring. I know that he will remain informed and engaged in the myriad of issues that affect the health and growth prospects of American business. And, I look forward to his continued counsel and insights.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting treaties and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 765. An act to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2875. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the sequestration update report for fiscal year 1998; referred jointly, pursuant to the order of August 1977, to the Committee on the Budget and to the Committee on Governmental Affairs.

EC–2876. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled ''End-Stage Renal Disease Payment Exception Requests and Organ Procurement Costs'' (RIN0938–AG20) received on August 26, 1997; to the Committee on Finance.

EC–2877. A communication from the Chief of the Regulations Branch, U.S. Customs Services, Department of the Treasury, transmitting, pursuant to law, a rule entitled ''Duty-Free Treatment of Articles Imported From U.S. Insular Possessions'' (RIN1515–AB14) received on August 28, 1997; to the Committee on Finance.

EC–2878. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–2879. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of Presidential Determination 97–30; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, and Mr. GRAHAM):

S. 1142. A bill to repeal the provision in the Taxpayer Relief Act of 1997 relating to the termination of certain exceptions from rules relating to exempt organizations which provide commercial-type insurance; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. CAMPBELL):

S. 1143. A bill to prohibit commercial air tours over the Rocky Mountain National Park; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1144. A bill disapproving the cancellation transmitted by the President on August 11, 1997, regarding Public Law 105–33; to the Committee on Finance.

By Mr. GRAMS:

S. 1145. A bill to amend the Social Security Act to provide simplified and accurate information on the social security trust funds, and personal earnings and benefit estimates to eligible individuals; to the Committee on Finance.

By Mr. ASHCROFT:

S. 1146. A bill to amend title 17, United States Code, to provide limitations on copyright liability relating to material on-line, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. LEAHY, Mr. DASCHLE, Mr. SPECTER, Ms. LANDRIEU, Mr. BIDEN, Ms. MIKULSKI, Mr. DODD, Mr. GRAHAM, Mrs. FEINSTEIN, and Ms. MOSELEY-BRAUN):

S. Res. 118. A resolution expressing the condolences on the death of Diana, Princess of Wales, and designating September 6, 1997, as a ''National Day of Recognition for the Humanitarian Efforts of Diana Princess of Wales.''; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself, Mr. D'AMATO and Mr. GRAHAM):

S. 1142. A bill to repeal the provision in the Taxpayer Relief Act of 1997 relating to the termination of certain exceptions from rules relating to exempt organizations which provide commercial-type insurance; to the Committee on Finance.

LEGISLATION REPEALING CERTAIN PROVISION OF THE TAXPAYER RELIEF ACT

Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation that would repeal an irrational provision of the Taxpayer Relief Act of 1997. I refer to section 1042 of that act, which took away the tax exempt status of TIAA–CREF, the Teacher's Insurance Annuity Association College Retirement Equities Fund. The legislation I am introducing today, with Senators D'AMATO

and GRAHAM of Florida as original cosponsors, would simply strike section 1042 and restore the tax exemption that TIAA–CREF has been afforded since its establishment by Andrew Carnegie in 1918. Repeal of section 1042 would also serve to restore the tax exemption for Mutual of America, which has served as a pension administrator for social welfare organizations for over 50 years and was similarly tax-exempt until August 5, 1997, when the President signed the tax bill.

TIAA–CREF is a 2-million member retirement system that serves 6,100 American colleges, universities, teaching hospitals, museums, libraries, and other nonprofit educational and research institutions. TIAA was incorporated under the laws of the State of New York in 1937 to ''forward the cause of education and promote the welfare of the teaching profession.'' Let me repeat—to ''forward the cause of education and promote the welfare of the teaching profession.'' The law further states that the purpose of TIAA—this is the New York Statute—is ''to aid and strengthen non-proprietary and non-profit-making colleges, universities, and other institutions engaged primarily in research.'' And it has done just that, in an exemplary manner. It has long been recognized as a model of such programs.

Mr. President, by charter and New York law, TIAA–CREF's pension assets are exclusively and irrevocably dedicated to providing retirement benefits to covered employees. Its funds are essentially equivalent to a multiple employer pension trust for colleges and universities. Like other pension trusts, TIAA–CREF should not be taxed.

As a somewhat unanticipated result of TIAA–CREF's creation, it brought to American higher education portability of pensions. You did not have to start out in one institution and after a certain point stay there the rest of your life because you had to have some retirement benefit. This is of great value to our educational system for the simple reason that it enables a young person at, say, a 2-year college or a local college, who shows great promise, does good work, to end up at Chicago or Stanford or Duke, because they can move. This is part of the agility of American higher education. There is no reason to tax this. Earlier in the summer, the Finance Committee had said don't tax it, and the full Senate agreed. But somehow or other, the conference agreement provided otherwise. This was a mistake, and it wants to be corrected.

The repeal of TIAA–CREF's 79-year-old tax exemption will cost the average retiree who receives a $12,000 annual pension about $600 in income, unless we act. Librarians are not highly paid. A $12,000 pension would be quite normal. A $600 reduction would be 5 percent right away. Future retirees currently accumulating benefits are likely to face reductions of 10 to 15 percent.

Why make the lives of librarians and assistant professors and teachers in community colleges harder? We have an opportunity to undo this before the law takes effect in 1998. Why don't we? The Finance Committee said no to it. During the conference deliberations on the tax bill, nearly half the Members of the Senate, and dozens of Members of the House, signed letters asking the conferees to stand against repealing this tax exemption.

Now it is September. Members of Congress have had a month-long opportunity to visit with and hear from the academic community. I am hopeful we can act on this legislation and restore TIAA–CREF and Mutual of America to their appropriate status as tax-exempt organizations before Congress adjourns for the year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. REPEAL OF PROVISION RELATING TO THE TERMINATION OF CERTAIN EXCEPTIONS.

(a) IN GENERAL.—Section 1042 of the Taxpayer Relief Act of 1997 (Public Law 105–34) is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall take effect as if included in the enactment of the Taxpayer Relief Act of 1997 (Public Law 105–34).

By Mr. ALLARD: (for himself and Mr. CAMPBELL):

S. 1143. A bill to prohibit commercial air tours over the Rocky Mountain National Park; to the Committee on Commerce, Science, and Transportation.

ROCKY MOUNTAIN NATIONAL PARK LEGISLATION

Mr. ALLARD. Mr. President, I am here today to introduce legislation banning commercial tour overflights at Rocky Mountain National Park.

Tour overflight disturbances are a growing problem at a number of parks. This is an issue that other Members of Congress have addressed in the past, and it will continue to be contentious as long as the natural calm treasured by park visitors is threatened.

I commend the Members of Congress who have been involved in creating legislation to control national park overflights in general or in a particular park. Details of problems are park specific, which is why I am addressing the issue of overflights at Rocky Mountain National Park in Colorado. I hope that introduction of this legislation also serves to help Congress and the administration stay focused on creating a policy to address tour overflights at all national parks.

The National Park Service is directed by law to protect the natural quiet in our National Parks. The 1916 National Park Service Organic Act states that the Park Service shall conserve scenery and wildlife and leave the areas unimpaired for future generations. Two other public laws explicitly state the need to preserve national parks in their natural state, most recently the National Parks Overflights Act of 1987 that notes the adverse impact that overflights have on the natural quiet and experience. The law also insists that parks should be essentially free from aircraft sound intrusions. In 1996, President Clinton announced his commitment to the peace of our national parks by ordering that agencies protect them against noise intrusions from park overflights.

Furthermore, surveys have indicated that more than 90 percent of park visitors feel that tranquility is very important, but it is not only the quiet atmosphere that overflights threaten; overflights also have the potential to adversely impact wildlife and other natural resources.

In particular, I am concerned about proposals for helicopter sightseeing at Rocky Mountain National Park that could seriously detract from the enjoyment of other park visitors and also could have a negative impact on the resources and values of the park itself. I value the wildlife and solitude at Rocky Mountain National Park, and I understand fully the concern that commercial tour overflights will impair visitor enjoyment.

Rocky Mountain National Park is a relatively small park in the Rockies, about 70 miles from Denver. The park receives nearly 3 million visitors each year, almost as many as Yellowstone National Park, which is eight times its size. The park is easily accessible, yet continues to provide quiet, solitude, and remoteness to visitors, especially in the back country.

Several problems are specific to this mountainous park. The elevation of the Park does not allow a large minimum altitude, therefore, according to the National Park Service, natural quiet is unlikely if overflights are permitted at all. In addition, the terrain, consisting of many 13,000 foot peaks and narrow valleys, coupled with unpredictable weather, presents serious safety concerns. Also, the unique terrain of Rocky Mountain National Park would cause air traffic to cumulate over the popular, lower portions of the park as pilots are forced to navigate around the dangerous peaks and high winds.

Not only would the overflights be concentrated directly over the most popular portions of the park, but more powerful, and louder, helicopters must be used to achieve the necessary lift at a high altitude.

In August the members of the Clinton administration's appointed task force on commercial tour overflights toured Rocky Mountain National Park. One of the participants, a spokesman for the National Air Transportation Association observed the altitude of the park and extreme weather conditions and stated, ''I don't know that there's anything here that being in a helicopter would make that much

more interesting than what can be seen from the road.''

These distinctive qualities lead to the conclusion that the best solution to overflight disturbance is a ban on commercial tour flights at Rocky Mountain National Park. It is important for me to affirm that this legislation would only ban commercial tour overflights. It is not intended to have any adverse effect on emergency, military and administrative flights or on commercial high-level airlines or private planes.

A commercial tour overflight ban has widespread support throughout my State. State and local officials in areas adjacent to the park, including Larimer County, Grand County, and the city of Estes Park have indicated their concerns with flights over the park, and they support a ban. In the last session of Congress the entire Colorado delegation went on record in support of an overflight ban. The Governor of Colorado has also expressed a fear shared by many that such disturbances could cause a loss of tourism.

Rocky Mountain National Park has been fortunate enough to be free from overflights to this point, partially because local towns have discouraged companies that might provide such services. In addition, there are no existing private property rights that are infringed upon by the implementation of a permanent commercial tour overflight ban.

At the beginning of this year the FAA issued a temporary ban on sightseeing flights over Rocky Mountain National Park. However, I remain concerned as we await final ruling by the FAA on park overflights and consider the possibility that such low-flying aircraft could be permitted in the park.

In 1995, one of our top Denver newspapers editorialized that the FAA should make Rocky Mountain National Park off-limits to low-flying aircraft use, the sooner the better. Now, 2 years later, it is time to take action on imposing a permanent ban on scenic overflights.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1144. A bill disapproving the cancellation transmitted by the President on August 11, 1997, regarding Public Law 105–33; to the Committee on Finance.

DISAPPROVAL LEGISLATION

Mr. MOYNIHAN. Mr. President, on this the first full day of Senate business since our adjournment for the August recess, I come to the floor with my colleague and friend from New York, Senator D'AMATO, to address an issue of importance to New York, and of surpassing significance to our constitutional form of government. On August 11, for the first time in our history, President Clinton exercised his new authority under the Line Item Veto Act. In doing so he repealed, a provision of Federal law intended to relieve New York of up to $2.6 billion in disputed Medicaid claims. The provision had been included at Senator D'AMATO's behest, and with my full support, in the Balanced Budget Act of 1997, one of the two major reconciliation bills signed into law on August 5 in a ceremony at the White House.

Senator D'AMATO and I rise today to state for the record our firm opposition to the President's repeal of the New York Medicaid provision, and to introduce a ''disapproval bill'' to reverse the President's action. I will also speak to the underlying question of the constitutionality of the Line Item Veto Act.

Each year, for 21 years now, I have issued a report on the balance of payments, as we put it, between New York State and the Federal Government. The twenty-first edition, now prepared in collaboration with the Taubman Center on State and Local Government at the John F. Kennedy School of Government will be published toward the end of this month. Let me report for purposes of this comment, however, that it will show that New York has the third highest poverty rate in the Nation and the fourth highest Cost of Living Index—as computed by the Friar-Leonard State Cost of Living Index. This has resulted in an extraordinarily high level of Medicaid costs for the State and especially for the city of New York.

This level of payments might have been sustainable with a more equitable Federal-State matching formula. If, for example, the Federal Government paid 73 percent as it does in Arkansas. But we were capped at 50 percent. As my colleague from New York knows, the current Federal-State Medicaid matching formula was taken directly from the Hill-Burton Hospital Survey and Construction Act of 1946, under which the matching rate is based on the square of the ratio of State per capita income and national per capita income. In a commencement address at Kingsborough Community College in New York 20 years ago, I suggested, only half jokingly, why not square root? If you are going to have algebra in Federal statutes, why not turn it our way? Given New York's 50-percent match rate, however, something had to be done.

And so, like a number of other States, New York began to impose provider taxes on hospitals, nursing homes, home health agencies, and so forth, as a way of generating revenues to finance specific health care programs. As part of the costs incurred by providers, these taxes were reimbursable, withal at the 50-percent level, by the Federal Government. The taxes all went into additional health care, and no one could claim fraud. However, in recent years some States got too creative in imposing and seeking Federal matching funds for their provider taxes, in some instances using the Federal money for purposes unrelated to health care. This led Congress in 1991 to enact legislation to prevent States from gaming the system. Since New York was confident its taxes were in compliance with the 1991 law, the State continued its practice, all the while seeking a waiver from the Federal health care bureaucracy.

And so, when the time came to draft the 1997 reconciliation bill, Senator D'AMATO, a member of the Committee on Finance, asked that a provision be included that would simply preclude any Federal claims regarding the use of these taxes from 1991 to 1996. I fully supported this measure. The issue had been debated during our markup in the Finance Committee, and the provision was included in the final bill, which was passed by a large 73 to 27 majority. The conference report was adopted by an even larger majority, 85 to 15.

As ranking member of the committee, I was on this floor with our esteemed chairman, Senator ROTH, for several days and in meetings with House conferees and administration officials for an eternity, or so it seemed. Morning, noon, night; mostly night. Let the RECORD reflect that at no point in the course of those deliberations did the subject of the Medicaid waiver come up. No Member of the House challenged it; no representative of the administration said a word to me. In fact, the only administration objection that I know of was buried deep in the 21-page letter of administration views sent by OMB Director Raines on July 7, which said, in pertinent part:

> [T]he Senate bill would deem provider taxes as approved for one State. We have serious concerns about these provisions and would like to work with the Conferees to address the underlying problems.

This was not the clearest possible statement. What, for example, does ''deem'' mean? Further, the term ''serious concerns'' is used any number of times in the administration's views, yet in none of those other instances did a line item veto result. ''Serious concerns.'' I ask my friend from New York, does that sound like a veto threat to him? In 20 years in the Senate, this Senator has heard many veto threats made, but never one like that. Yet this is evidently how we should expect things to work in the era of the line item veto.

This leads to my second, larger, point. I am one of those—and I am not alone—who hold that the line-item veto is unconstitutional in that it violates the presentment clause of article I, section 7, which states:

> Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it.

When the Line Item Veto Act was first debated in the Senate in the spring of 1995, I argued—along with our revered colleague from West Virginia, Senator ROBERT C. BYRD, and others—that the presentment clause means exactly what it says. But I'm afraid not many people were listening.

Recall that the line item veto was part of item one in the Contract With America, which was then only a few months old. But we said: ''Don't do this! It violates the principle of the separation of powers as we have understood it since George Washington was President.'' For it was President Washington who wrote ''From the nature of the Constitution, I must approve all the parts of a bill or reject it in toto.''

In lengthy statements here on the floor, Senators BYRD, LEVIN, Hatfield, and I—among others—argued as emphatically as we could. We cited the relevant case law—INS versus Chadha, Bowsher versus Synar; we quoted prominent constitutional scholars—Laurence H. Tribe, Michael J. Gerhardt. Yet in the end we were in a regrettably small minority. The Line Item Veto Act passed the Senate on March 23, 1995, by a vote of 69 to 29. When the conference report came back in March of 1996—a full year later—it passed by a vote of 69–31. Of the 31 Senators opposed, four of us felt the principle at stake was so consequential that it demanded immediate scrutiny by the courts. For which the Line Item Veto Act had explicitly provided: Section 3 of the act provides for ''expedited review'' of the statute's constitutionality by the U.S. District Court for the District of Columbia, with direct appeal to the U.S. Supreme Court. The act further stated that ''any Member of Congress or any individual adversely affected'' could bring an action ''on the ground that any provision of this part violates the Constitution.''

Accordingly, on January 2 of this year, the first business day after the Line Item Veto Act took effect, I joined with Senator BYRD, Senator CARL LEVIN of Michigan, former Senator Mark O. Hatfield of Oregon, and Representatives HENRY A. WAXMAN of California and DAVID E. SKAGGS of Colorado, as plaintiffs in a lawsuit challenging the constitutionality of the measure. We were represented on a pro bono basis by a team of distinguished and learned counsel, including Louis R. Cohen; Charles J. Cooper; Lloyd N. Cutler; Michael Davidson; and Alan B. Morrison. Oral argument was heard on March 21 by Judge Thomas Penfield Jackson of the U.S. District Court for the District of Columbia. And less than 3 weeks later, on April 10, Judge Jackson held for us and declared the bill unconstitutional. He wrote in his opinion:

> . . . the Act effectively permits the President to repeal duly enacted provisions of federal law. This he cannot do. . . . The duty of the President with respect to such laws is to ''take care that [they] be faithfully executed.'' U.S. Const. art. II, sec. 3. Canceling, i.e., repealing, parts of a law cannot be considered its faithful execution.

On June 26, however, the Supreme Court vacated the district court's judgment, holding in a 7–2 decision that as Members of Congress, we did not have ''standing'' to sue, as we could not demonstrate any personal, or ''judicially cognizable,'' injury. We do not agree; in our view, the measure shifts the balance of power between the Congress and President in direct contravention of article I, something that can only be done by constitutional amendment. But, of course, the Court left it for others to sue.

Now we can. As a consequence of the President's decision to use the line-item veto on a measure designed to help New York, surely there will now be a lawsuit that will persuade the Supreme Court to strike down the measure as unconstitutional. All manner of New Yorkers presumably have standing; they have suffered injury. The Court was explicit that in such a case, the act was open to constitutional challenge. Let the Governor sue. The Comptroller. The Speaker. Mayors. Hospital administrators. Nurses unions. I shall be honored to join in. Expedited judicial review will again be provided pursuant to section 3 of the Line Item Veto Act; the action will again begin in the district court in Washington, with direct appeal to the Supreme Court. This time round, I trust the Court will declare the statute unconstitutional. As Justice John Paul Stevens wrote in his dissent to the Court's June 26 decision:

> If the [Act] were valid, it would deny every Senator and every Representative any opportunity to vote for or against the truncated measure that survives the exercise of the President's cancellation authority. Because the opportunity to cast such votes is a right guaranteed by the text of the Constitution, I think it clear that the persons who are deprived of that right by the Act have standing to challenge its constitutionality. . . [T]he same reason that the respondents have standing provides a sufficient basis for concluding that the statute is unconstitutional.

Once the constitutional issue is disposed of, and even if it is not, and very possibly before it is, I know my colleague from New York will join me in saying that the issue of the equity of the Medicaid matching formula must be addressed. It is too extreme an example of discrimination to go on for another half century. Three years ago, President Clinton said as much. On a visit to New York City in May 1994, he spoke at a breakfast of the Association for a Better New York. Inviting questions, the President was asked by State Comptroller H. Carl McCall whether anything would be done to relieve the State of the ''crushing burden'' imposed by Medicaid. The President replied:

> There's no question that the formula should be changed, and that states like New York with high per capita incomes but huge numbers of poor people are not treated fairly under a formula that only deals with per capita income.

There was no reference to this in the President's recent veto message of the New York provision. Rather, the contrary:

> No other state in the nation would be given this provision, and it is unfair to the rest of our nation's taxpayers to ask them to subsidize it.

This was not entirely accurate, although there is no reason to suppose the President was aware of this. In the absurdly dense 1,600-page bill Congress had sent him, there was a small provision, adopted in the Finance Committee, which raises the Medicaid matching level for Alaska from the bottom rate of 50 percent to the national average of 59.6 percent. The Senators from Alaska made the simple case that the cost of living in Alaska is well above the national average. This is reflected in higher incomes, which the Medicaid formula wrongly interprets as greater wealth. They asked for nothing more than the national average. The District of Columbia got an increased match rate as well. Hawaii asked also, but the bill had been closed by then. Senator D'AMATO and I say it is time to open the issue up.

The case for legislative remedy is surely overwhelming. And we intend to use the new attention that has been drawn to this issue by the President's veto to press that case at every opportunity.

Mr. D'AMATO. Mr. President, may I suggest the absence of a quorum so I will have an opportunity to concur with my colleague, the distinguished senior Senator from New York? Let me say, No. 1, that I totally support his presentation as it related to the manner in which this veto took place. It is something that none of us were apprised of or aware of; that there had been extended negotiations with his administration during this process. It came as a total surprise. But I would like to take one moment and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I send, for myself and Mr. D'AMATO, a bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be appropriately referred to the appropriate committee.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I rise this morning, along with Senator MOYNIHAN, to introduce legislation to ''disapprove'' President Clinton's line-item veto that cancels a Medicaid provision in the Balanced Budget Act of 1997 which provides health care to the poorest of the poor in New York. Let me say that that is the legislation which has just been sent to the desk. That is legislation to disapprove this veto. Let me also say that I must speak out not about the authority of the line-item veto, which I support, but about its use in this particular case.

Mr. President, I have to tell you—and I listened intently to Senator MOYNIHAN making his presentation with respect to the manner in which the entire budget negotiations and the process was conducted. The fact of the matter is that the administration and the President agreed during the budget negotiations to accept the provisions that were included in this bill.

The fact of the matter is, I believe it was June 25 when these provisions were adopted by the full Senate. Mr. President, there was no secret. The administration knew. The administration had ample time all during that process to say ''no'', this is unacceptable.

I have to tell you, I am shocked and outraged that the administration has singled out New York for this particular provision by stating that this is an ''item that would have given preferential treatment to only New York.''

Mr. President, that is blatantly, patently false. It is a total misstatement.

I hope that the President will have an opportunity to examine this because I believe that his advisers have given him very poor advice.

I can't believe, knowing the President's commitment to attempt to deal with the problem of the uninsured, particularly the children—he had full knowledge of the manner and the totality of dealing with the shortcomings because we are attempting to reduce the burdens, we are attempting to get our Medicaid and Medicare costs under control. In this bill, notwithstanding that the administration claimed and advised the President and his people that this was a special provision just for New York, there are instance after instance, in case after case after case, where other States received similar treatment, as they can and should have in order to push the tremendous cuts —15 percent-plus in some cases. There were going to be 25 percent cuts that hospitals dealing with a disproportionate share of this Nation's poor would otherwise have had to make. That is DSH payments.

Let's understand what we are talking about. The average person—what are you talking about? What is this DSH? How do you take care, in large metropolitan areas in the North, the South, the East, and the West of our country, of those who do not have medical insurance? What do those hospitals do? Close their doors? Go bankrupt? Who is to pay for them?

So there was a conscious effort by the committee to see to it that States with these disproportionate problems in terms of dealing with the uninsured, with those who had just Medicaid and Medicaid alone, who cannot sustain the operations of our medical centers, to give relief. Indeed, Mr. President, I believe if one were to add up the totality of the money provided, it would be in the area of $700 to $800 million that was given in relief to pushing the cuts that these States and these institutions would otherwise absorb.

Let me give you just some of the States. Alabama, Connecticut, Florida, Louisiana, Maine, Missouri, New Hampshire, New Jersey, South Carolina, Texas, Vermont.

Mr. President, to suggest that New York was the only one, indeed, New York could have been included. And if draftsmanship had been used, if we had known that we would have been singled out in this manner, I tell you we could have included the provision within the budget in such a way that all of these States including New York would have had to be vetoed then.

Are we saying it is the poor of New York who should be disadvantaged? We don't begrudge help to those States that are needing it. This is not an attempt to game the system. And let me talk about that.

There came a point in time when the Federal Government became aware that some States were gaming the system. In other words, certain States were guilty of scamming. That was wrong, and both Senator MOYNIHAN and I provided the support, and it passed unanimously, that we put a stop to that. But let's understand that is not what New York was doing.

For example, for those who were gaming the system, a provider would pay a $5,000 provider tax to the State. The State would then draw a matching $5,000 from the Federal Government and then reimburse the provider. It was a scam. It was simply a bookkeeping entry to get the Federal Government to pick up an expense that the State never really incurred and the provider did not incur.

That is wrong. That is not our system. New York was not then and is not now involved in that scam. This wasn't an attempt to bill poor people for services and build roads or not use those moneys. That has never been the allegation. And, indeed, as a matter of fact, New York has had a long history of requiring insurers to pay assessments on hospital services. Thereby, that assessment over and above that particular service would go to help the poorest of the poor. And, indeed, we now have a program by utilizing these provider taxes that provides insurance for those families who could not purchase it for their youngsters. We provide up to 140,000 youngsters, children up to the age of 19, with insurance. It comes from this provider tax.

Let me say that these assessments provide $1.1 billion a year in gross provider tax collections and are used for dealing with uninsured children, the poorest of the poor. The Balanced Budget Act contained language which specifically determined that New York provider taxes meet the legitimate requirements. That is what we did.

Now, Mr. President, we have attempted for more than 2 years to get a resolve of this matter from HCFA. Nothing. Nothing. No response. Delay, delay, delay, delay. You can't do that to a community. You are not doing it just to a State government. That impacts on the lives of hundreds and hundreds of thousands of people. Is that fair?

And so, Mr. President, I find it incomprehensible and absolutely a tragedy that the President would have received this kind of advice. People, I believe, did not tell the President the entire story. I cannot believe that he really would want to veto a provision, the dollars of which are used to take care of the truly needy. I hope that between the time this legislation that we have introduced comes to a vote, we can get a resolve of this matter, not to deal with it in a confrontational, adversarial way, but in a way that makes sense, in a way that is fair, that is fair intellectually, that is fair morally, that is fair ethically.

And I want to make it clear that I concede nothing. If we have to fight, why then we will, because this is a battle not about a State being treated fairly or unfairly but about its people and their needs. This is a battle that says that a State does have a right to raise revenues in a particular manner and to utilize them for the purpose which I have attempted to outline.

I want to commend my colleague, who, as the ranking member of Finance and, indeed, the senior member on Budget, was there every moment of the negotiations, and never once were we told this is a special treatment.

Mr. MOYNIHAN. Never.

Mr. D'AMATO. Never once. And so for it to be sprung on us —I was out of the country—I said, when asked, that I was shocked, truly shocked. Again, I think the President is a big enough person to look at this in a way, or to say to those in charge at HCFA, come on, let's resolve this. Let's see to it that New York's problem, which is one of seeing to the needs of the uninsured—and, by the way, we have plans in speaking to the administration—and Senator MOYNIHAN and I have been conferring with the health department people. They believe that this program can be and will be in the fullness of time—it is a program to provide insurance where families pay a very modest amount, in some cases $25 a month, and some none depending upon their income—that it can be expanded to take care of up to 500,000 young people, youngsters, children who otherwise would not be insured.

Mr. President, we are not going to give up the battle. It is a battle that we are committed to winning on behalf of the poor, on behalf of the needy, on behalf of the uninsured, on behalf of the many working families that do not have full coverage. And I am proud and privileged to join the senior Senator from New York, Senator MOYNIHAN, in an attempt to get justice for these children and for those in need.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. May I just congratulate my colleague and friend for the tone of his statement, its tenor. He is not seeking confrontation with the administration. He is seeking insurance for the poorest of poor children in

our State. I was able to say earlier that in the annual balance of payments study that we have been putting out for 2 years, New York has the third highest poverty rate in the Nation and the fourth highest cost of living. These children are at stake.

The Senator has made the point, and I congratulate the Senator for it, in that mode and making clear because the record is there that this issue was never raised prior to the veto. It was a decision made after the bill was signed, I think. I don't know. And I think that some reassessment of the process, the procedure might bring change in judgment.

Again, I thank my friend, and I am telling him how pleased and honored I am to be associated with him in this matter.

By Mr. GRAMS:

S. 1145. A bill to amend the Social Security Act to provide simplified and accurate information on the Social Security trust funds, and personal earnings and benefit estimates to eligible individuals; to the Committee on Finance.

THE SOCIAL SECURITY INFORMATION ACT

Mr. GRAMS. Madam President, I rise today to introduce legislation to require the Social Security Administration to provide key information to the American people for retirement planning.

In that regard, I plan to send my bill to the desk in just a moment.

But to explain that, every working American has a significant part of each paycheck designated to the Social Security Program, but few know how much they've contributed over their lifetime, the real value of their Social Security investment, or how much they'll need for a secure retirement.

As average life-expectancy increases and the oldest baby boomers approach retirement, the answers to those three questions become critically important, for there's growing concern over the future of Social Security and how individuals should prepare themselves for retirement.

Over the next 33 years, the number of retirees and their dependents who are eligible for Social Security benefits will increase by more than 100 percent; from 30 million in 1997 to more than 60 million in 2030, while the number of workers 20 to 64 years old will increase by only 20 percent.

By 2030, the ratio of workers per retiree will be the smallest ever, straining the entire Social Security system to the breaking point. Most of these older Americans will rely on Social Security benefits as their major source of retirement income.

For many families, Social Security is the largest and most important financial investment they'll make, consuming up to one-eighth of their total lifetime income. Yet, the Federal Government remains unaccountable for the dollars working Americans have invested in the program.

Current laws do not require the Social Security Administration, [SSA], the agency managing the Social Security trust funds, to send clear and complete account statements to individual taxpayers.

Therefore, Americans don't receive adequate information about the retirement benefits they can expect to receive, the rate of return from their Social Security investment, or the future financial status of the Social Security trust funds—information, by the way, private investment agencies are required to provide to their investors.

As a result, the vast majority of today's baby boomers won't be financially secure at retirement.

My legislation would help to correct this problem and bring Social Security closer to meeting the disclosure requirements expected of private investment firms. This legislation will help ensure that working Americans receive the information they need to plan for a secure retirement.

In 1989, Congress passed the personal earnings and benefits estimate statements, it is commonly known as PEBES. That legislation requires the SSA to send to eligible individuals statements on their yearly earnings and estimated benefits.

A recent study by the General Accounting Office, the accounting arm of Congress, suggests that while the PEBES is useful, it is extremely difficult for average Americans to understand and, in fact, could be misleading. Therefore it isn't as effective as it could be or should be.

Moreover, the current PEBES statement does not include the information an individual needs to most effectively plan for retirement.

My proposal would require Washington to provide key information on the real value, or the yield, of a worker's investment in the Social Security Program by counting employers' contributions as workers' earnings to calculate the rate of return. Washington currently excludes this type of contribution from a worker's earnings statement.

The employer's share of Social Security is a labor cost that's ultimately borne by the employee; it is only fair that it be counted as a worker's contribution.

To ensure that the information is easy to understand, my legislation would also direct the SSA to provide benefit estimates in real rather than current dollars. To show the impact of inflation on Social Security benefits, consider the case of a typical individual retiring in 2043. That American is 25 years old today, retiring in the year 2043.

The current benefit estimate found in PEBES will tell this worker that he or she can expect to receive $98,989—nearly $100,000 annually in Social Security benefits. That sounds pretty good, doesn't it? But most workers will never consider the effects of inflation on this number. They'd never guess that an income of $98,989 in 2043 will actually be the equivalent of only $14,180 today because of inflation.

If the PEBES includes such misleading information, it is likely that more working Americans will misunderstand and, therefore, overestimate the value of the benefits they will receive from Social Security. Only after it is too late will they find themselves financially unprepared for retirement.

Not only would my legislation direct the SSA to include all of the most important information found in PEBES on a single, easy-to-read form, but the SSA would also be required to provide the current and projected balance in the Social Security trust funds, and let individuals decide on their future by providing them honest information today.

With this information, Americans will be able to quickly and easily determine what the PEBES report is about and find the information essential to successful retirement planning.

Working American need to know up front what they can and cannot expect out of the Social Security system compared against what they are paying into it.

Giving individuals an honest accounting of that information serves the fundamental objectives of the Social Security Program by enabling workers to judge to what degree they should supplement their contributions with other forms of retirement savings such as pension plans and personal savings and investments.

While much more needs to be accomplished to preserve and strengthen the Social Security safety net for today and tomorrow, the approach I've outlined would be an important first step in that attempt.

By Mr. ASHCROFT:

S. 1146. A bill to amend title 17, United States code, to provide limitations on copyright liability relating to material on-line, and for other purposes; to the Committee on the Judiciary.

THE DIGITAL COPYRIGHT CLARIFICATION AND TECHNOLOGY EDUCATION ACT OF 1997

Mr. ASHCROFT. Mr. President, I speak today on an issue of great importance to copyright law and to the continued growth of electronic commerce on the Internet. In December 1996, two treaties were adopted by the diplomatic conference of the World Intellectual Property Organization [WIPO] to update international copyright law. These treaties would extend international copyright law into the digital environment, including the Internet. However, these treaties do not provide a comprehensive response to the many copyright issues raised by the flourishing of the Internet and the promise of digital technology. We must endeavor to keep the scales of copyright law balanced, providing important protections to creators of content, while ensuring their widespread distribution. To begin the discussion I am introducing today the Digital Copyright Clarification and Technology Education Act of 1997.

Any discussion of this issue, even in the most simple terms, raises many

important issues. We must foster the growth of the Internet, which provides such great opportunity to our country because it is the most participatory form of mass communication ever developed. It draws people together from all corners of the globe to share and communicate on an unprecedented level, and brings all levels of government closer to the public. The Internet also holds great promise for education. Students—rural, suburban, and urban—are increasingly able to access a wealth of information right at their computer that was previously beyond their reach.

In addition, the Internet offers significant commercial possibilities. Small businesses can reach out across the globe and conquer the distances between them and potential customers. Individuals can view merchandise and make purchases without leaving home. Hopefully, soon a system will develop to allow individuals to contract electronically with traditional force of law for contracts on paper. However, this potential will never be realized without a system that fairly protects the interests of those who own copyrighted material; those who deliver that material via the Internet; and individual users. The implications here are far-reaching, with impacts that touch individual users, companies, libraries, universities, teachers and students.

The legislation I am introducing today would accomplish several goals. First, the legislation would clarify the extent of liability for entities who transfer information via the Internet without control of the content. Second, the bill would provide for a rapid response to copyright infringement with the cooperation of the copyright owner and the on-line service to take down the infringing material, helping to curtail piracy. Third, the Act will provide for the use of digital technology in education, research, and library archives, including updating the fair use doctrine for electronic media. Fourth, the legislation provides a standard for liability based on individual conduct, not a standard that constrains the development of new technology.

We must confirm that the entities who facilitate the operation of the global information infrastructure not be unfairly liable for literally billions of transmissions that individual users send via the Internet or post on the World Wide Web every week. We cannot make the Internet too costly to operate. Liability for infringement of copyright should reflect the degree of control that any party had in the determination of the content of the offending message. Those providing the infrastructure that makes the Internet possible should not be held liable for the content of messages to which they have no access. Often, the copyright holders will be best situated to make a determination of whether their copyrighted material is being infringed.

In addition, two very real considerations in the final outcome are the capabilities and limits of current technology. It is not possible to monitor every communication on the Internet, not even to look at every homepage on the World Wide Web, even if it were desirable. In January 1997, one estimate put the number of Internet hosts at more than 16 million. Each could host multiple homepages, and those individual sites could be composed of multiple individual pages. One individual host, GeoCities, boasts of more than half a million homesteaders, with 5,000 new residents arriving daily. As of May 1997 there were more than 40 million people on the Web, a breathtaking increase from the 1 million in December 1994. To state the facts of the exploding traffic growth in a different way, one major infrastructure provider, of which there are many, reports traffic of 250 terabytes a month—a terabyte is a thousand billion bytes—which translates into almost six billion bytes a minute—for one carrier. More importantly, any wholesale reading of messages would constitute the largest full scale attack on our individual privacy ever undertaken. We are confident that those delivering the mail do not read our sealed letters and we should have that same confidence in our e-mail and other electronic communications. It would be impossible for any carrier to review all of the material; and we cannot create a legal obligation that is technologically impossible to satisfy. Clearly, the potential for copyright infringement is real—as real as the impossibility of requiring a service provider to monitor every communication, including e-mail, homepages, and chat rooms.

Another important issue is the right of reproduction as specifically related to ephemeral copying. As a message is sent through cyberspace copies of the message are reproduced, in a sense. This is a reality of computer technology. For the most part an entire copy never exists anywhere, except at the points of distribution and receipt. The Internet was designed to send packets, pieces of a message expressed in digital form, a full message is not sent from one point to another. In the process of delivering the message multiple copies of each packet are sent so if a path is blocked path or data lost, the end message can be totally reassembled. Additionally, a full copy may be assembled on the recipient's server, where the message would reside until the recipient pulls down the file, or a copy may be made on a user's hard drive during the simple act of reading a document on-line. Obviously, to make this sort of copy illegal would be a move that flies in the face of the operations of the Internet and would destroy the World Wide Web. We need to make clear the status of these temporary and necessary copies within communications networks.

The passage of appropriate copyright legislation goes beyond the implications of liability and technical operations. The outcome of this debate will affect educators and students across the country. One important aspect for education is to guarantee that computers can be used in distance learning, in a way that television and video recorders have been used for years. The copyright laws have long recognized the need to ensure that the copyright laws do not stand in the way of the opportunities that the technology promises to provide students in rural areas. Unfortunately, the current law reflects the technology that was current when it was passed, largely video. We need to update these laws to reflect the enormous potential of the digital era. Part of the work in this area may include defining the classroom to reflect that in many instances the classroom is no longer a physical space.

In addition, the fair use doctrine in the Copyright Act should be amended to make clear that fair use applies regardless of the manner in which the material is distributed. A sound fair use doctrine is critical to continued interoperability of various systems, which in effect allows the Internet to exist and grow. Fair use encourages others to build freely on the ideas and information in a work while guaranteeing the author's right to their original expression. Currently, fair use may be made of a work for teaching, commentary, research, scholarship, criticism, and even news reporting. We should not tolerate discriminatory treatment based on a means of distribution or an alternative technology. Fair use in one medium should be fair use in another.

Finally, we must facilitate the preservation of copyrighted materials by libraries, archives, and universities. These institutions should be able to preserve their works, many of which represent the cultural heritage of the United States, in the best means possible, including digitally. To require that these institutions purchase new copies of existing works, but in digital format, could cost untold billions of dollars. Many works could never be made available digitally as they are no longer available in a format available for purchase.

Mr. President, we have made an effort to provide access to technology to all students in the last couple of years. In 1996, Congress appropriated $200 million to provide teachers with the training and support needed for access to technology, and to ensure that effective software and on-line resources would be available for use with the curriculum. The fiscal year 1998 budget request from the administration for this program is $425 million, with the House Appropriations Committee approving $460 million. Approving nearly $700 million over 2 years to guarantee that education can be delivered in a digital format, while impeding or denying delivery of digital material by neglecting our copyright law makes no sense. A decision has been made that students must prepare to operate in an on-line world. We must unlock the teaching

potential of the Internet and we must now guarantee that the appropriate material is made available, so that our students can receive a full education while taking advantage of the tremendous strides made in technology.

The Missouri State Librarian recently wrote to me that Missouri's strong distance education programs could flourish or wither, depending on the outcome of this debate. I suspect this is the case in all States with strong distance learning programs to serve rural areas. These programs allow residents in even the most remote areas to have the same access to education as those who live near schools, colleges, or universities. These programs cannot operate as effectively without the assurance that educators can use materials over computer networks.

Equally important, Mr. President, we must begin a process internationally that is structured to balance the rights of copyright owners with the needs and technological limitations of those who enable the distribution of the electronic information, and with the rights and needs of individual end users. The current treaties and statements are not sufficient, and include some language that could create legal uncertainty. The loose language could lead to law that ignores technical realities, blindly shifts liability and ignores serious issues. The language must be clarified through the enactment of legislation in conjunction with the Senate's ratification of the treaties.

Moreover, some of the proposed treaty implementation language attempts to attack copyright violations from the position of the technology that may be used, rather than placing the blame on those who are infringing the copyright. We cannot legislate technology. Just as we have seen the legislated 56-bit encryption become obsolete so too will any technology frozen in place by legislation. We must end policies of the Government that hinder technology, but, more importantly we must not initiate new policies that express an inherent fear of new technology.

We must recognize other realities. Scores of software programs are illegally copied on-line, and intellectual piracy is an issue. However, some of this problem relates to the failure of the law, particularly copyright law, to keep up with the swift advance of technology. In a digital environment, hundreds of copies can be made and distributed in the blink of an eye. These copies are reproductions; they are perfect recreations of the original. The speed with which copies can be made makes the traditional ways of enforcing the copyright laws—a court order—obsolete. Copyright laws must evolve to embrace the new medium of digital storage and transmission. Those who provide the content for the Internet need some assurance that their valuable work will not become worthless because piracy. The approach in the Digital Copyright Clarification and Technology Education Act of 1997 requires that service providers cooperate with content providers by taking action after they are notified that illegal material is posted, or being transmitted on their systems. The benefits to copyright holders are notable. A copyright owner will be able to stop the illegal distribution of the material quickly without having to use the courts as a first measure. This approach solves the largest problem for on-line piracy, by providing a quick response to illegal activity which will preserve the value of the material.

Mr. President, one of the many important values held in this country is the freedom of expression. The United States must continue to be a leader in the preservation of freedom of expression around the world. Many countries are looking to the United States to be a leader on these important issues. We have the opportunity to send a strong message internationally that copyright law must be revised to fit the realities of a digital environment, and that by doing so we can encourage the growth and evolution of the Internet, while protecting all parties involved, with zero tolerance for illegality.

I look forward to working with all interested parties, service providers, educators, entertainers, authors and others as this issue develops. I welcome the involvement of Senators who may have an interest in this legislation and the opportunity to work together to develop sound policy.

Mr. President, the administration took a lead role in the copyright debate that took place in an international forum. We must continue this leadership in the Senate, in order to secure the U.S. role not only as a leader in the manufacture of technology and development of content, but also as a leader in fashioning a fair and just approach to the use of digital technology and information.

Mr. president, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 1146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Digital Copyright Clarification and Technology Education Act of 1997''.

TITLE I—DIGITAL COPYRIGHT CLARIFICATION

SEC. 101. PURPOSES.

The purposes of this Act are—

(1) to clarify the application of copyright law in the unique environment of Internet and on-line communication;

(2) to foster the continued growth and development of the Internet as a means of communication and commerce, including the lawful distribution of intellectual property;

(3) to protect the rights of copyright owners in the digital environment;

(4) to clarify that providing network services and facilities with respect to the transmission of electronic communications of another person does not result in liability under the Copyright Act;

(5) to clarify that Internet and on-line service providers are not liable for third-party copyright infringements unless they have received notice in compliance with this Act of the infringing material and have a reasonable opportunity to limit the third-party infringement; and

(6) to create incentive for the rapid elimination of infringing material residing on an electronic communications system or network without litigation.

SEC. 102. CLARIFICATION OF LIABILITY.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by adding after section 511 the following new section:

''§ 512. Liability relating to material on the Internet and on-line

''(a) MATERIAL BEING TRANSMITTED THROUGH AN ELECTRONIC COMMUNICATIONS SYSTEM OR NETWORK.—

''(1) NETWORK SERVICE WITH RESPECT TO THE TRANSMISSION OF ELECTRONIC COMMUNICATIONS.—A person shall not be liable for direct, vicarious or contributory infringement of copyright arising out of providing electronic communications network services or facilities with respect to a copyright infringement by a user. A person shall be considered to provide 'network services and facilities' when such person transmits, routes or provides connections for material on behalf of a user over an electronic communications system or network controlled or operated by or for the person, including intermediate and transient storage, the processing of information, and the provision of facilities therefor, if—

''(A) the provision of services is for the purpose of managing, controlling or operating a communications system or network, supplying local access, local exchange, telephone toll, trunk line, private line, or backbone services, including network components or functions necessary to the transmission of material contained in electronic communications carried over those services; or

''(B) the transmission of material over the system or network on behalf of a user does not involve the generation or material alteration of content by the person.

''(2) PRIVATE AND REAL-TIME COMMUNICATION SERVICES.—A person shall not be liable for direct, vicarious or contributory infringement of copyright arising from supplying to another—

''(A) a private electronic communication, including voice messaging or electronic mail services, or any other communication for which such person lacks either the technical ability or authority under law to access or disclose such communication to any third party in the normal course of business; or

''(B) real-time communication formats, including chat rooms, streamed data, or other virtually simultaneous transmissions.

''(3) INFORMATION LOCATION TOOLS.—No person shall be liable for direct, vicarious or contributory infringement of copyright arising out of supplying a user of network services or facilities with—

''(A) a site-linking aid or directory, including a hyperlink or index;

''(B) a navigational aid, including a search engine or browser; or

''(C) the tools for the creation of a site-linking aid.

''(b) MATERIAL RESIDING ON A SYSTEM OR NETWORK.—

''(1) COOPERATIVE PROCEDURE FOR EXPEDITIOUS RESPONSE TO CLAIMS OF INFRINGEMENT.—A person shall not be liable for direct, vicarious or contributory infringement of copyright arising out of the violation of any of the exclusive rights of the copyright owner by another with respect to material residing on a system or network used in conjunction with electronic communications that is controlled or operated by or for the

person, unless upon receiving notice complying with paragraph (b)(3), the person fails expeditiously to remove, disable, or block access to the material to the extent technologically feasible and economically reasonable for a period of ten days, or until receiving a court order concerning the material, whichever is less.

''(2) Paragraph (b)(1) shall apply where such person—

''(A) did not initiate the placement of the material on the system or network;

''(B) did not determine the content of the material placed on the system or network; and

''(C) did not contract for placement of the specific material on the system or network by another person in order to provide that content as part of the person's service offering.

''(3) A person shall not be deemed to have notice that material residing on a system or network used in conjunction with electronic communications is infringing unless the person—

''(A) is in receipt of a notification that the particular material is infringing. Such notification shall:

''(i) pertain only to allegedly infringing material that resides on a system or network controlled or operated by or for the person;

''(ii) be submitted in accordance with directions displayed on the person's system or network indicating a single place or person to which such notifications shall be submitted;

''(iii) be signed, physically or electronically, by an owner of an exclusive right that is allegedly infringed, or by a person authorized to act on such owner's behalf;

''(iv) provide an address, telephone number, and electronic mail address, if available, at which the complaining party may be contacted in a timely manner;

''(v) describe the material claimed to be infringing, including information reasonably sufficient to permit the person expeditiously to identify and locate the material;

''(vi) provide reasonable proof of a certificate of copyright registration for the material in question, a filed application for such registration, or a court order establishing that use of the material in the manner complained of is not authorized by the copyright owner or the law;

''(vii) contain a sworn statement that the information in the notice is accurate, that the complaining party is an owner of the exclusive right that is claimed to be infringed or otherwise has the authority to enforce the owner's rights under this title, and that the complaining party has a good faith belief that the use complained of is an infringement;

''(viii) be accompanied by any payment that the Register of Copyrights determines is necessary to deter frivolous and de minimis notices; and

''(B) A person who is an employee or agent of a nonprofit educational institution, library or archives, acting within the scope of his employment, or such an educational institution, library or archives itself, shall not be deemed to have notice under subparagraph (A) if that person reasonably believed (i) that the allegedly infringing use was a fair use under Sec. 10 or (ii) was otherwise lawful; and

''(C) The Register of Copyrights may, by regulation, establish guidelines identifying additional information to be included in the notice and shall issue a standard notice form in both electronic and hard copy formats, which complies with this paragraph, but failure of a party to provide any such additional information, or failure to use any issued form, shall not invalidate the notice.

''(4) MISREPRESENTATIONS AND REDRESS FOR WRONGFUL NOTIFICATIONS.—Any person who materially misrepresents that material online is infringing in a notice described in paragraph (b)(3)(A), shall be liable in a civil action that may be brought in an appropriate United States district court or State court for statutory damages of not less than $1,000, and any actual damages, including costs and attorneys' fees, incurred by—

''(A) the actual copyright owner or the alleged infringer arising out of the disabling or blocking of access to or removal of such material; or

''(B) any person who relies upon such misrepresentation in removing, disabling, or blocking access to the material claimed to be infringing in such notice.

''(5) LIMITATION ON LIABILITY BASED UPON REMOVING, DISABLING, OR BLOCKING ACCESS TO INFRINGING MATERIAL.—A person shall not be liable for any claim based on that person's removing, disabling, or blocking access for a period of ten days, or until the person receives a court order concerning the material, whichever is less, to material residing on a system or network used in conjunction with electronic communications that is controlled or operated by or for that person in response to notice pursuant to paragraph (b)(3)(A) that the material is infringing, whether or not the material is infringing.

''(6) OTHER DEFENSES NOT AFFECTED.—A person's removing, disabling, or blocking access to material residing on a system or network used in conjunction with electronic communications that is controlled or operated by or for that person, pursuant to paragraph (1), or the failure to do so, shall not adversely bear upon the consideration by a court of any other issue pertaining to liability or remedy, including any other limitation on liability established in paragraph (a), any other applicable defense, any claim that the service provider's alleged conduct is not infringing, or whether or not such conduct is willful or innocent.''

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by adding at the end of the following:

''512. Liability relating to material on the Internet and on-line.''

TITLE II—TECHNOLOGY FOR TEACHERS AND LIBRARIANS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Technology for Educators and Children (TECH) Act.

SEC. 202. FAIR USE.

(a) TRANSMISSIONS.—The first sentence of section 107 of title 17, United States Code, is amended by inserting after ''or by any other means specified in that section,'' the following: ''and by analog or digital transmission,''; and

(b) DETERMINATION.—Section 107 of title 17, United States Code, is amended by adding at the end thereof the following: ''In making a determination concerning fair use, no independent weight shall be afforded to—

''(1) the means by which the work has been performed, displayed or distributed under the authority of the copyright owner; or

''(2) the application of an effective technological measure (as defined under section 1201(c)) to the work.''.

SEC. 203. LIBRARY EXEMPTIONS.

Section 108 of title 17, United States Code, is amended—

(1) by striking ''Notwithstanding'' at the beginning of subsection (a) and inserting: ''Except as otherwise provided and notwithstanding'';

(2) by inserting after ''copyright'' in subsection (a)(3): ''if such notice appears on the copy or phonorecord that is reproduced under the provisions of this section'';

(3) in subsection (b) by—

(A) deleting ''a copy or phonorecord'' and inserting in lieu thereof: ''three copies or phonorecords''; and

(B) deleting ''in facsimile form''; and

(4) in subsection (c) by—

(A) deleting ''a copy or phonorecord'' and inserting in lieu thereof: ''three copies or phonorecords'';

(B) deleting ''in facsimile form''; and

(C) inserting ''or if the existing format in which the work is stored has become obsolete,'' after ''stolen,''.

SEC. 204. DISTANCE EDUCATION.

(a) TITLE CHANGE.—The title of section 110 of title 17, United States Code, is amended to read as follows:

''§ 110. Limitations on exclusive rights: Exemption of certain activities''.

(b) PERFORMANCE, DISPLAY AND DISTRIBUTION OF A WORK.—Section 110(2) of title 17, United States Code, is amended to read as follows:

''(2) performance, display or distribution of a work, by or in the course of an analog or digital transmission, if—

''(A) the performance, display or distribution is a regular part of the systematic instructional activities of a governmental body or a nonprofit educational institution;

''(B) the performance, display or distribution is directly related and of material assistance to the teaching content of the transmission; and

''(C) the work is provided for reception by—

''(i) students officially enrolled in the course in connection with which it is provided; or

''(ii) officers or employees of governmental bodies as part of their official duties or employment.''

(c) EPHEMERAL RECORDINGS OF WORKS.—Section 112(b) of title 17, United States Code, is amended by deleting ''transmit a performance or display of'' and inserting in lieu thereof: ''perform, display or distribute''.

SEC. 205. LIMITATIONS ON EXCLUSIVE RIGHTS.

(a) TITLE.—The title of section 117 of title 17, United States Code, is amended to read as follows:

''§ Limitations on exclusive rights: Computer programs and digital copies'';

(b) DIGITAL COPIES.—Section 117 of title 17, United States Code, is amended by inserting ''(a)'' before ''Notwithstanding'' and inserting the following as a new subsection (b):

''(b) Notwithstanding the provisions of section 106, it is not an infringement to make a copy of a work in a digital format if such copying—

''(1) is incidental to the operation of a device in the course of the use of a work otherwise lawful under this title; and

''(2) does not conflict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interest of the author.''.

TITLE III—WIPO TREATY IMPLEMENTATION

SEC. 301. WIPO IMPLEMENTATION.

Title 17 of the United States Code is amended by adding the following sections:

''§ 1201. Circumvention of certain technological measures

''(a) CIRCUMVENTION CONDUCT.—No person, for the purpose of facilitating or engaging in an act of infringement, shall engage in conduct so as knowingly to remove, deactivate or otherwise circumvent the application of operation of any effective technological measure used by a copyright owner to preclude or limit reproduction of a work or a portion thereof. As used in this subsection, the term 'conduct' does not include manufacturing, importing or distributing a device or a computer program.

''(b) CONDUCT GOVERNED BY SEPARATE CHAPTER.— Notwithstanding subsection (a), this section shall not apply with respect to conduct or the offer or performance of a service governed by a separate chapter of this title.

''(c) DEFINITION OF EFFECTIVE TECHNOLOGICAL MEASURE.—As used in this section, the term 'effective technological measure' means information included with or an attribute applied to a transmission or a copy of a work in a digital format, or a portion thereof, so as to protect the rights of a copyright owner of such work or portion thereof under chapter one of this title and which—

''(1) encrypts or scrambles the work or a portion thereof in the absence of access information supplied by the copyright owner; or

''(2) includes attributes regarding access to or recording of the work that cannot be removed without degrading the work or a portion thereof.

''§ 1202. Integrity of copyright management information

''(a) FALSE COPYRIGHT MANAGEMENT INFORMATION.—No person shall knowingly provide copyright management information that is false, or knowingly publicly distribute or import for distribution copyright management information that is false, with intent to induce, facilitate, or conceal infringement.

''(b) REMOVAL OR ALTERATION OF COPYRIGHT MANAGEMENT INFORMATION.—No person shall, without authority of the copyright owner or other lawful authority, knowingly and with intent to mislead or to induce or facilitate infringement—

''(1) remove or alter any copyright management information;

''(2) publicly distribute or import for distribution a copy or phonorecord containing copyright management information that has been altered without authority of the copyright owner or other lawful authority; or

''(3) publicly distribute or import for distribution a copy or phonorecord from which copyright management information has been removed without authority of the copyright owner or other lawful authority: *Provided*, That the conduct governed by this subsection does not include the manufacturing, importing or distributing of a device.

''(c) DEFINITION OF COPYRIGHT MANAGEMENT INFORMATION.—As used in this chapter, the term 'copyright management information' means the following information in electronic form as carried in or as data accompanying a copy or phonorecord of a work, including in digital form:

''(1) The title and other information identifying the work, including the information set forth in a notice of copyright.

''(2) The name and other identifying information of the author of the work.

''(3) The name and other identifying information of the copyright owner of the work, including the information set forth in a notice of copyright.

''(4) Terms and conditions for uses of the work.

''(5) Identifying numbers or symbols referring to such information or links to such information.

''(6) Such other identifying information concerning the work as the Register of Copyrights may prescribe by regulations: *Provided*, That the term 'copyright management information' does not include the information described in section 1002, section 1201(c), or a chapter of this title other than chapters one through nine of this. *Provided further*, That, in order to assure privacy protection, the term 'copyright management information' does not include any personally identifiable information relating to the user of a work, including but not limited to the name, account, address or other contact information of or pertaining to the user.

''§ 1203. Civil remedies

''(a) CIVIL ACTIONS.—Any person aggrieved by a violation of section 1201(a) or 1202 may bring a civil action in an appropriate United States district court against any person for such violation.

''(b) POWERS OF THE COURT.—In an action brought under subsection (a), the court—

''(1) may grant a temporary and a permanent injunction on such terms as it deems reasonable to prevent or restrain a violation;

''(2) may grant such other equitable relief as it deems appropriate;

''(3) may award damages pursuant to subsection (c);

''(4) may allow the recovery of costs by or against any party other than the United States or an officer thereof; and

''(5) may award a reasonable attorney's fee to the prevailing party.

''(c) AWARD OF DAMAGES.—

''(1) IN GENERAL.—If the court finds that a violation of section 1201(a) or 1202 has occurred, the complaining party may elect either actual damages as computed under paragraph (2) or statutory damages as computed under paragraph (3).

''(2) ACTUAL DAMAGES.—The court may award to the complaining party the actual damages suffered by him or her as a result of the violation, and any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages, if the complaining party elects such damages instead of statutory damages at any time before final judgment is entered.

''(3) STATUTORY DAMAGES.—(A) The court may award to the complaining party statutory damages for each violation of section 1201(a) of not less than $250 or more than $2,500, as the court considers just, if the complaining party elects such damages instead of actual damages at any time before final judgment is entered.

''(B) The court may award to the complaining party statutory damages for each violation of section 1202 of not less than $500 or more than $20,000, as the court considers just, if the complaining party elects such damages instead of actual damages at any time before final judgment is entered.

''(4) REPEATED VIOLATIONS.—In any case in which the court finds that a person has violated section 1201(a) or 1202 within three years after a final judgment against that person for another such violation was entered, the court may increase the award of damages to not more than double the amount that would otherwise be awarded under paragraph (2) or (3), as the court considers just.

''(5) INNOCENT VIOLATION.—The court may reduce or remit altogether the total award of damages that otherwise would be awarded under paragraph (2) or (3) in any case in which the violator sustains the burden of proving, and the court finds, that the violator was not aware and had no reason to believe that its acts constituted a violation of section 1201(a) or 1202.''.

SEC. 302. CONFORMING AMENDMENTS.

(a) TABLE OF SECTIONS.—The table of sections for chapter 1 of title 17, United States Code, is amended by—

(1) Revising the item relating to section 110 to read as follows:

''110. Limitations on exclusive rights: Exemption of certain activities''; and

(2) Revising the item relating to section 117 to read as follows:

''117. Limitations on exclusive rights: Computer programs and digital copies''.

(b) TABLE OF CHAPTERS.—The table of chapters for title 17, United States Code, is amended by adding at the end the following:

''12. Copyright Protection and Management Systems ..... 1201''.

SEC. 303. EFFECTIVE DATES.

(a) IN GENERAL.—Sections one through seven and section 9(a) of this Act, and the amendments made by sections one through seven and section 9(a) of this Act, shall take effect on the date of enactment of this Act.

(b) WIPO TREATIES.—Section 8 and section 9(b) of this Act, and the amendments made by section 8 and section 9(b) of this Act, shall take effect on the date on which both the World Intellectual Property Organization Copyright Treaty and the World Intellectual Property Organization Performances and Phonograms Treaty have entered into force with respect to the United States.

ADDITIONAL COSPONSORS

S. 61

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 102

At the request of Mr. SPECTER, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 102, a bill to amend title XVIII of the Social Security Act to improve medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 230

At the request of Mr. THURMOND, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 364

At the request of Mr. LIEBERMAN, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 385

At the request of Mr. CONRAD, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 385, a bill to provide reimbursement under the medicare program for telehealth services, and for other purposes.

S. 394

At the request of Mr. HATCH, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting

future compensation of justices and judges of the United States.

S. 532

At the request of Mr. BAUCUS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 532, a bill to authorize funds to further the strong Federal interest in the improvement of highways and transportation, and for other purposes.

S. 772

At the request of Mr. SPECTER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 772, a bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

S. 803

At the request of Mr. THURMOND, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 803, a bill to permit the transportation of passengers between United States ports by certain foreign-flag vessels and to encourage United States-flag vessels to participate in such transportation.

S. 852

At the request of Mr. LOTT, the names of the Senator from Kansas [Mr. BROWNBACK] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 863

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 863, a bill to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

S. 887

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Illinois [Mr. DURBIN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Washington [Mrs. MURRAY], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 887, a bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 912

At the request of Mr. BOND, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 912, a bill to provide for certain military retirees and dependents a special medicare part B enrollment period during which the late enrollment penalty is waived and a special medigap open period during which no underwriting is permitted.

S. 927

At the request of Ms. SNOWE, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Virginia [Mr. ROBB], the Senator from Washington [Mrs. MURRAY], the Senator from Hawaii [Mr. AKAKA], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 927, a bill to reauthorize the Sea Grant Program.

S. 980

At the request of Mr. DURBIN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 980, a bill to require the Secretary of the Army to close the United States Army School of the Americas.

S. 1051

At the request of Mr. CAMPBELL, the names of the Senator from Colorado [Mr. ALLARD], and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 1051, a bill to amend the Communications Act of 1934 to enhance protections against unauthorized changes of telephone service subscribers from one telecommunications carrier to another, and for other purposes.

S. 1062

At the request of Mr. D'AMATO, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Nevada [Mr. REID], the Senator from Maine [Ms. COLLINS], the Senator from Virginia [Mr. WARNER], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 1062, a bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

S. 1100

At the request of Mr. HUTCHINSON, his name was withdrawn as a cosponsor of S. 1100, a bill to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the legislation approving such covenant, and for other purposes.

S. 1105

At the request of Mr. COCHRAN, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Tennessee [Mr. THOMPSON] were added as cosponsors of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide a sound budgetary mechanism for financing health and death benefits of retired coal miners while ensuring the long-term fiscal health and solvency of such benefits, and for other purposes.

S. 1133

At the request of Mr. COVERDELL, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. KYL], and the Senator from Tennessee [Mr. THOMPSON] were added as cosponsors of S. 1133, a bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirment accounts for elementary and secondary school expenses and to increase the maximum annual amount of contributions to such accounts.

S. 1141

At the request of Mr. JOHNSON, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Missouri [Mr. BOND], the Senator from Nebraska [Mr. KERREY], the Senator from Iowa [Mr. HARKIN], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 1141, a bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

SENATE CONCURRENT RESOLUTION 32

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude.

SENATE CONCURRENT RESOLUTION 42

At the request of Mr. D'AMATO, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Nevada [Mr. REID], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of Senate Concurrent Resolution 42, a concurrent resolution to authorize the use of the rotunda of the Capitol for a congressional ceremony honoring Ecumenical Patriarch Bartholomew.

SENATE RESOLUTION 94

At the request of Mr. WARNER, the names of the Senator from Georgia [Mr. CLELAND] and the Senator from Louisiana [Ms. LANDRIEU] were added as cosponsors of Senate Resolution 94, a resolution commending the American Medical Association on its 150th anniversary, its 150 years of caring for the United States, and its continuing effort to uphold the principles upon which Nathan Davis, M.D. and his colleagues founded the American Medical Association to ''promote the science and art of medicine and the betterment of public health.''

SENATE RESOLUTION 111

At the request of Mr. THURMOND, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of Senate Resolution 111, a resolution designating the week beginning September 14, 1997, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF LABOR APPROPRIATIONS ACT FOR FISCAL YEAR 1998

DORGAN AMENDMENT NO. 1060

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him

to the bill (S. 1061) 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; as follows:

On page 30, line 21, strike ''$1,531,898,000.'' and insert ''$1,539,898,000: *Provided*, That in addition to any other amounts made available, either directly or indirectly, under this item for heart and stroke-related research, an additional $8,000,000 shall be used for such research.''.

On page 35, line 22, strike ''$211,500,000'' and insert ''203,500,000''.

ASHCROFT (AND OTHERS) AMENDMENT NO. 1061

Mr. ASHCROFT (for himself, Mr. HELMS, Mr. ABRAHAM, and Mr. COATS) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 77, strike lines 6 through 11, and insert the following (and redesignate the following section 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 for 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 by 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).

KERREY (AND OTHERS) AMENDMENT NO. 1062

(Ordered to lie on the table.)

Mr. KERREY (for himself, Mr. HAGEL, Mr. BINGAMAN, Mr. JEFFORDS, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by them to the bill, S. 1061, supra; as follows:

On page 40, line 24, strike the period and insert '': *Provided further*, That, notwithstanding section 418(a) of the Social Security Act, for fiscal year 1997 only, the amount of payment under section 418(a)(1) to which each State is entitled shall equal the amount specified as mandatory funds with respect to such State for such fiscal year in the table transmitted by the Administration for Children and Families to State Child Care and Development Block Grant Lead Agencies on August 27, 1996, and the amount of State expenditures in fiscal year 1994 or 1995 (whichever is greater) that equals the non-Federal share for the programs described in section 418(a)(1)(A) shall be deemed to equal the amount specified as maintenance of effort with respect to such State for fiscal year 1997 in such table.''.

INHOFE (AND CLELAND) AMENDMENT NO. 1063

(Ordered to lie on the table.)

Mr. INHOFE (for himself and Mr. CLELAND) submitted an amendment intended to be proposed by them to the bill, S. 1061, supra; as follows:

On page 70, between lines 8 and 9, insert the following:

''From funds provided under the second preceding paragraph, not less than $2,225,000 shall be available for conducting a disability return to work demonstration initiative, which focuses on providing persons who have lost limbs with an integrated program of prosthetic and rehabilitative care and job placement assistance.''

INHOFE AMENDMENT NO. 1064

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill, S. 1061, supra; as follows:

On page 59, strike lines 13 through 18.

MCCAIN AMENDMENT NO. 1065

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:

SEC. . (a) Notwithstanding any other provision of law, the payments described in subsection (b) shall not be considered income or resources in determining eligibility for, or the amount of benefits under, a program or State plan under title IV, XVI, or XIX of the Social Security Act.

(b) The payments described in this subsection are payments made by the Secretary of Defense pursuant to section 657 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2584).

D'AMATO AMENDMENTS NOS. 1066–1067

(Ordered to lie on the table.)

Mr. D'AMATO submitted two amendments intended to be proposed by him to the bill, S. 1061, supra; as follows:

AMENDMENT NO. 1066

On page 45, line 13, strike ''$854,074,000'' and insert ''894,074,000 of which $40,000,000 shall be made available to carry out title III of such Act''.

AMENDMENT NO. 1067

On page 45, line 13, strike ''$854,074,000'' and insert ''$854,074,000 (and an additional amount of $40,000,000 that shall be used to carry out title III of such Act)''.

DORGAN AMENDMENT NO. 1068

Mr. DORGAN proposed an amendment to the bill, S. 1061, supra; as follows:

On page 30, line 21, strike ''$1,531,898,000.'' and insert ''$1,539,898,000''.

On page 35, line 22, strike ''$211,500,000'' and insert ''203,500,000''.

SPECTER AMENDMENT NO. 1069

Mr. SPECTER proposed an amendment to the bill, S. 1061, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING APPOINTMENT OF INDEPENDENT COUNSEL.

(a) FINDINGS.—The Congress finds that—

(1) press reports appearing in the early Spring of 1997 reported that the FBI and the Justice Department withheld national security information from the Clinton administration and President Clinton regarding information pertaining to the possible involvement by the Chinese government in seeking to influence both the administration and some members of Congress in the 1996 elections;

(2) President Clinton subsequently stated, in reference to the failure by the FBI and the Justice Department to brief him on such information regarding China: ''There are significant national security issues at stake here,'' and further stated that ''I believe I should have known'';

(3) there has been an acknowledgment by former White House Chief to Staff Leon Panetta in March 1997 that there was indeed coordination between the White House and the DNC regarding the expenditure of soft money for advertising;

(4) the Attorney General in her appearance before the Senate Judiciary Committee on April 30, 1997 acknowledged a presumed coordination between President Clinton and the DNC regarding campaign advertisements;

(5) Richard Morris in his recent book, *Behind the Oval Office*, describes his firsthand knowledge that ''the president became the day-to-day operational director of our [DNC] TV ad campaign. He worked over every script, watched each ad, ordered changes in every visual presentation and decided which ads would run when and where;''

(6) there have been conflicting and contradictory statements by the Vice President regarding the timing and extent of his knowledge of the nature of a fundraising event at the Hsi Lai Buddhist Temple near Los Angeles on April 29, 1996;

(7) the independent counsel statute requires the Attorney General to consider the specificity of information provided and the credibility of the source of information pertaining to potential violations of criminal law by covered persons, including the President and the Vice President;

(8) the independent counsel statute further requires the Attorney General to petition the court for appointment of an independent counsel where the Attorney General finds that there is a reasonable likelihood that a violation of criminal law may have occurred involving a covered person;

(9) the Attorney General has been presented with specific and credible evidence pertaining to potential violations of criminal law by covered persons and there is a reasonable likelihood that a violation of criminal law may have occurred involving a covered person; and

(10) the Attorney General has abused her discretion by failing to petition the court for appointment of an independent counsel.

(b) It is the Sense of the Senate that the Attorney General should petition the court immediately for appointment of an independent counsel to investigate the reasonable likelihood that a violation of criminal law may have occurred involving a covered person in the 1996 presidential federal election campaign.

GREGG AMENDMENT NO. 1070

Mr. GREGG proposed an amendment to the bill, S. 1061, supra; as follows:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) PROHIBITION OF FUNDS FOR NATIONAL TESTING IN READING AND MATHEMATICS.—None of the funds made a available in this Act may be used to develop, plan, implement, or administer any national testing program in reading or mathematics.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the following:

(1) The National Assessment of Educational Progress carried out under sections 411 through 413 of the Improving America's Schools Act of 1994 (20 U.S.C. 9010–9012).

(2) The Third International Math and Science Study (TIMSS).

COATS (AND GREGG) AMENDMENT NO. 1071

Mr. COATS (for himself and Mr. GREGG) proposed an amendment to amendment No. 1070 proposed by Mr. GREGG to the bill, S. 1061, supra; as follows:

At the end of the pending amendment add the following:

SEC. . None of the funds made available in this Act or any other Act, may be used to develop, plan, implement, or administer any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute.

SPECTER AMENDMENT NO. 1072

Mr. SPECTER proposed an amendment to the bill, S. 1061, supra; as follows:

On page 39, before the period on line 25, insert the following: '': *Provided further*, That $2,000,000 of the amount available for research, demonstration, and evaluation activities shall be available for carrying out demonstration projects on Medicaid coverage of community-based attendant care services for people with disabilities which ensures maximum control by the consumer to select and manage their attendant care services''.

DURBIN AMENDMENT NO. 1073

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:

SEC. _____. (a) STUDY.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the General Accounting Office, shall conduct a comprehensive study concerning efforts to improve organ donation at hospitals. Under such study, the Secretary shall survey at least 5 percent of the hospitals participating in the organ donation program under the Public Health Service Act to examine—

(1) the differences in protocols for the identification of potential organ donors;

(2) whether each hospital has a system in place for such identification of donors; and

(3) protocols for outreach to the relatives of potential organ or tissue donors.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report concerning the study conducted under subsection (a), that shall include recommendations on hospital best practices—

(1) that result in the most efficient and comprehensive identification of organ and tissue donors; and

(2) for communicating with the relatives of potential organ donors.

WELLSTONE (AND OTHERS) AMENDMENT NO. 1074

Mr. WELLSTONE (for himself, Mr. MCCAIN, Mr. BURNS, Mr. DURBIN, Mr. FORD, Mr. D'AMATO, Mr. BREAUX, Ms. MOSLEY-BRAUN, Mr. SANTORUM, Mr. JOHNSON, Ms. SNOWE, Mr. REID, Mr. HOLLINGS, Mr. TORRICELLI, Mr. FAIRCLOTH, Mr. LEVIN, Mr. LAUTENBERG, Mr. HATCH, Mr. BRYAN, Mrs. BOXER, Mr. ROBB, and Mr. BAUCUS) proposed an amendment to the bill, S. 1061, supra; as follows:

At the appropriate place, insert the following:

SEC. . PARKINSON'S DISEASE RESEARCH.

(a) SHORT TITLE—This section may be cited as the Morris K. Udall Parkinson's Research Act of 1997''.

(b) FINDING AND PURPOSE.—

(1) FINDING.—Congrss finds that to take full advantage of the tremendous potential for finding a cure or effective treatment, the Federal investment in Parkinson's must be expanded, as well as the coordination strengthened among the National Institutes of Health research institutes.

(2) PURPOSE.—It is the purpose of this section to provide for the expansion and coordination of research regarding Parkinson's, and to improve care and assistance for afflicted individuals and their family caregivers.

(c) PARKINSON'S RESEARCH.—Part B of title IV of the Pubic Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

''PARKINSON'S DISEASE

''SEC. 409B. (a) IN GENERAL.—The Director of NIH shall establish a program for the conduct and support of research and training with respect to Parkinson's disease (subject to the extent of amounts appropriated under subsection (e)).

''(b) INTER-INSTITUTE COORDINATION.—

''(1) IN GENERAL.—The Director of NIH shall provide for the coordination of the program established under subsection (a) among all of the national research institutes conducting Parkinson's research.

''(2) CONFERENCE.—Coordination under paragraph (1) shall include the convening of a research planning conference not less frequently than one every 2 years. Each such conference shall prepare and submit to the Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Commerce of the House of Representatives a report concerning the conference.

''(c) MORRIS K. UDALL RESEARCH CENTERS.—

''(1) IN GENERAL.—The Director of NIH shall award Core Center Grants to encourage the development of innovative multidisciplinary research an provide training concerning Parkinson's. The Director shall award not more than 10 Core Center Grants and designate each center funded under such grants as a Morris K. Udall Center for Research on Parkinson's Disease.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—With respect to Parkinson's, each center assisted under this subsection shall—

''(i) use the facilities of a single institution or a consortium of cooperating institutions, and meet such qualifications as may be prescribed by the Director of the NIH; and

''(ii) conduct basic and clinical research.

''(B) DISCRETIONARY REQUIREMENTS.—With respect to Parkinson's, each center assisted under this subsection may—

''(i) conducted training programs for scientists and health professionals;

''(ii) conduct programs to provide information and continuing education to health professionals;

''(iii) conduct programs for the dissemination of information to the public;

''(iv) separately or in collaboration with other centers, establish a nationwide data system derived from patient populations with Parkinson's, and where possible, comparing relevant data involving general populations;

''(v) separately or in collaboration with other centers, establish a Parkinson's Disease Information Clearinghouse to facilitate and enhance knowledge and understanding of Parkinson's disease; and

''(vi) separately or in collaboration with other centers, establish a national education program that fosters a national focus on Parkinson's and the care of those with Parkinson's.

''(3) STIPENDS REGARDING TRAINING PROGRAMS.—A center may use funds provided under paragraph (1) to provide stipends for scientists and health professionals enrolled in training programs under paragraph (2)(B).

''(4) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding five years. Such period may be extended by the Director of NIH for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

''(d) MORRIS K.UDALL AWARDS FOR EXCELLENCE IN PARKINSON'S DISEASE RESEARCH.—The Director of NIH shall establish a grant program to support investigators with a proven record of excellence and innovation in Parkinson's research and who demonstrate potential for significant future breakthroughs in the understanding of the pathogensis, diagnosis, and treatment of Parkinson's. Grants under this subsection shall be available for a period of not to exceed 5 years.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $100,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000.''.

COATS (AND FRIST) AMENDMENT NO. 1075

Mr. COATS (for himself and Mr. FRIST) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:

COMPREHENSIVE INDEPENDENT STUDY OF NIH RESEARCH PRIORITY SETTING

SEC. . (a) STUDY BY THE INSTITUTE OF MEDICINE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine to conduct a comprehensive study of the policies and process used by the National Institutes of Health to determine funding allocations for biomedical research.

(b) MATTERS TO BE ASSESSED.—The study under subsection (a) shall assess—

(1) the factors or criteria used by the National Institutes of Health to determine funding allocations for disease research;

(2) the process by which research funding decisions are made;

(3) the mechanisms for public input into the priority setting process; and

(4) the impact of statutory directive on research funding decisions.

(c) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit a report concerning the study to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate, and the Committee on Commerce and the Committee on Appropriations of the House of Representatives.

(2) REQUIREMENT.—The report under paragraph (1) shall set forth the findings, conclusions, and recommendations of the Institute of Medicine for improvements in the National Institutes of Health research funding policies and processes and for any necessary congressional action.

(d) FUNDING.—Of the amount appropriated in this title for the National Institutes of Health, $300,000 shall be made available for the study and report under this section.

GORTON (AND OTHERS) AMENDMENT NO. 1076

(Ordered to lie on the table.)

Mr. GORTON (for himself, Mr. GRAMS, Mrs. MURRAY, Mr. JEFFORDS, and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:

SEC. ____. (a) Section 2110(b)(3) of the Social Security Act (42 U.S.C 1397jj(b)(3)) is amended to read as follows:

''(3) SPECIAL RULES.—

''(A) PRIOR COVERAGE UNDER A STATE-FUNDED HEALTH INSURANCE COVERAGE PROGRAM.—A child shall not be considered to be described in paragraph (1)(C) notwithstanding that the child is covered under a health insurance coverage program that has been in operation since before July 1, 1997, and that is offered by a State which receives no Federal funds for the program's operation.

''(B) STATES WITH MEDICAID APPLICABLE INCOME LEVELS AT OR ABOVE 200 PERCENT.—In the case of any State that, as of August 5, 1997, has, under a waiver authorized by the Secretary or under section 1902(r)(2), established a medicaid applicable income level for all children 17 years of age or younger or 18 years of age or younger (at the option of the State) residing in the State that is at or above 200 percent of the poverty line, such State may, notwithstanding subparagraphs (B)(ii) and (C) of paragraph (1), consider a child whose family income exceeds the mandatory income level (expressed as a percent of the poverty line) applicable for the age of such child under section 1902(l)(2), as in effect on August 5, 1997, in order for the child to be eligible for medical assistance under a State plan under title XIX, but does not exceed 200 percent of the poverty line, to be a targeted low-income child for purposes of this title if—

''(i) such child did not previously have health insurance coverage; and

''(ii) the State has submitted and had approved under section 2106 a plan amendment that specifies how the State will ensure that only children described in clause (i) are considered targeted low-income children in accordance with this subparagraph.''.

(b) Section 1905(u)(2)(C) of the Social Security Act (42 U.S.C. 1396d(u)(2)(C)) (as added by section 4911(a)(2) of the Balanced Budget Act of 1997) is amended to read as follows:

''(C) For purposes of this paragraph, the term 'optional targeted low-income child' means a child who—

''(i) is a targeted low-income child, as defined in section 2110(b)(1), who would not qualify for medical assistance under the State plan under this title based on such plan as in effect on April 15, 1997 (but taking into account the expansion of age of eligibility effected through the operation of section 1902(l)(2)(D)), or

''(ii) is considered to be a targeted low-income child under section 2110(b)(3).''.

(c) The amendment made by subsection (a) shall take effect as if included in the enactment of section 4901(a) of the Balanced Budget Act of 1997 and the amendment made by subsection (b) shall take effect as if included in the enactment of section 4911(a)(2) of the Balanced Budget Act of 1997.

COATS (AND NICKLES) AMENDMENT NO. 1077

Mr. COATS (for himself and Mr. NICKLES) proposed an amendment to the bill, S. 1061, supra; as follows:

At the end of the appropriate place, insert the following:

SEC. . LIMITATON ON USE OF FUNDS.—Notwithstanding any other provision of law, none of the amounts subject to the provision of subsection (e) of the Morris K. Udall Parkinson's Research Act of 1997'' may be expended for any research that utilizes human fetal tissue, cells, or organs that are obtained from a living or dead embryo or fetus during or after an induced abortion. This subsection does not apply to human fetal tissue, cells, or organs that are obtained from a spontaneous abortion or an ectopic pregnancy.

DURBIN (AND COLLINS) AMENDMENT NO. 1078

(Ordered to lie on the table.)

Mr. DURBIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by them to the bill, S. 1061, supra; as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF TOBACCO INDUSTRY SETTLEMENT CREDIT.—Subsection (k) of section 9302 of the Balanced Budget Act of 1997, as added by section 1604(f)(3) of the Taxpayer Relief Act of 1997, is repealed.

SENATE RESOLUTION 118—RELATIVE TO THE LATE DIANA, PRINCESS OF WALES

Mr. HATCH (for himself, Mr. LEAHY, Mr. DASCHLE, Mr. SPECTER, Ms. LANDRIEU, Mr. BIDEN, Ms. MIKULSKI, Mr. DODD, Mr. GRAHAM, Mrs. FEINSTEIN, and Ms. MOSELEY-BRAUN) submitted the following resolution; which was considered and agreed to:

S. RES. 118

Whereas the Senate and the American people heard the announcement of the death of Diana, Princess of Wales, with profound sorrow and deep regret;

Whereas the Princess of Wales, touched the lives of millions of Americans and people throughout the world as an example of compassion and grace;

Whereas the Princess of Wales, was a committed and caring mother who successfully raised two young sons under great pressure and public scrutiny;

Whereas the Senate recognizes the tireless humanitarian efforts of the Princess of Wales, including the areas of—

(1) raising awareness of and attention to breast cancer research and treatment;

(2) HIV/AIDS, particularly in the areas of pediatric AIDS, educating the public regarding the facts of HIV/AIDS transmission, and fostering a public attitude that is intolerant of discrimination against people with HIV/AIDS;

(3) banning antipersonnel landmines from the arsenals of war, as these indiscriminate weapons often result in casualties to civilians, including children, sometimes many years after the armed conflict in which the mines were used; and

(4) eliminating the problem of homelessness around the world: Now, therefore, be it

Resolved, That the Senate—

(1) extends to the people of the United Kingdom sincere condolences and sympathy on the death of Diana, Princess of Wales;

(2) recognizes the extraordinary impact of the Princess of Wales' humanitarian efforts around the world;

(3) designates September 6, 1997, as a ''National Day of Recognition for the Humanitarian efforts of Diana, Princess of Wales''; and

(4) the Secretary of the Senate transmit an enrolled copy thereof to the family of Diana, Princess of Wales.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Wednesday, September 10, 1997, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony from the Forest Service on their organizational structure, staffing, and budget for the Alaska Region.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Judy Brown or Mark Rey at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Tuesday, September 16, 1997, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is oversight of Federal outdoor recreation policy.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Kelly Johnson at (202) 224–3329.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

MR. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to

meet during the session of the Senate on Wednesday, September 3, 1997, at 10:30 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: ''Closing The Legal Loophole for Union Violence.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a Hearing on Tobacco Settlement during the session of the Senate on Wednesday, September 3, 1997, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism, and Government Information of the Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, September 3, 1997, at 2 p.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: ''The Encryption Debate: Criminals, Terrorists and the Security Needs of Business and Industry.''

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

VETERANS MORTGAGES

• Mr. CLELAND. Mr. President, during my tenure as Administrator of the Veterans, Administration a ''fall back and rescue'' plan was formulated to be of assistance to those veterans with VA guaranteed mortgages which might be burdensome.

The proposal which later became a VA regulation is now, as then, referred to as IRRRL which stands for interest rate reduction refinancing loan.

Many thousands of eligible veterans have already benefited from this legislation during the past 17 years of its existence and the VA personnel involved deserve many thanks for their dedicated interest and help.

My concern is not with the legislation or the Department of Veterans Affairs, but rather with the seeming reluctance of many in the mortgage industry to take a more active posture with regard to its implementation.

I have been told by those who are in the know that the numbers of interested lenders is very small in comparison to the need.

I call upon those companies who service GI mortgage loans to be more receptive and to make known throughout the veterans community the existence of these mortgage ''lifelines.''

The main features of the IRRRL are the following: First, in most cases the interest rate will be lower, and the payment will be lower. Documentation is at a minimum and no credit evaluation is done; second, refinancing can be done if the mortgagee is less than 2½ months behind in their payments; and third, the veteran can add up to $6,000.00 to the mortgage for energy efficient improvements, for example, air conditioning, heating systems, insulation, storm door and windows.

In closing, I also encourage Secretary designate Hershel Gober to intensify the VA's efforts to communicate to veterans information on this very vital and viable tool which is available to them. Further, I hope to enlist in the same effort the extremely valuable services of my good friend, former VA Secretary Jesse Brown, whose knowledge and dedication to veterans is unquestioned.•

HONORING THE EMPLOYEES OF CARL F. BOOTH & CO., INC.

• Mr. LUGAR. Mr. President, I rise today to honor the employees of Carl F. Booth & Co., Inc., in New Albany, IN. Each of the company's 44 employees helped construct the wooden case which holds the Declaration of Independence and the Gettysburg Address in the newly renovated Jefferson Building of the Library of Congress.

Carl Booth & Co., which produces custom plywood, specializes in providing interior plywood for jets and airplanes. The company has produced plywood for numerous corporate and celebrity jets and Air Force One.

Under the leadership of Carl Booth, the employees of the Indiana woodworking company displayed great dedication and enthusiasm in working on the plywood for the case, which took over 500 man-hours to produce.

We are honored to have such fine workmanship to hold the Declaration of Independence and the Gettysburg Address, two important documents in the history of America. I hope my colleagues will join me in recognizing the employees of Carl Booth & Co. for their contribution to this important project.•

RECOGNITION OF MAYOR BRENDA BARGER OF WATERTOWN, SD

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Mayor Brenda Barger in leading the residents of Watertown, SD, through winter storms and flooding.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood.

Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The headline of the Watertown Public Opinion on April 6 read ''Watertown in Peril,'' and I will never forget the image of homeowners and neighbors, shrouded in a late-season snow storm, sandbagging against the rising waters of the Big Sioux River and Lake Kampeska.

Brenda Barger held Watertown together with her strength and direction. Some 6 weeks prior to major flooding which began on April 4, Mayor Barger initiated efforts to try and minimize the impact of the impending disaster. Mayor Barger brought together local and county officials, volunteer agencies including the Red Cross, Salvation Army, and others, to brainstorm and compile resource lists of expected needs including equipment, people, and funds.

Despite careful planning, on April 5, an unexpected blizzard hit the State, devastating the area. Everything froze, creating further concerns about what was going to happen once the water began flowing again. Mayor Barger camped out in the city's impromptu crisis center around the clock and helped to direct the efforts of a number of local volunteers, prisoners, and National Guard personnel. Mother Nature caused Mayor Barger to make a number of difficult decisions immediately following the April storm, including ordering the evacuation of nearly 5,000 residents, or one-fourth the population, of Watertown and the shutdown of the water treatment plant at Lake Kampeska. In the following days, Mayor Barger secured over 750 port-a-potties and deployed them on the lawns of those families who could return to their homes. Water trucks were brought in to provide people with a fresh water supply, and Mayor Barger oversaw repairs to the water treatment plant which were completed ahead of schedule.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. Mayor Brenda Barger truly exemplifies the role of a public servant, who, in the face of unimaginable natural destruction, placed the needs of an entire community ahead of personal concern. Now, Mayor Barger is spearheading efforts by Watertown residents to fully repair the damage from this past year and plan for future emergencies.

Mr. President, there is much more to be done to rebuild and repair impacted communities. Mayor Brenda Barger illustrates how the actions of an individual can bring some relief to the victims of this natural disaster. I ask you to join me in thanking her for her selfless efforts and congratulate her on being

recognized during the National Association of Towns and Townships convention in Washington, DC, this week.●

TRIBUTE TO MAJ. T.A. TAYLOR-HUNT

● Mr. SANTORUM. Mr. President, I rise today to honor a very special native of Philadelphia upon her retirement from the U.S. Air Force. This extraordinary woman, Maj. T.A. Taylor-Hunt, has served her country and her community with grace and distinction.

To say that T.A. has had an exemplary military career is an understatement. Her promise as an officer was evident when she received an American Spirit Honor Medal upon graduation from basic training. After completing technical school at Shepard AFB, she began a career in accounting and finance at Dover AFB, with follow-on assignments that took her around the world. At the Strategic Air Command NCO Academy, she was recognized as an Honor Graduate, Distinguished Graduate, Commandant's Award winner, Academic Champion, and Flight Speech Champion. She was the first person in the 25 year history of the Academy to receive so many awards. Likewise, T.A. received an Instructor's Abilities Award at NCO Leadership School as well as the Officer's Training School Flight Academic Achievement Award. As a comptroller, T.A. played a critical role in the financial operations of Operation Desert Storm. In Europe, she helped to establish an Army medical unit in the former Yugoslavia. At the time of her retirement, she was the Deputy Chief of Wartime / Contingency Planning at the Defense Finance and Accounting Service, Denver Center.

I would also note that Major Taylor-Hunt graduated summa cum laude from the University of Maryland, and she received her masters degree with distinction from Webster University. Currently, she is attending the University of Denver College of Law.

In addition to the awards I mentioned earlier, Major Taylor-Hunt has received numerous other commendations for her military performance, as well as her extensive community service. Her military awards and decorations include the Meritorious Service Medal, the Air Force Commendation Medal, the Outstanding Unit Award, and the Air Force Special Recognition Ribbon. Some of her other awards include the 1988 Delegate of the Year for the Coastal Charter Chapter American Business Women's Association, the Federal Women's Program Military Officer of the Year, a Community Service Award for the Defense Finance and Accounting Service, and inclusion in the 1996 Who's Who Among Students in American Colleges and Universities.

Mr. President, given T.A.'s tireless efforts to help the less fortunate, it is clear that the recognition she received has been well deserved. Her business card describes the way she lives her life. The inscription reads, ''Take Care of Others, God Will Take Care of You.'' And take care of others she has. T.A. devotes a substantial number of hours each week soliciting, collecting, sorting, and distributing donations to the homeless, without the assistance of staff. She not only meets the basic needs of homeless families such as food and clothing, but she also works to correct their credit problems so that they can find permanent housing. Likewise, T.A. volunteers at several shelters, delivers Meals-On-Wheels, and tutors a fourth grade student.

I am proud to say that Major Taylor-Hunt's compassion has been contagious. What started as an effort to help one family living in a school bus has grown into an extensive support network spanning the Denver metropolitan region. Through her leadership, families have found homes; furniture has been donated; hungry people are being fed; children are receiving decent school clothes; and holiday meals and gifts are donated regularly.

In closing, Mr. President, I ask my colleagues to join me in honoring Maj. T.A. Taylor-Hunt and in extending the Senate's best wishes to her family.●

CONGRATULATIONS TO THE ONEONTA YANKEES

● Mr. MOYNIHAN. Mr. President, the major league baseball season does not end for another month, but today is the end of the regular season of the New York Penn short-season A League.

I am very proud to congratulate two teams for making the playoffs, the Batavia Clippers and, closer to my home in Pindars Corners, the Oneonta Yankees. Oneonta is this year's winner of the New York Penn's Pickney Division, with the second best record in the league. Led by hitting stars such as third baseman Alan Butler and catcher/designated hitter Rene Pinto, behind the pitching of Scott Wiggins and Zach Day, and with the support of the rest of the team which played outstanding baseball this year, the Oneonta Yankees had their best season in 7 years and are going to the playoffs for the first time since 1990.

The Oneonta Yankees have a tradition of success and excellence, having won the New York Penn league title 11 times in their 30 years of existence. The team has been affiliated with the world champion New York Yankees for longer than any other minor-league club in the Yankee organization. Several of today's Yankee stars, including Bernie Williams and Andy Pettitte, began their careers in Oneonta. Don Mattingly—affectionately referred to by the cognoscenti as ''Donnie Baseball''—whose number 23 was just retired at a ceremony at Yankee Stadium this past weekend, also played for the Oneonta Yankees.

As the season ends and the playoffs begin, I want to extend my congratulations to Sam Nader, team owner; Joe Arnold, team manager; and the entire Oneonta Yankees team. I also want to wish them and the Batavia Clippers the best of luck in the post season.●

TRIBUTE TO NORMAN B. TURE

● Mr. ABRAHAM. Mr. President, It is with great sadness that I rise today to mark the passing of Dr. Norman B. Ture, President of the Institute for Research on the Economics of Taxation and one of the principal architects of supply side economics.

Dr. Ture was a man of principle. He was convinced, and he convinced many others, that public policy must be guided by respect for individual freedom and property rights, reliance on personal responsibility and integrity, and faith in the free market as the means for ordering economic activity. His brilliant economic analysis helped show that increasing marginal income tax rates lower productivity by skewing people's choices away from work and toward leisure activities. He was a major architect of the Reagan tax cuts of the early 1980's, serving as Undersecretary for Tax and Economic Affairs in the Reagan Treasury Department from 1981 to 1982. Less noticed, however, was his significant role in putting together the Kennedy tax cuts of 1963. Whether on a committee staff, in the executive branch or as an independent researcher, Dr. Ture devoted his career to increasing Americans' standards of living by making taxes less onerous.

Dr. Ture also fought to convince public policy makers of the need to make taxes more visible. Hidden taxes on investments and estates, overly broad definitions of income, and onerous regulations that allow government to control economic activities in his view act as drags on the economy and obscure the real costs of government. These policies, Dr. Ture showed, unfairly make government interference in our economic life appear cheap or even cost free. They thereby encourage people to accept more regulation than is in their financial interest, and to give up more of their freedom than they should.

Dr. Ture passed away on August 10. He had fought off lung cancer but finally was felled by cancer of the pancreas. He is survived by his wife, six children, and two grandchildren. I know our thoughts and prayers go out to all Dr. Ture's family in this time of great sorrow.

It is some consolation, however, that we will soon see Dr. Ture's last report. Soon before he died, Dr. Ture finished work on a paper laying out a clean, unbiased, highly visible tax system that would let the people see the price of government and make an informed decision as to how much of it they are willing to pay for. I look forward to the fruitful debate Dr. Ture's final work will no doubt produce.●

TRIBUTE TO DR. JOAB LESESNE

● Mr. HOLLINGS. Mr. President, I rise today in recognition of Dr. Joab Lesesne, a great educator and South Carolinian.

Dr. Lesesne recently celebrated his 25th year as president of Wofford College, a small Methodist-affiliated school, which has become one of the finest small liberal arts schools in the Nation. Its successful evolution is largely due to Dr. Lesesne who first arrived at Wofford 33 years ago as an assistant professor of history. Prior to his post at Wofford, he taught history at Coastal Carolina, part of the University of South Carolina system.

Three years after his arrival at the college, Dr. Lesesne was appointed assistant dean. While in this position, he implemented a visionary interim program during the 1967–68 academic year which continues today. Through this program, students are able to devote themselves to one particular subject for several hours a day for an entire month. The projects range from the study of modern Irish poetry to kayaking down the Rio Grande. The program has contributed to the school's success in turning out well-rounded students with broad interests.

In 1969, Dr. Lesesne was appointed director of development, a position he held for a year before being named dean of the college. After serving as dean from 1970–1972, Dr. Lesesne continued his ascension and was elected president of the college. Today, under his guidance, Wofford continues to break new ground, both locally and nationally.

In 1975, the Wofford Board of Trustees approved full co-education, and the college began admitting women as resident students for the first time in its history. They now comprise approximately 45 percent of the student body. Throughout the Lesesne presidency, Wofford has grown exponentially in its endowments and its campus facilities. Additions include the Campus Life Building, which marked the college's 125th anniversary in 1979, a new residence hall, and the Franklin Olin Building, one of the largest gifts ever made by the prestigious F.W. Olin Foundation. The campus's hospitable setting led the Carolina Panthers to choose Wofford as their summer training camp.

Wofford consistently receives national recognition for its leadership in liberal arts education. It is consistently ranked as one of the ''best buys'' in liberal arts education and recently,a survey showed it to be the national leader in the percentage of students earning academic credits outside the United States through travel or study abroad programs. Furthermore, its academic excellence is complemented by fiscal responsibility. The Lesesne presidency has an enviable record of balanced budgets, tuition well below the national average for Phi Beta Kappa independent colleges, and overall good management.

Dr. Lesesne's record of distinction does not end with Wofford. In 1991, he was chosen as the Citizen of the Year by the Spartanburg Kiwanis Club and, in subsequent years, has received numerous awards from the local and statewide Chambers of Commerce. Additionally, he serves on many boards representing industry, banking, commerce, and education. He is past Chairman of the Board of Directors of the National Association of Independent Colleges and Universities, the first southerner ever to hold the post, and is a former president of the Southern University Conference, and former President of the National Association of Schools and Colleges of the United Methodist Church. Additionally, Dr. Lesesne is a retired major general in the South Carolina Army National Guard.

Dr. Lesesne's tenure at Wofford, the longest of any college president in the State, exemplifies the virtues of fortitude and loyalty. Under his steady hand, the school sails forward, faithfully serving its pupils and the community. Joe, in the roles of educator and administrator, is a public servant of the highest order. All of us in South Carolina are proud to call him our own.●

MEXICAN GOVERNMENT DETERMINATION ON APPLE DUMPING

● Mr. GORTON. Mr. President, I am dismayed by the decision made Monday by the Mexican Government to impose a 101.1 percent tariff on U.S. Red Delicious and Golden Delicious apples effective September 1. This tariff increase has been imposed in response to an antidumping claim filed by Chihuahua apple growers against U.S. growers earlier this year. Ignoring significant evidence to the contrary, the Mexican Government has issued a preliminary determination that U.S. growers are selling apples in Mexico at half their fair price.

The Mexican Government's determination is wrong. U.S. apple growers have not engaged in dumping. It appears that Mexican officials have virtually ignored the documentation submitted by the U.S. apple industry proving that U.S. apple growers are exporting apples at a fair price. The allegations made by Mexico are ludicrous and the tariff increase unjustified.

As many of my colleagues know, my home State of Washington is the Nation's largest apple producer, and Mexico is the largest market for our apples. This drastic tariff increase will devastate the United States apple industry while allowing Mexican growers, with no competition, to charge exceedingly high prices for their apples.

Together with my colleagues from Oregon and Idaho, I call on the administration to take immediate action on this issue. We cannot allow Mexico to undermine the United States apple industry with these unfair, protectionist trade practices.●

HONORING VOLUNTEER LAW ENFORCEMENT OFFICERS

● Mr. ABRAHAM. Mr. President, today I rise to honor volunteer law enforcement officers and to give a special note of thanks to those members of the British Special Constables who are now visiting the United States. These constables are volunteer officers who give to their country freely of their time, and sometimes, their lives.

In Michigan, we have over 2,000 such volunteer reserve officers who have made an immeasurably positive impact on the communities they serve. As an American, I am deeply honored by their sacrifice. On behalf of the U.S. Senate, I would like to offer my highest appreciation for the time and talent so generously given by both British and American police reserve officers.

I would also like to recognize the Oakland County Sheriff Reserves for hosting their visit. Thanks is due to the Police Reserve Officer Association of Michigan and the British Special Constables for their efforts in sponsoring the International Reserve Law Officers Conference. This event is a unique opportunity for British and American reservists to exchange ideas and to learn from fellow officers.

I would like to take this opportunity to mention those Constables from Great Britain who are visiting:

Tom Pine, Chief Inspector/Unit Commander, Thames Division—Metropolitan Police.

Brian Lewis, Sergeant, South Wales Police.

Adrian Bates, Inspector, Thames Division—Metropolitan Police.

Mark Balmforth, Police Constable, Metropolitan Police—Area 3.

Harry Waddingham, Special Constable, Thames Division—Metropolitan Police.

Pat Hallisey, Divisional Officer, Metropolitan Police Area 3.

Stuart Winks, Chief Commandant, South Wales Police.

Mark Smith, Special Constable, Thames Division—Metropolitan Police.

John Curley, Special Constable, City of London Police.

Philip Nastri, Divisional Officer, Metropolitan Police Area 3.

Tim Lee, Sub Divisional Officer, Metropolitan Police Area 5.

Windsor Davis, Assistant Chief Commandant, South Wales Police.

Warren Bell, Special Constable, Metropolitan Police Area 3.●

ORDER OF BUSINESS

Mrs. HUTCHISON Mr. President, I want to take this time to speak in morning business I assume we are in morning business; is that correct?

The PRESIDING OFFICER The Senator is correct.

BOSNIA

Mrs. HUTCHISON Mr. President, I want to take this time, along with my

colleague from Kansas, Senator ROBERTS, to talk about an experience that we had in the same place in the world at separate times in the last 2 weeks We were both in Bosnia We had different experiences, but the experiences that we had have brought us to the same conclusion The conclusion is that it is time to go back to the drawing board.

I had the great opportunity—and I did consider it a great opportunity—to walk on the streets of Brcko 1 week before people there started hurling stones at our troops I said at the time that there is going to be trouble here, that we are trying to put a square peg in a round hole, and it will not work We have not set the base for what we are trying to do, and it is not going to be able to be done in 9 months, probably not 2 years, probably not 5 years I think we have to go back to the drawing board.

As I walked on the streets in Brcko, I talked to Serbs, I talked to Muslims I went into a Serb house I went into what was the beginning of a Muslim house We are trying to move Muslim refugees back into a neighborhood where they are supposed to live with Serbs who are there, not 25 feet from each other Are they talking to each other? Are they helping each other build houses or put the roofs on? Are they talking about what they are going to do to bring their communities together? No No, they are not, Mr. President We are talking about putting people who have suffered atrocities in houses 10 feet from each other, and then presumably they are going to try to live together, form a school district together Mr. President, it is not going to work It may work 25 or 50 years from now, but it is not going to work now.

The reason I want to talk about this is because our troops are right in the middle of it Our troops are being put in the position of taking positions between two warring Serb factions They are trying to keep peace in a place where they have not yet come to terms with the issues So I am very worried that the President, though I know he is trying to do the right thing, is not stepping back and asking what have we learned from the last year and a half? What have we learned since Dayton? What can we do to give peace a fair chance? And, most important, how can we make sure that our troops are neutral peacekeepers, so they will not be the targets of the wrath of one faction or another? How can we make sure that our troops are keeping to the mission that they were given, without mission creep, and that our policies underlying the troops that are there are sound policies with a reasonable chance of success?

You know, I was struck by the interview given by General Shalikashvili, who is leaving the Joint Chiefs chairmanship this month, when he said two things He said the troops that are in Bosnia are not the right types of troops to capture war criminals It is a different type of training that is necessary for that—those are my words Second, he talked about the lack of money that we have available right now to make sure that our troops are ready when they are needed to go into a United States security threat He said we don't even have the money to buy parts, and we are not keeping up with training I am thinking to myself, we are spending $3 billion a year in Bosnia on a mission that is ill-defined and a mission that is, I am afraid, creeping into danger, and we are doing it with defense dollars, which is clearly taking from our readiness—$3 billion a year.

So I want to raise some basic questions No. 1, can our troops adequately defend themselves? Thank goodness, today Gen. Wes Clark, the new head of NATO military operations, said, ''Don't fool with American troops because, if you do, we are going to react with force.'' Well, thank goodness I want our troops to defend themselves with all the might that they need to make sure that people do not think they can fire at our troops or throw rocks at them because they are on a peacekeeping mission So, No. 1, can our troops defend themselves?

No. 2, what is the mission? Now, we have been told that the mission is very clear It is to keep the warring parties apart; it is not to capture war criminals And, yes, we keep seeing others trying to draw us into capturing war criminals Now, this does not mean we don't want to capture war criminals Of course, we would like to see these people brought to justice But, Mr. President, I have to say that if we are trying to keep peace, I think we have to determine what we are going to do that will keep peace and what we will do that will hurt peace I think if we are trying to resettle refugees who are not ready to mix yet, that is not going to bring about peace No. 2, if we are going to expand the mission without coming to Congress to explain exactly what our troops are supposed to be doing with regard to capturing war criminals, then we have a shifting mission and not a clear one. So what exactly is the mission?

Mr. President, last but not least, do we have an underlying policy that gives us a real chance for peace? If we don't, if this is not going to work, let's address it now, let's not wait until 9 months from now when our troops are supposed to withdraw. Let's not say, well, we have tried something for a year and a half and it isn't working, but if we just hang in there, then maybe things will get better, and then when 9 months are up, then the cries will come, ''Well, let's keep the troops there.''

Mr. President, I want American troops on the ground if there is a U.S. security interest and if there is a chance for success. I don't mind spending our taxpayer dollars if there is a chance for success. But if we are taking from our own military readiness, if we don't have the spare parts for the equipment that we need for training and readiness, how can we justify spending $3 billion a year for Dayton accords that I don't think have a chance to succeed?

So I think we need to go back to the drawing board. I think the time has come for us to look at what is the underlying best chance for a peaceful coexistence in Bosnia.

Now, I would like to turn to my friend and colleague from Kansas because he also had the opportunity to visit our troops. I will just say that I am so proud of our troops. They are doing a wonderful job. I had lunch in Tuzla with our troops, and they are committed to doing the job they always do well. They are following orders. But, Mr. President, I think we owe our troops something. We owe them an underlying policy that has a chance to succeed. We owe them a clear mission. Mr. President, we are not giving our troops that clear mission. We are not giving them the underlying policy that will have a chance to succeed. I think we owe them that. I think the time has come for the President to say, step back, let's look at the Dayton accords and let's see if we can do something that will make more sense, not 9 months from now, but tomorrow let's start talking about this so that we will have a better chance to leave in 9 months when we have been promised that we will. But when we leave, let's leave with a chance for success.

Mr. President, I am very pleased that my colleague from Kansas also took the time to go and visit with the troops. I think that we have decided, from our different experiences—we were not there together, we were there at different times. But his experiences were very, very vivid. I think because we have visited with our troops and because we have talked to the people, I think we have a real feel for what can be done and what can't be done.

This was my fourth trip to Bosnia. It is not like I just tooled in there one day a couple of weeks ago. I have been there four times. I have to say that I had great hopes for the Dayton accords, even though I did not want our troops on the ground. I led the fight against it. Nevertheless, once they went, I wanted it to succeed. Of course, we all do. But, Mr. President, what we are doing now is not going to succeed, and I don't want to risk one American life and not one more taxpayer dollar until the underlying policy is a policy that has a chance to succeed.

I yield to my friend and colleague from Kansas, Senator ROBERTS.

Mr. ROBERTS. Mr. President, I thank the distinguished Senator from Texas for yielding. I especially thank her for obtaining this time to discuss our policy, the American policy on Bosnia, at what I consider a special time, a real crossroads time to determine exactly what that policy is.

The Senator has already pointed out that we were in Bosnia over the recent

break at different times—very close, but at different times. I went as a member of the Senate Intelligence Committee and, as a matter of fact, I received briefings in Prague, Budapest, Bosnia, and London. Most of the concern in regard to those people in charge of our intelligence capability was in regard to Bosnia and, obviously, we spoke with the officials within our embassies, as well as the SFOR command and those of the military.

I came back after visiting Sarajevo, Tazar, our staging base in Hungary, and Tuzla, which is the SFOR command center. I must say that I share many of the concerns with the Senator from Texas. There is progress in Sarajevo. If you land in Sarajevo, you will get a briefing by the embassy that indicates that the 90-percent figures in relation to unemployment have now been reduced to 50; the shops, the markets—the famous market that literally exploded on CNN, really that first great atrocity where American people became aware of the severe problems there, that is back in business. The schools are now operating, and we know that there is income in Sarajevo because the gypsies are back. The areas over the main highway obviously are very heavily mined. That is still a big problem. I arrived I think at a very special time, I would tell my colleague from Texas, because it was just after the President's special emissary, Mr. Richard Holbrooke, had arrived in Bosnia. And I must say that in my personal opinion that up to that point we were drifting in Bosnia, and I think with Mr. Holbrooke's arrival there was a new impetus, if you will.

A week prior to that the British—our allies over there, part of the SFOR command—had arrested and captured and killed one or two of the war criminals. As that happened, the Embassy officials that we visited with indicated that certainly did a lot for our credibility in regard to that area; that up to that point there had been some drift.

So I asked all of our intelligence people, I asked the SFOR command, and I asked our Embassy people: Had the mission changed? Because obviously if we are going to adopt that kind of an aggressive posture in Bosnia; that is, really going after the war criminals to locate and to capture and to prosecute them—that certainly is a different kind of mission that many of us here in the Senate, and I might add in the House, envisioned for our United States troops in Bosnia.

They reiterated the following.

No. 1: The relevancy of the United States in Bosnia is peacekeeping, refugee resettlement, economic restoration, democracy building, and the war criminal issue.

I think the mission has been changed. I think it has been changed substantially. I think we have gone from peacekeeping to peace enforcement. I think we now are disarming, if you will, the police that Mr. Karadzic has around him in Srpska. It is a very aggressive overt effort. We are now taking over radio and TV stations and apparently giving them back after a fuss is raised by a mob against our NATO troops.

I think we have a timetable. I think this is a must-do situation prior to the elections to be held later on this month in Srpska. I think we have taken sides in that election overtly. I think it is very clear in that regard. And I think we made a decision that before winter comes in that area we must do something about the war criminals. Why? It is pretty easy to point out.

I know that this is a very small replica of persons indicted for war crimes. I have a much larger chart. Time did not permit me to bring it over from the office. These are 79 individuals that are pictured here—10 are in custody now—of the war criminals or the persons indicted for the war crimes. Let me just say, I said 79 and 78. They are indicted by the U.N. International Criminal Tribunal in the Hague for grave breaches of the 1949 Geneva Convention, violations of laws, customs of war, and crimes against humanity.

The person I would like to draw to your attention is a young man 34 years old who is still at large. He is only 34 years old. The charges are from about May 7, 1992, to early July 1992. There were hundreds of Muslim and Croat men and women confined at the Luka camp in inhumane conditions under armed guard. These detainees were systematically killed at Luka almost every day during that time. The accused, often assisted by camp guards, entered Luka's main hangar where most of the detainees were kept, selected detainees for interrogation, beat them, and often shot them. They killed them. It goes on here. I would just say simply that the descriptions involved remind you of the Nazi war crimes. I will not go into that.

But obviously if these people are not brought to justice there is no chance for peace in Bosnia. Who is going to do this job? The Senator from Texas has already indicated that it is pretty obvious now that the NATO troops are. That is a clear difference, or a clear policy change, from peacekeeping. I call it peace enforcement.

Mrs. HUTCHISON. Will the Senator yield?

Mr. ROBERTS. I am delighted to yield to my colleague.

Mrs. HUTCHISON. I am glad the Senator is on this point because in the original mission statement in the Dayton accords there was a provision to capture war criminals, but it was going to be a police force within the Federation. It was going to be a police force made up of all three of the sectors that would go after war criminals, hopefully in a way that would be responsible. That police force has not materialized. As the Senator from Kansas has said, we are substituting our NATO forces for the police force that is the mission in the Dayton accords. That is a change of mission by any way you read it.

Mr. ROBERTS. I appreciate the Senator's comments.

The young man I was talking about is 34 years old, at large now, and 78 other war criminals are at large as well.

As I have indicated, there is no way that you can bring the Dayton accords to their successful completion with these folks at large.

Let me just say this. Everybody there, every intelligence source, every person that you visit with, whether they be Muslim, Croat or Serb, SFOR command, Russians. We visited with the Russians in their compound. They are really doing a very good job working with us and closely cooperating; and obviously the Brits and the Norwegians; 34 nations are involved in this effort.

We have literally planted the flag. We have an outstanding cooperative effort. We have spent $7 billion in Bosnia. But there are some expenditures too from all those nations involved in the SFOR command. All of these people have indicated very clearly that if we leave, and if we leave, why, the Brits will leave. If we leave, the British will leave.

We both have learned that when we were talking to Embassy officials and members taking part in the interparliamentary conference over there in Great Britain, they said, ''We were with you in terms of our ground troops. When you leave, we leave.'' If we leave, if SFOR leaves, or the American presence in SFOR. Let's not really kid ourselves. Within weeks, why, the fighting will break out again. Yet we have in the other body in the House on the defense appropriations bill a cutoff date saying our troops must come home as of June 1998.

Our Secretary of Defense, our former colleague and dear friend, Secretary Cohen, indicated that the troops will be home in June 1998. The President has said the troops will be home in June 1998. But maybe, I don't know. We are a little nebulous on that.

That is where the candor comes in because I think our policy has become very disingenuous. On the one hand we are building up the troop levels from about 8,500 to 12,000. We have changed the mission from peacekeeping to peace enforcement. Yet, we say in June 1998 we can withdraw the troops. That is not possible.

I personally think that once you plant the flag, once you have 34 nations involved, once you have that kind of cooperation, it is going to be very difficult to withdraw. When the Dayton accords fail, that is going to send a message around the world that we don't want to send. Yet the case has not been made to the American public, to this Senate, or to us by the administration, as to how we are going to accomplish that.

Thank goodness the Senator from Texas has arranged this time so we can sort of have a kickoff here in terms of long-term goals and what I consider to

be short-term politics. I think we need a lot of candor.

I have a related concern. In a meeting with about 18 young Kansans, both men and women in uniform, only 2 plan to stay in the service. They have been over there 9 months. They work 13, 14, 15 hours a day. The personnel tempo, the operational tempo—the Senator from Texas, as a former member of the Armed Services Committee, knows, I know, and everybody even connected with the military knows that we have downsized to the point where the operation and personnel tempo in all the countries involved in the peacekeeping operations—we are wearing out our military. It is not working. When you get 16 out of 18 Kansans, some of whom are very dedicated in midcareer, say they are going to leave because of the pressures on them and their families, working overtime, there is a big problem here. That is a related problem that we have not really talked about in relation to the Bosnian situation.

Let me just say in closing that I would like to refer to the remarks by our colleague from Delaware, Senator BIDEN, who has had many trips to Bosnia. I have his remarks here that he made before the Senate as of this morning.

He says that we have reached a crucial point in our policy toward Bosnia. Resolute American action, combined with allied support and local compliance, could turn the corner.

I also add that I agree with Senator BIDEN. I am not sure we can turn the corner. I want to know what is around the corner. And we need candor.

I also say that he lists the goals—to greatly expand the number of refugees returning to their prewar homes.

The Senator from Texas was in Brcko, talked to the people there, and saw the futility of forced relocation.

I was flying in a helicopter with a one-star Army commander, went over a knoll where Moslems used to live—60 of them. We have tried three times to relocate these people. Each time they have been beaten, and the homes have been destroyed. He has indicated that it might not be a very good idea to try for the fourth time.

Senator BIDEN went on to say—and I agree with him—that we can and must ensure that the country's municipal elections in mid-September are held and are free and fair. I hope we can do that. That will be our best hope. But there once again we are having our troops and the NATO troops take part, and are actually taking part in an election. They are election observers, and more than that. He points out that we must and can guarantee free access to the electronic media. We guarantee the TV station. And Mrs. Plavsic, who is one of the candidates and the best candidate, openly now is supported by NATO forces, and our forces. But now we apparently have given that back to Mr. Karadzic and his people. So we are playing sort of a back and forth business in terms of TV.

Senator BIDEN—and I will just sum up here—in his remarks said that it is absolutely essential for an international military force to remain in Bosnia after June 1998 to guarantee that progress will continue. Thank goodness somebody has been candid. Senator BIDEN has indicated that. He says an international force should be there. Everybody in that whole part of the world indicates that if we are not involved in that international force it will not succeed. That is what happened in the beginning.

So I commend Senator BIDEN for his candor. But then he says—I want the Senator from Texas to pay very close attention in regard to his comments as it relates to NATO expansion. He indicates that not only would all that has been accomplished go up in smoke if fighting reignited—i.e., if we leave—but a failure in Bosnia would signal the beginning of the end for NATO which is currently restructuring itself to meet Bosnia-like challenges in the 21st century.

Senator BIDEN, Senator LUGAR, and many others who are involved in the proposal to expand NATO have indicated that the Congress of the United States is not focused on this issue. The American public is not focused on this issue.

Let me say that Senator HUTCHISON has certainly focused on the issue, and that she is able to have 20 Senators sign a letter to the President expressing many concerns over NATO expansion—tough questions that need to be answered.

In Prague I was very privileged to address the Transatlantic Conference in regard to NATO expansion. I guess you could say that I was sort of the skunk at the expansion picnic in that I took the concerns that the Senator has raised. I raised them with the Czech Republic not because of any lack of support or admiration for the emerging nations. But there again we have planted the flag for NATO expansion. Here we have a situation where the Congress of the United States is going to say, ''OK, we are going to take our troops, and we are going to bring them home after June 1998. But, on the other hand, we are going to go ahead with NATO expansion. And under article V we are going to be committed to American men and women perhaps risking their lives on Polish soil, Czech soil, and Hungarian soil, not to mention the 24 other countries that would like to become involved if we are going to withdraw the troops in regard to Bosnia. You certainly can't propose an expansion of NATO with article V.''

These are the kind of questions that I think we need to raise.

I have gone on much too long here this evening. But I do again want to thank the Senator from Texas for raising these concerns. I have just touched on several concerns. I plan when we have additional time under morning business—or we ought to take the time—to go over all of the concerns that the Senator from Texas has raised, and some of the concerns that I have raised. It is a time for candor because the clock is ticking.

The election will be held at the end of September to determine the future of Bosnia. I do not want to see the Dayton accords fail. But I can tell you one thing, they are not going to be successful if we simply withdraw the troops by June 1998. Then where are we? If we keep them there, where are we?

I asked one of the Embassy officials in Sarajevo, ''When did all of this start?'' I think I am right by saying it was in 1384 when the Turks and the Serbs first got involved in a very difficult conflict and a war. It has not been fully settled since, except for the reign of Marshal Tito who ruled the country with an iron fist.

So I thank the Senator from Texas. I thank her for her leadership. I look forward to continuing to work with her as we try to answer some of these very, very difficult questions.

I thank the Senator. I yield the floor.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Kansas for his remarks. I am pleased that he took the time to go over and visit our troops in Bosnia, to find out for himself what the situation was there. He is a distinguished new member of the Armed Services Committee.

I think it is important that all Senators try to go over there because we have a lot at stake. Our troops are on the ground. Up to 12,000 will be there very soon. Their lives are at stake. In addition to that, our taxpayers are footing the bill for $3 billion a year so far, and they have the right to ask, what are we doing there? What are we doing with the $3 billion? Are we doing something that will have a chance to succeed? Those are fair questions.

Americans are generous people. They are valiant. They are committed to freedom, and they want everyone in the world to live in freedom. They would risk their lives, as they have in this century, for the freedom of people who live in Europe and other places. They are willing to risk their lives. They are willing to pay from their pocketbooks, from their families the money if a policy has a reasonable chance to succeed.

I am today raising the question, do we have a reasonable chance to succeed with the underlying policy? There is no question that our troops are doing a great job. There is no question that our new commander, Gen. Wes Clark, is absolutely correct when he says, you fool with American troops and you are going to face the consequences. I am glad we have issued the ultimatum because everybody is on fair notice that you can't throw rocks and shoot at American troops and get by with it.

But it is the underlying policy that I question today. I am calling on the President of the United States, with the leadership of the Secretary of Defense and the Secretary of State, to step back and look at the policy. Are

we trying to put the American standard of multiethnic, peaceful democracy into a place that is not ready? I think we are. And I think we are risking a lot doing it. So I am asking the President and his Cabinet members to come together and say, let's look again at Dayton. Let's look at whether the time is now for resettling refugees, for forcing people to live in this Federation with a joint Government of Croats and Muslims and Serbs, all of whom have committed, or had committed on them, terrible atrocities. And we are now saying come together, form a government, have a joint presidency, have a joint government, create a school system that will accommodate a Muslim religion and a Catholic religion and come together and bring all of this in in the next 9 months.

Let us step back. Let us revisit Dayton. Let us see if we can make a Dayton that has a chance to succeed. I will support leaving our troops on the ground beyond June 1998; I will support the money it takes if we have a policy that has a reasonable chance to succeed, that will bring a peaceful coexistence. And I think the time has come to look at a division where people can come together of like mind and form a government that will serve their purposes where they can invest in infrastructure, where we can help them invest in infrastructure, and they can build their factories and they can have jobs and begin to live in peace with their neighbors who are different from them.

That happens all over Europe. In fact, the lesson of history is that many times people who cannot live together split apart. You can name example after example. And it can be done peacefully. Why not let them come together in their own groups, form their governments, create their livelihoods. In the former Bosnia, there were taxes on the minority ethnic groups. There were restraints on what certain minority ethnics could do. They could not be doctors. They could not be small business people around the corner selling hardware. They could not be lawyers. They could only have certain farming-type jobs.

That is not a recipe for success. Why not look at a division that might work. Let them have their government. Let them have an economy. Let us help them build the sewer lines and the roads and the streets and the airports and the factories so they can pull themselves up. Let them trade with their neighbors. Let that be the beginning of getting along together, whether they are Catholic or whether they are Muslim or whether they are orthodox, and then perhaps eventually, after they have had good relationships for years, they will be able to mix and move in to the other country.

I hope that the President of the United States will not continue to say, well, if we just keep trying, we just stay at it, we will have an infinite commitment of American troops and American dollars along with our European allies, all of whom are also stretched in their budgets, all of whom care about their soldiers and their troops just as we do, all of whom, I believe, would like to see a policy that has a chance for success. They are there on the ground because they, too, are generous people.

So I ask the President of the United States, I ask Madeleine Albright, I ask Bill Cohen, go back to the drawing board. Look at something that might have a chance to work. Do not be in a rut trying to put a round peg in a square hole. It is time to look for a round hole. What we are doing now is not working. Maybe a division will not work either, but let us try something that has a better chance. Let us learn from the experience and let us go forward.

Mr. President, we are going to hear a lot more about this. I hope we will not wait 9 months to determine that this is not going to work. Let us start now. Let us give our troops a chance now. Let us give our taxpayers a chance now. Let us give the people of Bosnia more hope than they are seeing now. Senator ROBERTS talked about the experience of these poor Muslim people trying to move back into their old homes and the Serb factions kept them out, beat them up, finally burned their homes up. Mr. President, that is not a recipe for success.

Let us step back. Let us give peace a chance by looking at something new. And let us do something now rather than frittering away 9 months and not having any better chance than we have today.

Thank you, Mr. President.

On behalf of the leader, I would like to close the Senate.

NATIONAL DAY OF RECOGNITION FOR THE HUMANITARIAN EFFORTS OF DIANA, PRINCESS OF WALES

Mrs. HUTCHISON. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 118, submitted earlier today by Senators HATCH and LEAHY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 118) expressing condolences on the death of Diana, Princess of Wales, and designating September 6, 1997 as a ''National Day of Recognition for the Humanitarian Efforts of Diana, Princess of Wales.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mrs. HUTCHISON. Mr. President, all of us have heartfelt grief for the people of Great Britain. That is why the Senate is acting in this resolution, saying this is a woman and a leader who cared so much about AIDS victims, people who did not have the chance in life that she did. I think she really did show many of us that if we will just reach out a helping hand to those less fortunate, it will make a difference.

The Senate stands today in unanimous agreement that we grieve with the people of Great Britain and we will set aside a day of recognition and one in which all of us will be thinking about her accomplishments, the tragic, senseless death that she suffered, and hope that through her children and the Royal Family and all of the British Government and the people of Great Britain good things will come from the leadership she showed and the compassion she showed for others and that because she lived we will all be better people.

Mr. DASCHLE. Mr. President, I join my colleagues in support of the resolution expressing the Senate's condolences upon the death of Diana, Princess of Wales. I can think of no event in recent times that has moved so many people from different parts of the world and different walks of life as the untimely and tragic death of this remarkable woman. Diana was loved and respected worldwide. She meant different things to different people, but the essence of her universal appeal seems to derive from the fact that, at the height of fame and privilege, Diana never lost the simple, human touch.

To many people, the greatest tragedy of Diana's death is the loss to her two young sons, William and Harry. Diana was a committed and caring mother who did a remarkable job rearing her children under great pressure and intense public scrutiny. Many of us have seen the moving footage of Diana hugging her sons unabashedly, or beaming at the end of an amusement park adventure the three of them had shared. These things may seem simple to people outside the spotlight, but they were quite daring for someone charged with molding the character of the future King of England.

Diana's human touch was daring in other ways, too. She may have singlehandedly changed the way people around the world view their fellow human beings suffering from AIDS and leprosy when she simply touched their hands. With a simple, compassionate gesture, the princess showed that we can afford to reach out to the sick.

Despite many bouts with personal adversity, Diana never withdrew into the comforts of her privileged background. Instead, she seemed to relish tackling new challenges, becoming a passionate humanitarian who spent countless hours ministering to the sick, the poor, and the forgotten. Many Americans, including a number of my colleagues, knew her from her charitable work with the homeless and with victims of AIDS, breast cancer, leprosy, and other human afflictions.

Most recently, Princess Diana helped to shed light on the horrors of indiscriminate injury and death caused by the worldwide proliferation of antipersonnel landmines. I have joined my

colleague from Vermont, Senator LEAHY, in his effort to enact a ban on the use of landmines, and this campaign received an invaluable boost from the efforts of Princess Diana. I can think of no greater tribute to her legacy than for us to summon the will and courage to enact such a ban.

Mr. President, when the eyes of the world turn to London this Saturday, I hope that passage of this resolution will convey the thoughts and prayers of the American people to the family of the Princess of Wales and the British people. It is the least we can do for someone who deeply touched, and forever changed, so many of our lives.

Ms. MIKULSKI. Mr. President, as the dean of the women in the Senate, I rise to pay tribute to the life and legacy of Diana, the Princess of Wales. Our hearts go out to her family and to the British people. We believe it is appropriate that we adopt this resolution to create a national day of mourning on September 6, the day of her funeral.

People have expressed surprise at the outpouring of love and grief from the British people. But we shouldn't be surprised. Princess Diana was a remarkable person. We were dazzled by her grace and beauty—but what we truly valued was her compassion.

She was called the people's princess. She was born a member of the aristocracy and married into royalty—but she never forgot that Britain's strength was its ordinary working people. The thousands of people laying flowers and waiting in line for hours to sign the condolence book represent a cross section of Britons. They are the senior citizens, the working mothers, the new immigrants—and especially, the children.

She treated the people she met with respect and compassion and she taught her children to do the same. Many people go through the motions of doing good works. But with Princess Diana, it came from the heart.

The Princess of Wales had her personal challenges. But it is for her public commitments that we will most remember her. She chose her causes carefully. She worked on behalf of those who were most in need. She campaigned for awareness of AIDS and tolerance and compassion for those who suffered from AIDS. She helped support battered women's shelters. She worked on behalf of children's hospitals. She worked to raise money for breast cancer research. These causes were universal in nature and supported by many women around the world.

She was also a leader in the effort to end the use of antipersonnel landmines. She traveled to Angola and Bosnia to show the world the tragic effects of landmines on ordinary civilians. By visiting mine fields and landmine victims, she showed us more than any report or international symposium ever could.

In the U.S. Senate, Senator LEAHY and Senator HAGEL have led our effort to end the use of landmines. I am proud to be part of that effort. We have stopped exporting mines, and are now trying to stop their use. The world's most technologically advanced military does not need a weapon that cannot distinguish between a soldier and a child—who may be killed while playing in a field 10 years after the war is over.

Mr. President, Princess Diana's death was a tragedy. But her life was a triumph. Her legacy is her work on behalf of those in need, and, most importantly, her children—whose lives will reflect the values their mother taught them. We can best honor her legacy by continuing to work as she did for those who are most in need.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table and that any statements relating to this resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 118) and its preamble read as follows:

S. RES. 118

Whereas the Senate and the American people heard the announcement of the death of Diana, Princess of Wales, with profound sorrow and deep regret;

Whereas the Princess of Wales touched the lives of millions of Americans and people throughout the world as an example of compassion and grace;

Whereas the Princess of Wales was a committed and caring mother who successfully raised two young sons under great pressure and public scrutiny;

Whereas the Senate recognizes the tireless humanitarian efforts of the Princess of Wales, including the areas of—

(1) raising awareness of and attention to breast cancer research and treatment;

(2) HIV/AIDS, particularly in the areas of pediatric AIDS, educating the public regarding the facts of HIV/AIDS transmission, and fostering a public attitude that is intolerant of discrimination against people with HIV/AIDS;

(3) banning antipersonnel landmines from the arsenals of war, as these indiscriminate weapons often result in casualties to civilians, including children, sometimes many years after the armed conflict in which the mines were used; and

(4) eliminating the problem of hopelessness around the world: Now, therefore, be it

Resolved, That the Senate—

(1) extends to the people of the United Kingdom sincere condolences and sympathy on the death of Diana, Princess of Wales.

(2) recognizes the extraordinary impact of the Princess of Wales' humanitarian efforts around the world; and

(3) designates September 6, 1997, as a ''National Day of Recognition for the Humanitarian efforts of Diana, Princess of Wales''.

SEC. 2. The Secretary of the Senate shall transit an enrolled copy of this resolution to the family of Diana, Princess of Wales.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 105–22, 105–23, 105–24, AND 105–25

Mrs. HUTCHISON. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaties transmitted to the Senate on September 3, 1997, by the President of the United States:

Mutual Legal Assistance in Criminal Matters with Trinidad and Tobago (Treaty Document No. 105–22);

Mutual Legal Assistance in Criminal Matters with Barbados (Treaty Document No. 105–23);

Mutual Legal Assistance in Criminal Matters with Antigua and Barbuda, Dominica, Grenada and St. Lucia (Treaty Document No. 105–24);

Inter-American Convention on Mutual Assistance in Criminal Matters with related Optional Protocol (Treaty Document No. 105–25).

I further ask that the treaties be considered as having been read the first time, that they be referred, with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's messages are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of Trinidad and Tobago on Mutual Legal Assistance in Criminal Matters, signed at Port of Spain on March 4, 1996. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including drug trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking of testimony or statements of persons; providing documents, records, and articles of evidence; serving documents; locating or identifying persons; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to restraint, confiscation, forfeiture of assets, restitution, and collection of fines; examining objects and sites; and any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 3, 1997.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty

Between the Government of the United States of America and the Government of Barbados on Mutual Legal Assistance in Criminal Matters, signed at Bridgetown on February 28, 1996. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including drug trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking of testimony or statements of persons; providing documents, records, and articles of evidence; serving documents; locating or identifying persons; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to forfeiture of assets, restitution, and collection of fines; and rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 3, 1997.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaties Between the Government of the United States of America and the governments of four countries comprising the Organization of Eastern Caribbean States. The Treaties are with: Antigua and Barbuda, signed at St. John's on October 31, 1996; Dominica, signed at Roseau on October 10, 1996; Grenada, signed at St. George's on May 30, 1996; St. Lucia, signed at Castries on April 18, 1996. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaties.

The Treaties are part of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activity more effectively. They should be an effective tool to assist in the prosecution of a wide variety of crimes, including ''white-collar'' crime and drug trafficking offenses. The Treaties are self-executing.

The Treaties provide for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaties includes: taking of testimony or statements of persons; providing documents, records, and articles of evidence; serving documents; locating or identifying persons or items; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to forfeiture of assets, restitution to the victims of crime, and collection of fines; and any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to these Treaties and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 3, 1997.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Inter-American Convention on Mutual Assistance in Criminal Matters (''the Convention''), adopted at the twenty-second regular session of the Organization of American States (OAS) General Assembly meeting in Nassau, The Bahamas, on May 23, 1992, and the Optional Protocol Related to the Inter-American Convention on Mutual Assistance in Criminal Matters (''the Protocol''), adopted at the twenty-third regular session of the OAS General Assembly meeting in Managua, Nicaragua, on June 11, 1993. Both of these instruments were signed on behalf of the United States at the OAS headquarters in Washington on January 10, 1995. In addition, for the information of the Senate, I transmit the report of the Department of State with respect to the Convention and the Protocol.

When ratified, the Convention and the Protocol will constitute the first multilateral convention between the United States and other members of the OAS in the field of international judicial cooperation in criminal matters. The provisions of the Convention and Protocol are explained in the report of the Department of State that accompanies this message.

The Convention and Protocol will establish a treaty-based system of judicial assistance in criminal matters analogous to that which exists bilaterally between the United States and a number of countries. These instruments should prove to be effective tools to assist in the prosecution of a wide variety of modern criminals, including members of drug cartels, ''white-collar'' criminals, and terrorists. The Convention and Protocol are self-executing, and will not require implementing legislation.

The Convention provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Convention includes: (1) taking testimony or statements of persons; (2) providing documents, records, and articles of evidence; (3) serving documents; (4) locating or identifying persons or items; (5) transferring persons in custody for testimony or other purposes; (6) executing requests for searches and seizures; (7) assisting in forfeiture proceedings; and (8) rendering any other form of assistance not prohibited by the laws of the Requested State.

The Protocol was negotiated and adopted at the insistence of the United States Government, and will permit a greater measure of cooperation in connection with tax offenses. I believe that the Convention should not be ratified by the United States without the Protocol. If the Convention and Protocol are ratified, the instruments of ratification would be deposited simultaneously.

One significant advantage of this Convention and Protocol is that they provide uniform procedures and rules for cooperation in criminal matters by all the states that become Party. In addition, the Convention and Protocol would obviate the expenditure of resources that would be required for the United States to negotiate and bring into force bilateral mutual assistance treaties with certain OAS member states.

I recommend that the Senate give early and favorable consideration to the Convention and the Protocol, and that it give its advice and consent to ratification, subject to the understandings described in the accompanying report of the Department of State.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 3, 1997.*

ORDERS FOR THURSDAY, SEPTEMBER 4, 1997

Mrs. HUTCHISON. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Thursday, September 4.

I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate immediately resume consideration of amendment No. 1077 to the Labor, HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. HUTCHISON. For the information of all Members, tomorrow the Senate will immediately resume consideration of amendment No. 1077 offered by Senator COATS to S. 1061, the Labor, HHS appropriations bill. It is hoped that a vote on the Coats amendment will occur by mid morning.

In addition, Members can anticipate additional votes on amendments currently pending to the Labor, HHS appropriations bill and other amendments expected to be offered to the bill throughout Thursday's session of the Senate as we make progress on this important legislation.

As always, Members will be notified as any votes are scheduled. It is hoped that the Senate will complete action on the Labor, HHS appropriations bill tomorrow. Also, as a reminder to all Members, a cloture motion was filed this evening on the motion to proceed to the FDA reform bill. Therefore, Members can anticipate a vote to occur on the cloture motion Friday morning.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. HUTCHISON. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:29 p.m., adjourned until Thursday, September 4, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 3, 1997:

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. COAST GUARD UNDER TITLE 14, UNITED STATES CODE, SECTION 271:

To be captain

MICHAEL F. HOLMES, 0000
HERBERT H. SHARPE, 0000
ERIK N. FUNK, 0000
MARVIN J. PONTIFF, 0000
JOHN J. DAVIN, 0000
RICHARD R. HOUCK, 0000
DAVID M. MOGAN, 0000
RICHARD R. KOWALEWSKI, 0000
JAMES D. SPITZER, 0000
SALLY BRICE-OHARA, 0000
KENNETH W. KEANE, 0000
PETER A. RICHARDSON, 0000
CHRISTOPHER J. SNYDER, 0000
PAUL D. LUPPERT, 0000
LAWRENCE T. YARBOROUGH, 0000
RONALD J. MORRIS, 0000
RANDOLPH MEADE, 0000
RONALD L. RUTLEDGE, 0000
ERIC N. FAGERHOLM, 0000
GEORGE R. MATTHEWS, 0000
GEOFFREY D. POWERS, 0000
ALAN H. MOORE, 0000
THEODORE C. LEFEUVRE, 0000
RICHARD R. KELLY, 0000
LAWRENCE J. BOWLING, 0000
GLENN W. ANDERSON, 0000
LOREN P. TSCHOHL, 0000
JOHN A. GENTILE, 0000
SURRAN D. DILKS, 0000
TERRENCE C. JULICH, 0000
JOHN M. KRUPA, 0000
JOHN C. MILLER, 0000
GEOFFREY L. ABBOTT, 0000
JAMES S. THOMAS, 0000
JOSEPH A. HALSCH, 0000
WAYNE R. BUCHANAN, 0000
GLENN A. WILTSHIRE, 0000
MARK S. KERN, 0000
JAMES E. EVANS, 0000
STEPHEN J. KRUPA, 0000
RICHARD D. POORE, 0000
JAMES W. DECKER, 0000
GLENN R. GUNN, 0000
WILLIAM W. PETERSON, 0000
SCOTT E. DAVIS, 0000
MARK H. JOHNSON, 0000
GLENN E. GATELY, 0000
JAMES F. MURRAY, 0000
IVAN T. LUKE, 0000
ARTHUR H. HANSON, 0000
MICHAEL K. GRIMES, 0000
JAMES R. MONGOLD, 0000
DAVID J. VISNESKI, 0000
GREGORY J. MACGARVA, 0000
ARN M. HEGGERS, 0000
JAMES W. STARK, 0000
JOHN ASTLEY, 0000
GILBERT J. KANAZAWA, 0000
SCOTT J. GLOVER, 0000
KEVIN L. MARSHALL, 0000
PAUL A. LANGLOIS, 0000
DANIEL B. LLOYD, 0000
JOHN P. CURRIER, 0000
WAYNE E. JUSTICE, 0000
WILLIAM R. WEBSTER, 0000
ERIC A. NICOLAUS, 0000
CHARLES J. DICKENS, 0000
HOWARD P. RHOADES, 0000
ROBERT D. ALLEN, 0000
JODY A. BRECKENRIDGE, 0000
RUSSELL N. TERRELL, 0000
GREGORY F. ADAMS, 0000
WILLIAM L. ROSS, 0000
BEVERLY G. KELLEY, 0000

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624.

To be rear admiral (lower half)

CAPT. PHILLIP M. BALISLE, 0000
CAPT. KENNETH E. BARBOR, 0000
CAPT. LARRY C. BAUCOM, 0000
CAPT. ROBERT E. BESAL, 0000
CAPT. JOSEPH D. BURNS, 0000
CAPT. JOSEPH A. CARNEVALE, JR., 0000
CAPT. JAY M. COHEN, 0000
CAPT. CHRISTOPHER W. COLE, 0000
CAPT. DAVID R. ELLISON, 0000
CAPT. LILLIAN E. FISHBURNE, 0000
CAPT. RAND H. FISHER, 0000
CAPT. ALAN M. GEMMILL, 0000
CAPT. DAVID T. HART, JR., 0000
CAPT. KENNETH F. HEIMGARTNER, 0000
CAPT. JOSEPH G. HENRY, 0000
CAPT. GERALD L. HOEWING, 0000
CAPT. MICHAEL L. HOLMES, 0000
CAPT. EDWARD E. HUNTER, 0000
CAPT. THOMAS J. JURKOWSKY, 0000
CAPT. WILLIAM R. KLEMM, 0000
CAPT. MICHAEL D. MALONE, 0000
CAPT. WILLIAM J. MARSHALL, III, 0000
CAPT. PETER W. MARZLUFF, 0000
CAPT. JAMES D. MCARTHUR, JR., 0000
CAPT. MICHAEL J. MCCABE, 0000
CAPT. DAVID C. NICHOLS, JR., 0000
CAPT. GARY ROUGHEAD, 0000
CAPT. KENNETH D. SLAGHT, 0000
CAPT. STANLEY R. SZEMBORSKI, 0000
CAPT. HENRY G. ULRICH, III, 0000
CAPT. GEORGE E. VOELKER, 0000
CAPT. CHRISTOPHER E. WEAVER, 0000
CAPT. ROBERT F. WILLARD, 0000
CAPT. CHARLES B. YOUNG, 0000

IN THE AIR FORCE

THE FOLLOWING-NAMED AIR NATIONAL GUARD OF THE U.S. OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER TITLE 10, UNITED STATES CODE, SECTIONS 12203 AND 12212:

To be colonel

ROBERT J. SPERMO, 0000

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTIONS 1552 (IDENTIFIED BY AN ASTERISK (*)), 12203 AND 12204:

*CARL M. GOUGH, 0000
DAVID A. MASSA, 0000
*GEORGE F. MATECKO, 0000
SAMUEL STRAUSS, 0000

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 12203(A), 12204(A), AND 12207:

To be colonel

SHRI KANT MISHRA, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 12203, 12204, AND 12207:

To be colonel

DAVID S. FEIGIN, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

To be major

CLYDE A. MOORE, 0000

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

To be colonel

TERRY A. WIKSTROM, 0000

To be lieutenant colonel

CARL B. HALL, 0000

To be major

RICHARD C. BUTLER, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 12203, 12204, AND 12207:

To be colonel

JAMES H. WILSON, 0000

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 12203, AND 12211:

To be colonel

ELLIS E. BRUMRAUGH, JR., 0000
HOMER G. HOBBS, 0000
MICHAEL J. JENNINGS, 0000
WILLIAM F. KUEHN, 0000
JAMES H. MONTGOMERY, 0000
ELIZABETH A. NELSON, 0000
ALAN D. O'ROUKE, 0000
LAWRENCINE L. PRILLERMAN, 0000
ALLAN V. STRICKER, 0000
JOHN C. ZIMMERMAN, 0000

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be colonel

GRATEN D. BEAVERS, 0000
BRIAN C. DONLEY, 0000
DARRELL C. DYER, 0000
KENNETH J. HANKO, 0000
GARY HERRINGTON, 0000
MATTHEW A. HORN, 0000
JAMES L. JOHNSON, 0000
ROGER W. KRAUEL, 0000
HOWARD A. KRIENKE, 0000
WILLIAM D. MCKEOWN, 0000
JAMES I. NISHIMOTO, 0000
HARRY J. PHILIPS, 0000
DAVID E. SERVINSKY, 0000
ALISON L. M. SIMMONS, 0000
WILLIAM S. SPRAITZAR,0000
GEORGE R. THOMAS, 0000
JOHN W. THORPE, 0000
MATTHEW L. VADNAL, 0000
JOHN E. ZUPKO, 0000

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be colonel

WILLIAM C. JOHNSON, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major

TONY WECKERLING, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

To be major

JEFFREY E. LISTER, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major

HARRY DAVIS, JR., 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major

MICHAEL D. DAHL, 0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major

JAMES C. CLARK, 0000

THE FOLLOWING-NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE U.S. AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTION 531:

To be colonel

JOSEPH ARGYLE, 0000
HANS E. ARVIDSON, 0000
JAMES M. BENGE, 0000
ROBERT F. DONS, 0000
WILEY J. FAIRCLOTH, JR., 0000
STEPHEN M. GOLDEN, 0000
LARRY L. HAGAN, 0000
VIRGIL E. HEMPHILL, JR., 0000
RICHARD E. IMM, 0000
DOYLE W. ISAAK, 0000
STEPHEN A. JENNINGS, 0000
NAMIR MREYOUD, 0000
JEB S. PICKARD, 0000
FORREST R. POINDEXTER, 0000
LONDE A. RICHARDSON, 0000
SARLA K. SAUJANI, 0000
RASA S. SILENAS, 0000
CHARLES R. TOLLINCHE, 0000
SALIMI A. WIRJOSEMITO, 0000

To be lieutenant colonel

ROBERT L. BLOOD, 0000
KENNETH F. DESROSIER, 0000
GLENN E. DICKEY, 0000
RAYMOND S. DOUGHERTY, 0000
LOUIS D. ELDRIDGE, 0000
DOUGLAS M. ERICKSON, 0000
BRENT L. GILLILAND, 0000
DENNIS N. GRAHAM, 0000
MARK R. GUILDER, 0000
WILLIAM K. HAMILTON, 0000
JAY B. HIGGS, 0000
KEVIN M. HIRSCHEY, 0000
VINCENT T. JONES, 0000
FRANK J. LORUSSO, 0000
SUSAN L. MALANE, 0000
KAREN M. MATHEWS, 0000
HOWARD T. MCDONNELL, 0000
VICTOR M. PINEIRO-CARRERO, 0000
DALE R. TIDABACK, 0000
ROBERT F. TODARO, 0000

JOHN H. WAGONER, 0000
ROBERT A. WILLIAMSON, 0000
MARTIN B. YULES, 0000

To be major

ROOSEVELT ALLEN JR., 0000
RICHARD C. BATZER, 0000
DEBORAH K. BRADLEY, 0000
JOSEPH A. BRENNAN, 0000
PAUL E. BROWN, 0000
WILLIAM E. DINSE, 0000
SCOTT A. DRAPER, 0000
DANIEL G. DUPONT, 0000
ROGER J. GOLLON, 0000
DANIEL M. GREISING, 0000
CRAIG D. HARTRANFT, 0000
JOHN C. KRESIN, 0000
MICHAEL J. KUCSERA, 0000
JEROME P. LIMOGE JR., 0000
ANDREW D. MARKIEWITZ, 0000
JANET Y. MARTIN, 0000
PAGE W. MCNALL, 0000
GUILLERMO E. ORRACA, 0000
JOSE VILLALOBOS, 0000
DANIEL C. WEAVER, 0000
DAVID L. WELLS, 0000

To be captain

LOUISE M. BRYCE, 0000
JAY S. TAYLOR, 0000

I NOMINATE THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major

MICHAEL D. ELLER, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE U.S. ARMY. THE OFFICERS IDENTIFIED BY AN ASTERISK (*) ARE NOMINATED FOR A REGULAR APPOINTMENT IN THE NURSE CORPS, MEDICAL SERVICE CORPS, MEDICAL CORPS, DENTAL CORPS, MEDICAL SPECIALIST CORPS, JUDGE ADVOCATE CORPS, AND CHAPLAINS UNDER TITLE 10, UNITED STATES CODE, SECTION 531 AND 3064:

To be colonel

*JAMES L. ATKINS, 0000
*HOLLY L. DOYNE, 0000
*ROBERT A. DRAGOO, 0000
*EUGENE T. ETZKORN, 0000
*SHARON FEENEY-JONES, 0000
*JOSEPH B. HANLEY, 0000
*CHARLES H. HOKE, 0000
*MOO O. HWANG, 0000
*RITA C. JACQUES, 0000
*ROBERT V. JONES, 0000
*JAMES W. KIKENDALL, 0000
*DOLORES A. LOEW, 0000
*ALLAN R. MAYER, 0000
*DOMINGO A. SISON, 0000
*MARIA H. SJOGREN, 0000
*DONALD L. STEINWEG, 0000
*DAVID N. TAYLOR, 0000
*WILLIAM P. WIESMANN, 0000

To be lieutenant colonel

*JAIME I. ALBORNOZ, 0000
*ALICIA Y. ARMSTRONG, 0000
*DONALD D. BAILEY, 0000
*JAMES T. BERKENBAUGH, 0000
*VERNON R. BRUCE, 0000
*MARC G. COTE, 0000
*THOMAS F. DEFAYETTE, 0000
*WAYNE C. FARMER, 0000
*KENNETH L. FERSTER, 0000
*THOMAS M. FITZPATRICK, 0000
*EDWARD FLETCHER, 0000
*LILLIAN A. FOERSTER, 0000
*DEAN R. GUILITTO, 0000
*CARLA HAWLEY-BOWLAND, 0000
*BRIAN R. JOHNSON, 0000
*YOUNG O. KIM, 0000
*JAMES E. MARK, 0000
*MICHAEL D. MATSON, 0000
*CHARLES E. MCQUEEN, 0000
*THOMAS C. MICHELS, 0000
*OWEN J. MULLEN, 0000
*BHAGYA MURTHY, 0000
*ANN B. RICHARDSON, 0000
*JEANNETTE SOUTH-PAUL, 0000
*S. STEINFELD-MCKENNON, 0000
*NICH SUTHUN, 0000
*JAMES P. TURNER, 0000
*LEO F. VOEPEL, 0000
*DAVID M. WILDER, 0000

To be major

*RICHARD H. BIRDSONG, 0000
*PETRA GOODMAN, 0000
*ROBERT K. HOOD, 0000
*MARCIA J. IMDIEKE, 0000
*DEBORAH J. KENNY, 0000
*GORDON A. LEWIS, 0000
*PATRICK G. SESTO, 0000
*JAMES E. SHEIL, 0000
*NANCY E. SOLTEZ, 0000
*R. STRUTTON-AMAKER, 0000
*JOHN A. STUART, 0000
*WILLIAM L. TOZIER, 0000
*KEITH R. VESELY, 0000
*PAUL D. WELSCH, 0000

To be captain

*MICHAEL P. ABLE, 0000
*EDWARD H. BAILEY, 0000
*MARGARET B. BAINES, 0000
*BRIAN R. BAUER, 0000
*ERIC J. BAUMGARDNER, 0000
*MICHAEL R. BELL, 0000
*LORANEE E. BRAUN, 0000
*SCOTT E. BRIETZKE, 0000
*RICHARD O. BURNEY, 0000
*JEFFREY M. CALLIN, 0000
*ARTHUR L. CAMPBELL, 0000
*KEVIN M. CIEPLY, 0000
*MICHAEL A. COLE, 0000
*BRIAN C. CORNEILSON, 0000
*QUINDOLA M. CROWLEY, 0000
*COLIN Y. DANIELS, 0000
*THO N. DANIELS, 0000
*RHONDA DEEN, 0000
*SHAD H. DEERING, 0000
*MICHAEL DLUGOPOLSKI, 0000
*DAVID M. EASTY, 0000
*RICHARD R. ESSICK, 0000
*MARY M. FOREMAN, 0000
*KIMMO T. FULLER, 0000
*JOHN S. GERSCH, 0000
*ROBERT V. GIBBONS, 0000
*KELLY R. GILLESPIE, 0000
*MATTHEW J. GILLIGAN, 0000
*MELISSA L. GIVENS, 0000
*ERIC J. GOURLEY, 0000
*TIMOTHY GRAMMEL, 0000
*RICHARD C. GROSS, 0000
*STACEY L. GRUM, 0000
*KURT A. GUSTAFSON, 0000
*SAM E. HADDAD, 0000
*JOHN P. HARVEY, 0000
*DONALD L. HELMAN, 0000
*JEFFREY V. HILL, 0000
*ROBERT H. HOLLAND, 0000
*JOHN D. HOWE, 0000
*JAMIA E. HOWELL, 0000
*DANIEL J. IRIZARRY, 0000
*MICHAEL D. ISACCO, 0000
*CHRISTOPHER G. JARVIS, 0000
*WILLIAM C. KEPPLER, 0000
*KURT G. KINNEY, 0000
*DINAH R. KIRK, 0000
*MICHAEL E. KLEIN, 0000
*JEFFREY K. KLOTZ, 0000
*CRAIG T. KOPECKY, 0000
*HENRY J. KYLE, 0000
*MICHAEL O. LACEY, 0000
*CHRISTOPHER L. LANGE, 0000
*INGER M. LERRA, 0000
*WILLIAM D. LEUSINK, 0000
*DALE H. LEVANDOWSKI, 0000
*JENNIFER LINDSAY–DODOO, 0000
*TIMOTHY C. MACDONNELL, 0000
*SHAWN A. MACLEOD, 0000
*MICHAEL E. MARTINE, 0000
*SHARON P. MCKIERNAN, 0000
*IAN K. MCLEOD, 0000
*SEAN K. MCVEIGH, 0000
*CLAY R. MILLER, 0000
*JANICE NICKIE–GREEN, 0000
*MARK A. PACELLA, 0000
*TARAK H. PATEL, 0000
*EDWARD J. PENA–RUIZ, 0000
*JEREMY G. PERKINS, 0000
*ANTHONY E. PUSATERI, 0000
*MATTHEW S. RICE, 0000
*JAMES H. ROBINETTE, 0000
*CHARLES H. ROSE, 0000
*TROY W. ROSS, 0000
*DAVID S. SACHAR, 0000
*EVELYN SANGSTER–CLARKE, 0000
*STEPHEN J. SEKAC, 0000
*SEAN M. SHOCKEY, 0000
*DAVID R. SHOEMAKER, 0000
*ADAM H. SIMS, 0000
*NITEN SINGH, 0000
*RICHARD R. SMITH, 0000
*CARMEN A. STELLA, 0000
*KEITH D. SUMEY, 0000
*TIMOTHY S. TALBOT, 0000
*SUSANNAH Q. TAPLEY, 0000
*BRIGILDA C. TENEZA, 0000
*SEAN F. THOMAS, 0000
*RAYMOND F. TOPP, 0000
*JESSIE L. TUCKER, 0000
*BRADLEY S. VANDERVEEN, 0000
*RODNEY A. VILLANUEVA, 0000
*MATTHEW J. VREELAND, 0000
*BEN WEBB, 0000
*KIMBERLY A. WENNER, 0000
*HARRY L. WHITLOCK, 0000
*WAYNE K. WHITTENBERG, 0000
*JOSEPH A. WILLIAMS, 0000
*JUSTIN T. WOODSON, 0000

To be first lieutenant

*WESLEY J. ANDERSON, 0000
*SANDRA J. BEGLEY, 0000
*DONALD J. CHAPMAN, 0000
*FRANK C. GARCIA, 0000
*EDWARD L. HILL, 0000
*KRISTOPHER S. HULL, 0000
*EMMA J. MCCLAIN, 0000
*CLIFTON R. MCCREADY, 0000
*JEFFERY L. MOSSO, 0000
*AMANDA R. NEWSOM, 0000
*BRANDON J. PRETLOW, 0000
*CYRUSS A. TSURGEON, 0000
*JOSEPH K. WEAVER, 0000

To be second lieutenant

*DAVID A. BURNS, 0000
*LAWRENCE A. EDELL, 0000
*SHAWN P. FITZGERALD, 0000
*JOHN D. FOSTER, 0000
*KATHERINE KING, 0000
*LORIANN R. MCKEEVER, 0000
*TIMOTHY J. MORRIS, 0000
*DANIEL S. PARK, 0000
*JETH B. REY, 0000
*CHRISTOPHER L. ROBISHAW, 0000
*MICHAEL SABOL, 0000
*JEFFREY A. SAELI, 0000
*JONATHAN M. WILEY, 0000
*SCOTT WILKINSON, 0000

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, UNITED STATES CODE SECTIONS 624 AND 531:

To be lieutenant colonel

FRANK J. ABBOTT, 0000
PAUL F. ABEL, JR., 0000
HENRY E. ABERCROMBIE, 0000
ROBERT B. ABRAMS, 0000
*STEPHEN C. ABSALONSON, 0000
JACK H. ACHS, 0000
HECTOR J. ACOSTA, 0000
MICHAEL S. ADAMS, 0000
WILLIAM F. ADAMS, 0000
GARY A. AGRON, 0000
EILEEN M. AHEARN, 0000
MICHAEL W. ALEXANDER, 0000
CHARLES ALLEN, III, 0000
CHRISTOPHER E. ALLEN, 0000
DAVID L. ALLWINE, 0000
RODNEY K. ALSTON, 0000
JAMES E. ALTY, JR., 0000
WILLIAM F. ANDERSON, 0000
CYNTHIA J. ANDREWS, 0000
KEITH P. ANTONIA, 0000
MARK H. ARMSTRONG, 0000
MICHAEL P. ARMSTRONG, 0000
RICHARD E. ARNOLD, 0000
FRANCISCO J. ASCORBE, 0000
MARIAN L. AUSTIN, 0000
ROBERT J. AVALLE, JR., 0000
VICTOR B. AYERS, 0000
KEVIN M. BADGER, 0000
MARTIN P. BAGLEY, 0000
ALVIN L. BAILEY, 0000
MARK D. BAINES, 0000
RALPH O. BAKER, 0000
JOHN S. BALDINI, JR., 0000
JAMES B. BALOCKI, 0000
WILLIAM BALOGH, 0000
STEFAN J. BANACH, 0000
MARK W. BAREFIELD, 0000
BRIAN D. BARHAM, 0000
CHARLES T. BARHAM, 0000
THERESA L. BARTON, 0000
RICHARD C. BASSETT, 0000
ALLEN W. BATSCHELET, 0000
KATHLEEN M. BATTON, 0000
FRANKLIN R. BAUM, JR., 0000
BARRY E. BAZEMORE, 0000
GREGORY A. BEACHAM, 0000
WILLIAM K. BEAMER, 0000
JEFFREY A. BEDEY, 0000
JAMES L. BEDINGFIELD, 0000
MICHAEL D. BEERY, 0000
LESLIE H. BELKNAP, 0000
MARGARET H. BELKNAP, 0000
CRAIG A. BERGQUIST, 0000
RUSS H. BERKOFF, 0000
PAUL W. BERNDT, 0000
BRENDA K. BESS, 0000
PAUL R. BETHEA, 0000
ROBERT L. BETHEA, JR., 0000
TERRY W. BEYNON, 0000
MICHAEL D. BIANCHI, 0000
TIMOTHY R. BILDERBACK, 0000
*ARTHUR E. BILODEAU, 0000
JAMES A. BILOTTO, 0000
ELISABETH J. BILYEU, 0000
MARK C. BINGAMAN, 0000
GWENDOLYN BINGHAM, 0000
JOHN T. BINKLEY, 0000
STEPHEN P. BIRDSALL, 0000
KENNETH W. BISHOP, 0000
THOMAS R. BLACK, 0000
WILLIAM D. BLACKLEDGE, 0000
BILLY M. BLACKWELL, 0000
*GLORIA D. BLAKE, 0000
TAB A. BLAZEK, 0000
JOHN G. BLITCH, 0000
RICHARD E. BLOSS, 0000
JAMES R. BLUE, 0000
JEFFREY B. BLYTH, 0000
CHARLES A. BOAZ, JR., 0000
RANDALL J. BOCKENSTEDT, 0000
JEROME L. BOERSTE, 0000
DAISIE D. BOETTNER, 0000
MICHAEL E. BONHEIM, 0000
PAUL A. BONNEWITZ, 0000
WILLIAM L. BOOKS, 0000
ANN L. BOOTH, 0000
GREGORY J. BORDEN, 0000
KENNETH P. BORETTI, 0000
GEORGIA H. BOUIE, 0000
ALAN G. BOURQUE, 0000
BRUCE A. BOWMAN, 0000
JOSEPH T. BOYD, 0000
MICHAEL S. BOYLE, 0000
TIMOTHY A. BOYLES, 0000
DAVID C. BRADLEY, 0000
MICHAEL A. BRADLEY, 0000

WAYNE M. BRAINERD, 0000
LLEWELLYN BRANDON, 0000
ROBERT A. BRENNAN, 0000
*CLAY F. BRIDGES, 0000
PETER C. BRIGHAM, 0000
JASEY B. BRILEY, 0000
JOHN M. BRITTEN, 0000
MICHAEL P. BROGAN, 0000
*STEVEN M. BROUSE, 0000
CRAIG A. BROWN, 0000
GARY B. BROWN, 0000
JAMES B. BROWN, 0000
KATHLEEN R. BROWN, 0000
KEVIN W. BROWN, 0000
*STEVEN J. BROWN, 0000
TIMOTHY BROWN, 0000
WILLIAM H. BROWN, 0000
KATHLEEN F. BROWNING, 0000
MAITLAND M. BROWNING, JR., 0000
DWIGHT M. BRUCE, 0000
ROBERT H. BRUCE, 0000
DANIEL V. BRUNO, 0000
VICTORIA M. BRUZESE, 0000
WILLIAM D. BRYAN, 0000
CARLTON A. BUCHANAN, 0000
JEFFREY S. BUCHANAN, 0000
NATHAN A. BUCHHEIT, 0000
EUGENE R. BUCKNER, 0000
WILLIAM F. BUECHTER, 0000
STEPHEN G. BULLOCK, 0000
RONALD L. BUMGARNER, 0000
THOMAS W. BUNING, 0000
*JON D. BUNN, 0000
THOMAS BUONFORTE, 0000
OLGER D. BURCH III, 0000
LARRY C. BURNETT, 0000
MICHAEL J. BURNS, 0000
DOUGLAS A. BURRER, 0000
WELDON K. BURTON, 0000
GLENN BUTLER, 0000
RALPH A. BUTLER, 0000
TYMOTHY W. CADDELL, 0000
ROBERT B. CADIGAN, 0000
JAMES B. CAMP, JR., 0000
CHARLES D. CANEDY, 0000
CARLOS G. CAPLLONCH, 0000
PHILIP J. CAREY, 0000
KATHRYN H. CARLSON, 0000
SUSAN P. CARLSON, 0000
MATTHEW T. CARR, 0000
PEGGY R. CARSON, 0000
WILLIAM C. CARTER, 0000
MICHAEL D. CASE, 0000
ROBERT G. CAUDLE, 0000
RICHARD G. CERCONE, JR., 0000
*MARK B. CHAKWIN, 0000
JAY W. CHAMBERS, JR., 0000
STEPHEN CHAN, 0000
CURTIS P. CHEESEMAN, 0000
CLARENCE K. CHINN, 0000
JOHN M. CHIU, 0000
RICHARD R. CLAIRMONT, 0000
*DAVID L. CLARK, 0000
DONALD I. CLARKE, 0000
MICHAEL J. CLIDAS, 0000
MICHAEL C. CLOY, 0000
CHARLES F. COAN, 0000
LAURA J. COAXUM, 0000
LEWIS C. COCHRAN, 0000
ROBIN D. COFER, 0000
GEORGE G. COFFELT, 0000
TIMOTHY R. COFFIN, 0000
ANDREW H. COHEN, 0000
ANGEL L. COLON, 0000
HECTOR L. COLON, 0000
CARL J. COLWELL, 0000
THOMAS J. COMODECA, 0000
VALERIE B. CONERWAY, 0000
KEVIN P. CONGO, 0000
JAMES T. CONLEY, JR., 0000
*SUE E. CONLON, 0000
JOHN P. CONNELL, 0000
JEFFERY S. COOK, 0000
ARTHUR B. COOPER, 0000
RICHARD C. COPLEN, 0000
THOMAS W. CORDINGLY, 0000
CHARLES G. COUTTEAU, 0000
CHARLES W. COXWELL, JR., 0000
BRIAN A. CRAWFORD, 0000
*CARDON B. CRAWFORD, 0000
DAVID L. CRAWFORD, 0000
JENNIFER W. CRAWFORD, 0000
JAMES B. CROCKETT III, 0000
WILLIAM M. CROCOLL, 0000
JOSEPH P. CROWLEY, 0000
JACQUELINE E. CUMBO, 0000
STEVEN M. CUMMINGS, 0000
KENDAL W. CUNNINGHAM, 0000
CRAIG J. CURREY, 0000
CHRISTOPHER M. CURRY, 0000
HENRY A. CURRY, 0000
PETER E. CURRY, 0000
ARNE CURTIS, 0000
KENNETH R. DAHL, 0000
THOMAS P. DALIO, 0000
EDWARD B. DALY, 0000
GARY N. DANIEL, JR., 0000
MITCHELL P. DANNER, 0000
WILLIAM E. DASCH, JR., 0000
PETER A. DAVIDSON, 0000
WALTER J. DAVIES, 0000
MICHAEL F. DAVINO, 0000
GLEN L. DAVIS, 0000
GORDON B. DAVIS, JR., 0000
MICHAEL J. DAVIS, 0000
PETER E. DAVIS, 0000
STUART D. DAVIS, 0000
*WAYNE K. DAVIS, 0000
DUANE K. DAVISTON, 0000
TIM L. DAY, 0000
WILLIAM S. DECAMP, JR., 0000
PETER DEFLURI III, 0000
MICHAEL J. DELANEY, 0000
WILLIAM F. DELANEY, 0000
ROBERTO L. DELGADO, 0000
ROBERT DELISLE, JR., 0000
GEORGE G. DEMARSE, 0000
MARK P. DEMIKE, 0000
DAVID A. DEPASTINA, 0000
RICHARD G. DEPPE, JR., 0000
PHILIP J. DERMER, 0000
JEAN M. DETTLING, 0000
HAROLD M. DICK, 0000
CURTIS A. DIGGS, 0000
RICHARD H. DIGIOVANNI, 0000
NORVEL L. DILLARD, 0000
DANIEL P. DILLON, 0000
MICHAEL S. DILLON, 0000
LOUIS A. DIMARCO, 0000
JOSEPH P. DISALVO, 0000
PAUL R. DISNEY, JR., 0000
JOHN M. DISTER, 0000
RICHARD J. DIXON, 0000
TIMOTHY D. DIXON, 0000
KEVIN R. DODGE, 0000
BRYAN L. DOHRN, 0000
YVONNE DOLL, 0000
JANICE L. DOMBI, 0000
ROBERT DOMITROVICH, 0000
THOMAS W. DONNELLY, JR., 0000
KEVIN S. DONOHUE, 0000
DENISE M. DONOVAN, 0000
MICHAEL E. DONOVAN, 0000
GARRIE P. DORNAN, 0000
MICHAEL C. DOROHOVICH, 0000
JOSEPH P. DOTY, 0000
MARK F. DOUGLASS, 0000
JON N. DOWLING, 0000
ROBERT C. DOWLING, 0000
DENNIS J. DOWNEY, 0000
BOBBY L. DRIESNER, 0000
CHARLES H. DRIESSNACK, 0000
PATRICK J. DUBOIS, 0000
JOHN F. DUFFY, 0000
DENNIS J. DUGAN, 0000
STEPHEN C. DUNCAN, 0000
CHARLES DUNN, III, 0000
BRIAN D. DURANT, 0000
CHARLES W. DURR, 0000
JAMES F. DUTTWEILER, 0000
ROBERT M. DYESS, JR., 0000
SCOTT A. EAGEN, 0000
RICKY J. EARLEYWINE, 0000
ALLEN C. EAST, 0000
CLAY EASTERLING, 0000
TODD J. EBEL, 0000
RALPH I. EBENER, JR., 0000
NATHAN R. EBERLE, 0000
ANTULIO . ECHEVARRIA, 0000
ANAS T. ECONOMY, III, 0000
TIMOTHY J. EDENS, 0000
DALLAS M. EDWARDS, 0000
ERIC L. EDWARDS, II, 0000
MICHAEL C. EDWARDS, 0000
ROBERT S. ELIAS, 0000
FRANK A. EMERY, 0000
JEFFERY W. ENGBRECHT, 0000
RUSSELL W. ENGLISH, 0000
RICHARD J. EVERSON, 0000
ROBERT E. EVERSON, 0000
MARK V. EVETTS, 0000
EDWARD L. FABIAN, JR., 0000
MATTHEW B. FAGAN, 0000
SAMUEL E. FAIRES, 0000
MICHAEL J. FALLON, 0000
DAVID J. FARACE, 0000
BILLY D. FARRIS, II, 0000
MICHAEL FENN, 0000
JANICE W. FERGUSON, 0000
QUILL R. FERGUSON, 0000
ROBERT S. FERRELL, 0000
JEFFREY D. FIELD, 0000
FRANCIS X. FIERKO, 0000
CARL S. FILIP, 0000
SEAN M. FINNEGAN, 0000
ANDREW R. FISCHER, 0000
CARL E. FISCHER, 0000
KENNETH K. FISHER, JR., 0000
KELLY F. FISK, 0000
ROBERT E. FITE, JR., 0000
DEBRA L. FIX, 0000
CHRISTINA F. FLANAGAN, 0000
HARRY D. FLANAGAN, 0000
MICHAEL B. FLEMING, 0000
CHARLES V. FLETCHER, 0000
MARY P. FLETCHER, 0000
PAUL J. FLYNN, 0000
WILLIAM C. FLYNT III, 0000
CARLOS I. FONT, 0000
*WILLIAM G. FORD, 0000
PETER W. FOREMAN, 0000
TODD H. FOREMAN, 0000
JERRY M. FORMAN, 0000
JOHN B. FORSYTH, 0000
MICHAEL W. FORTANBARY, 0000
KIRK L. FOSTER, 0000
HARRISON D. FOUNTAIN, 0000
CHRISTOPHER W. FOWLER, 0000
LAWRENCE C. FOWLER, 0000
BRYAN C. FOY, 0000
TONY R. FRANCIS, 0000
TIMOTHY H. FRANK, 0000
HARRY M. FRANKLIN, 0000
*MARK R. FRANKLIN, 0000
MARY L. FRANKLIN, 0000
THOMAS FREEMAN, JR., 0000
DANIEL P. FRENCH, 0000
ROBERT B. FRENCH, 0000
CHRISTOPHER C. FRY, 0000
PATRICK E. FULLER, 0000
WILLIAM K. FULLER, 0000
WILLIAM B. FULLERTON, 0000
CHRISTOPHER T. FULTON, 0000
JOHN J. GALLAND, 0000
ALFRED W. GAMMONS, JR., 0000
HERIBERTO GARCIA, 0000
MARTIN J. GARCIA, 0000
MARK C. GARDNER, 0000
JOHN W. GARMANY, JR., 0000
NEIL A. GARRA, 0000
MARGUERITE C. GARRISON, 0000
THAD A. GASSMAN, 0000
RICHARD G. GAY, JR., 0000
KEITH G. GEIGER, 0000
KEITH A. GEORGE, 0000
KATHLEEN A. GERENDA, 0000
ANTHONY L. GERMAN, 0000
GREGORY M. GEROVAC, 0000
STEPHEN J. GERRAS, 0000
PAUL C. GERTON, 0000
DAVID L. GILBERT, 0000
VERNDELL H. GILDHOUSE, 0000
PAUL D. GILLEY, JR., 0000
WALTER L. GILLIAM, 0000
JEROME P. GILMAN, 0000
ANTHONY GLENN, 0000
JESSIE J. GOGGINS, 0000
PAUL K. GONZALES, 0000
JULIUS B. GOODMAN, 0000
CHARLES W. GORE, 0000
NORMAN M. GRADY, 0000
ANTHONY T. GRANT, 0000
RICHARD E. GRAVES, 0000
JAMES A. GRAY, 0000
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MATTHEW J. GREEN, 0000
RICHARD L. GREENE, JR., 0000
WARREN O. GREENE, 0000
MARK T. GRESZLER, 0000
GARY R. GRIMES, 0000
JOSEPH D. GRINER, 0000
WILLIAM J. GRISWOLD, JR., 0000
BRIAN L. GROFT, 0000
DAVID C. GROHOSKI, 0000
JANET E. GROSS, 0000
MICHAEL J. GROVE, 0000
SUSAN K. GRUBB, 0000
WILLIAM R. GRUBBS, 0000
ROBERT D. GRYMES, 0000
DANIEL J. GUILMETTE, 0000
SAMUEL A. GUTHRIE, 0000
BRUCE L. GWILLIAM, 0000
BILLY J. HADFIELD, 0000
DAVID L. HAGG, 0000
CATHERINE G. HAIGHT, 0000
DAVID B. HAIN, 0000
JOHN L. HAITHCOCK, JR., 0000
SCOTT A. HALASZ, 0000
JAY H. HALE, 0000
DONALD L. HALL, 0000
MICHAEL A. HALLISEY, 0000
FREEBERG S. HALTER, 0000
CINDY K. HAMILTON, 0000
SCOTT E. HAMPTON, 0000
MICHAEL D. HANLEY, 0000
MARIAN R. HANSEN, 0000
RICHARD D. HANSEN, JR., 0000
ROBERT P. HANSEN, 0000
WILLIAM E. HARMON, 0000
RICHARD L. HARMS, 0000
RONALD H. HARPER, 0000
THOMAS P. HARRELL, 0000
EARNEST D. HARRIS, 0000
THOMAS G. HARRIS, 0000
DONALD M. HARRISON, 0000
*SUSAN D. HARRISON, 0000
THEODORE C. HARRISON, 0000
WILLIAM T. HARRISON, 0000
CONSTANCE A. HARTMAN, 0000
CARROL I. HARVEY, 0000
JAMES T. HARVILL JR., 0000
DAVID D. HAUGHT, 0000
STEVEN P. HAUSTEIN, 0000
SAMUELL R. HAWES, 0000
JOHN E. HAXTON, 0000
MARK W. HAYES, 0000
ROBERT W. HAYNIE, 0000
RUDOLPH C. HAYNIE, 0000
EDWARD A. HEALY, JR., 0000
FALKNER HEARD, III, 0000
MICHAEL G. HEGARTY, 0000
CHARLES G. HEIDEN, 0000
MARK S. HELD, 0000
DARRALL R. HENDERSON, 0000
ROBERT J. HENRY, 0000
SCOTT A. HENRY, 0000
RILEY L. HENSLY, 0000
WALTER M. HERD, 0000
JUAN J. HERNANDEZ, 0000
ERNEST J. HEROLD, III, 0000
ROBERT T. HESS, 0000
JEFFERY A. HILL, 0000
RICKY E. HILL, 0000
SCOTT A. HILL, 0000
STEPHEN L. HILL, 0000
RAYMOND S. HILLIARD, 0000
PAUL S. HILTON, 0000
ERNEST M. HINES, II, 0000
JAMES E. HINNANT, 0000
MARK W. HINTON, 0000
WILLIAM C. HIX, 0000

JANETT L. HODNETT, 0000
PETER F. HOFFMAN, 0000
KURT G. HOFFMANN, 0000
STEVEN P. HOFFPAUER, 0000
MICHAEL E. HOGAN, 0000
LEON W. HOJNICKI, 0000
ROBERT M. HOLMES, JR., 0000
JAMES A. HOLTZCLAW, 0000
*MICHAEL H. HONEYCUTT, 0000
RICHARD D. HOOKER, JR., 0000
OLIVETTE M. HOOKS, 0000
EARL E. HOOPER, 0000
CYNTHIA O. HOPE, 0000
RICHARD M. HORNACK, JR., 0000
GREGORY C. HOSCHEIT, 0000
PAMELA O. HOWARD, 0000
STEPHEN F. HOWARD, 0000
JAMES R. HOY, JR., 0000
TERRY L. HOYT, 0000
DANNY T. HUBER, 0000
JOSEPH D. HUBER, JR., 0000
RICHARD A. HUGGLER, 0000
STEPHEN E. HUGHES, 0000
JEFFREY W. HUMPHREY, 0000
OREN L. HUNSAKER, 0000
CARL W. HUNT, 0000
JONATHAN B. HUNTER, 0000
DAVID E. HUNTERCHESTER, 0000
BRUCE H. HUPE, 0000
WAYNE R. HUSEMANN, 0000
STEPHEN N. HYLAND, JR., 0000
TED G. IHRKE, 0000
ANTHONY R. INCORVATI, II, 0000
JOEL W. INGOLD, 0000
FRANK P. IPPOLITO, 0000
FERDINAND IRIZARRY, II, 0000
JEFFERY L. IRVINE, 0000
DONALD E. JACKSON, 0000
ERNEST F. JACKSON, 0000
WILLIAM D. JACKSON, 0000
WILLIS F. JACKSON, JR., 0000
RHONDA K. JAKUBIK-WORKMAN, 0000
WILLIE A. JAMES, 0000
JEFFREY JARKOWSKY, 0000
MICHAEL J. JAYE, 0000
CINDY R. JEBB, 0000
GREGORY L. JOHANSEN, 0000
ROBERT A. JOHN, 0000
HIRAM N. JOHNSON, 0000
MARK E. JOHNSON, 0000
MARK T. JOHNSON, 0000
MICHAEL R. JOHNSON, 0000
ROBERT L. JOHNSON, JR., 0000
SAMUEL H. JOHNSON, 0000
MARK A. JOHNSTONE, 0000
DONALD M. JONES, 0000
FRANKLIN K. JONES, 0000
KATHY J. JONES, 0000
KERMIT C. JONES, 0000
MARK W. JONES, 0000
MARSHALL J. JONES, 0000
ROBERT T. JONES, 0000
WINSTON M. JONES, 0000
BILLY J. JORDAN, JR., 0000
JOHN D. JORDAN, 0000
FRANK A. JORDANO, 0000
MICHAEL R. JORGENSON, 0000
RAY A. JOSEY, 0000
BRIAN R. JOYCE, 0000
KENNETH G. JUERGENS, 0000
ANTHONY J. JUSTI, JR., 0000
JEFFREY T. KAPPENMAN, 0000
ROBERT W. KARPIAK, 0000
RICHARD W. KAUMANS, 0000
LESLIE B. KAYE, 0000
BRIAN KEETH, 0000
BRYAN D. KEIFER, 0000
TERRY J. KELLEY, 0000
THOMAS M. KELLEY, 0000
MICHAEL V. KELLY, 0000
DOUGLAS B. KELSEY, 0000
CARLA D. KENDRICK, 0000
ROBERT KENDRICK III, 0000
ALEXANDER D. KENDRIS, 0000
HOWARD J. KILLIAN III, 0000
RICHARD J. KILROY, JR., 0000
JIYUL KIM, 0000
GERALD A. KINCAID, JR., 0000
DAVID M. KING, 0000
MARYSE J. KING, 0000
KEVIN M. KIRMSE, 0000
JOHN A. KIZLER, 0000
DALE E. KLEIN, 0000
BRIAN L. KLIMA, 0000
ROBERT W. KLINE, 0000
DAN J. KNAPPENBERGER, 0000
EARL E. KNIGHT, 0000
THOMAS G. KNIGHT, JR., 0000
JAMES A. KNOWLES, 0000
JAMES A. KNOWLTON, 0000
TIMOTHY A. KOKINDA, 0000
WILLIAM J. KOLB, 0000
THEODORE W. KOUFAS, 0000
EDWARD KOZACK, 0000
DAVID A. KRAMER, 0000
MICHAEL A. KRIZ, 0000
THOMAS W. KULA, 0000
HON C. KWAN, JR., 0000
DWAYNE A. LACEWELL, 0000
CATHERINE H. LACINA, 0000
RAYMOND L. LAMB, 0000
GLEN D. LAMBKIN, JR., 0000
LYNDA R. LAMITIE, 0000
TOMMY L. LANCASTER, 0000
SCOTT A. LANG, 0000
KELLY M. LANGDORF, 0000
GERALD P. LAPP, 0000
DAVID D. LAVENDER, 0000
GERALD S. LAWSON, 0000
BRIAN R. LAYER, 0000
RONALD D. LEET, JR., 0000
ALBERT F. LEFTWICH, 0000
JON S. LEHR, 0000
LISA A. LEMZA, 0000
LARRY L. LETNER, 0000
BRADLEY J. LIBERG, 0000
RONALD N. LIGHT, 0000
DOMINIC J. LILAK, 0000
WILLIAM LIN, 0000
BRIAN S. LINDAMOOD, 0000
JAMES B. LINDER, 0000
KEVIN S. LINDSAY, 0000
DAVID H. LING, 0000
MICHAEL D. LINGENFELTER, 0000
DOUGLAS J. LITAVEC, 0000
DEBRA R. LITTLE, 0000
MICHAEL V. LITWINOWICZ, 0000
MARION A. LIVENGOOD, 0000
JOHN T. LLOYD, 0000
XAVIER P. LOBETO, 0000
BOBBY LOCKLEAR, 0000
GUY A. LOFARO, 0000
*JEAN M. LOISEAU, 0000
GARY W. LONGANECKER, 0000
PAUL M. LOOMIS, 0000
CHARLENE M. LOPER, 0000
MARK A. LORING, 0000
DANIEL T. LOSCUDO, 0000
*KEITH R. LOVEJOY, 0000
BARRETT F. LOWE, 0000
*KENNETH A. LUCAS, 0000
JAMES P. LUDOWESE, 0000
ALFRED E. LUNT, III, 0000
THOMAS C. LUTHER, 0000
THOMAS B. LYLES, JR., 0000
CHARLES P. LYNCH, 0000
JOHN D. LYNCH, 0000
THOMAS F. LYNCH, III, 0000
*ALAN T. MABRY, 0000
SEAN B. MACFARLAND, 0000
FRANCIS A. MACHINA, JR., 0000
HEATHER J. MACIAS, 0000
MICHAEL G. MACIVOR, 0000
PARIS M. MACK, 0000
SHARON M. MACK, 0000
ROBERT W. MACKAY, 0000
THOMAS F. MACKAY, 0000
WILLIAM A. MACKEN, 0000
RANDALL L. MACKEY, 0000
JAMES G. MACNEIL, 0000
DONALD M. MACWILLIE, 0000
PATRICK M. MADDEN, 0000
BETH A. MADDOX, 0000
JONATHAN A. MADDUX, 0000
CARMEN J. MADERO, 0000
CORY W. MAHANNA, 0000
DANIEL P. MAHONEY, 0000
SCOTT D. MAIR, 0000
ALAN W. MAITLAND, 0000
KEVIN W. MANGUM, 0000
GERALD J. MANLEY, 0000
DAVID L. MANN, 0000
PETER R. MANSOOR, 0000
GEORGE P. MARQUARDT, 0000
PATRICK M. MARR, 0000
LLOYD W. MARSHALL, 0000
*GEORGE D. MARTIN III, 0000
MARK D. MARTIN, 0000
GERALD B. MARTINO, 0000
DORIOT A. MASCARICH, 0000
RICHARD J. MASON, JR., 0000
ANTON E. MASSINON, 0000
JAMES J. MATHIS, 0000
DAVID S. MAXWELL, 0000
MARIE A. MAY, 0000
MARK N. MAZARELLA, 0000
MARK L. MCALISTER, 0000
DOUGLAS L. MCALLASTER, 0000
LAWENCE E. MCANNENY, 0000
MICHAEL T. MCBRIDE, 0000
CURTIS L. MCCABE, 0000
ROBERT M. MCCALL, 0000
DOUGLAS E. MCCALLUM, 0000
KEVIN J. MCCLUNG, 0000
WILLIAM N. MCCONNELL, 0000
NELSON MCCOUCH, III, 0000
CARY S. MCCOY III, 0000
JAMES R. MCCREIGHT, 0000
EVERETT K. MCDANIEL, 0000
DAVID R. MCDONALD, JR., 0000
JAMES D. MCDONOUGH, JR., 0000
KEVIN T. MCENERY, 0000
RALPH M. MCGEE, 0000
THOMAS J. MCGRATH, 0000
THOMAS M. MCGUINNESS, 0000
PUAL A. MCGUIRE, JR., 0000
STEPHEN E. MCGUIRE, 0000
WILLIAM R. MCINNIS, 0000
MARK J. MCKEARN, 0000
JAMES H. MCKENZIE, JR., 0000
MARK E. MCKNIGHT, 0000
LESTER T. MCMANNES, JR., 0000
LAWRENCE P. MEDLER, JR., 0000
MICHAEL T. MEEKS, 0000
JOHN J. MEGNIA, 0000
CHARLES R. MEHLE II, 0000
ROBERT A. MELANSON, 0000
FREDERIC L. MERCHANT, 0000
DAVID L. MERRIFIELD, 0000
FRANCIS R. MERRITT, 0000
CHRISTOPHER B. MEYER, 0000
ROBERT D. MICHAUD, 0000
DANNY L. MICHIE, 0000
ROBERT L. MILBURN, 0000
MARION L. MILES, JR., 0000
BRICK T. MILLER, 0000
DEREK A. MILLER, 0000
EARL E. MILLER, 0000
GARRETT R. MILLER, 0000
JOHN H. MILLER, 0000
ROSE M. MILLER, 0000
ZECHARA J. MILLER, 0000
EDWARD T. MILLIGAN, 0000
MICHAEL D. MINER, 0000
PHILLIP MINOR, 0000
CHARLES M. MINYARD, 0000
RALPH L. MITCHELL, 0000
RONALD F. MITCHELL, 0000
JOEL A. MITTELSTAEDT, 0000
MICHAEL K. MIXEN, 0000
MARK J. MOELLER, 0000
JONATHAN J. MOENCH, 0000
DAVID L. MOLINELLI, 0000
LEONARD R. MONTFORD, JR., 0000
JOSHUA H. MONTGOMERY, 0000
FRANKIE D. MOORE, 0000
JOHN M. MOORE, 0000
STEVEN R. MOORE, 0000
STEVEN W. MOORE, 0000
JOE L. MORALEZ, JR., 0000
FRANK N. MORIN, 0000
DOUGLAS J. MORRISON, 0000
TIMOTHY F. MOSHIER, 0000
CHRISTOPHER V. MOYLAN, 0000
JOSEPH P. MUDD, 0000
GREGORY A. MUILENBURG, 0000
PAUL J. MULLIN, 0000
PATRICK G. MULVIHILL, 0000
MICHAEL J. MURPHY, 0000
BARRY G. MURRAY, 0000
JOHN M. MURRAY, 0000
TYRONE C. MUSSIO, 0000
JOSEPH C. MYERS, 0000
MICHAEL K. NAGATA, 0000
MARK D. NEEDHAM, 0000
SUSAN B. NEUMANN, 0000
MICHAEL A. NEWCOMB, 0000
ROBERT B. NEWMAN, 0000
ROBERT A. NEWTON II, 0000
JAMES M. NICHOL, JR., 0000
CAMILLE M. NICHOLS, 0000
JOHN W. NICHOLSON, JR., 0000
PATRICE A. NICKOLS, 0000
DOUGLAS E. NIELSEN, 0000
KAREN L. NIGARA, 0000
PAUL F. NIGARA, 0000
DEAN S. NOGLE, 0000
JERE P. NORMAN, JR., 0000
GLENWOOD NORRIS, JR., 0000
WILLIAM R. OAKS, 0000
ROGER R. OBEN, 0000
ROBERT A. OBRIEN III, 0000
ROBERT T. OBRIEN, JR., 0000
EDWIN S. OCONNOR, 0000
THOMAS E. ODONOVAN, 0000
JEFFREY R. OESER, 0000
TIMOTHY M. OHARA, 0000
LEWIS L. OHERN, JR., 0000
STANFORD OLIVER, 0000
JOHN A. OLSHEFSKI, 0000
MARK P. ONEILL, 0000
WILLIAM M. ORIET, 0000
MORTON ORLOV II, 0000
DAVID C. OSBORNE, 0000
RUSSELL M. OSBURN, 0000
DENNIS R. OWEN, 0000
EDWARD H. OWEN, 0000
DONALD K. OWENS, 0000
KEVIN C. OWENS, 0000
ALVA L. PACE, 0000
MICHAEL M. PACHECO, 0000
KEVIN J. PALGUTT, 0000
ROBERT A. PARKER, 0000
DEWEY F. PATRICK, 0000
LAWARREN V. PATTERSON, 0000
MARK S. PATTERSON, 0000
EUGENE P. PAULO, 0000
JOHN C. PAULSON, 0000
EUGENE A. PAWLIK, JR., 0000
ROMEY P. PELLETIER, 0000
DAMON C. PENN, 0000
DEBBRA J. PEREZ, 0000
MICHAEL J. PERGANDE, 0000
*CINDY L. PERRY, 0000
KENNETH J. PERRY, 0000
MARK J. PERRY, 0000
PAUL A. PERRY, 0000
STEVEN W. PETERSON, 0000
WILLIAM J. PETREE, 0000
JAMES A. PHELPS, 0000
CHARLES E. PHILLIPS, JR., 0000
ILEAN PHILLIPS, 0000
WARREN E. PHIPPS, JR., 0000
AUNDRE F. PIGGEE, 0000
CHRIS A. PILECKI, 0000
LESTER W. PINKNEY, 0000
STEVEN S. PINTER, JR., 0000
MARK R. PIRES, 0000
MARTIN B. PITTS, 0000
KEVIN P. POLCZYNSKI, 0000
RUSSELL L. POLING, 0000
MICHAEL R. POLLACK, 0000
WALTER H. POLLARD, 0000
WILLIAM B. POMEROY II, 0000
RANDOLPH W. PONDER, 0000
RICHARD J. POOLE, 0000
THOMAS G. POPE, 0000
JOSEPH N. POULIOT, JR., 0000
JOEL A. POWELL, 0000
JOHN D. POWELL, 0000
WILLIAM J. PRANTL, 0000

KENNETH L. PRENDERGAST, 0000
DEBRA L. PRESSLEY, 0000
YVONNE J. PRETTYMAN-BECK, 0000
MICHAEL I. PREVOU, 0000
RODNEY K. PRICE, 0000
DAVID W. PRIDE, 0000
LARRY H. PRUITT, 0000
WILLIAM T. PUGH, 0000
DANNY G. PUMMILL, 0000
DAVID P. PURSELL, 0000
PAUL A. PUSECKER III, 0000
MARTIN J. QUEENAN, 0000
DANIEL J. RAGSDALE, 0000
JAMES R. RALPH III, 0000
ENRIQUE RAMOS, 0000
GREGORY S. RASSATT, 0000
*BERNABE RATIO, 0000
ALEXANDER B. RAULERSON, 0000
PATRICK H. RAYERMANN, 0000
DOUGLAS E. RAYMOND, 0000
WALTER R. RAYMOND, JR., 0000
CLEON W. RAYNOR, 0000
RICKY J. REA, 0000
RONALD D. REAGAN, 0000
WILLIAM G. REAGLE, 0000
MYLES REARDON, JR., 0000
KEITH F. RECK, 0000
CHRISTOPHER J. REDDISH, 0000
BRUCE D. REDLINE, 0000
DANIEL K. REED, 0000
DOUGLASS B. REED, 0000
GRADY G. REESE, JR., 0000
WILLIAM D. REESE, 0000
JARROLD M. REEVES, JR., 0000
CARLTON B. REID, JR., 0000
BRUCE J. REIDER, 0000
JAMES R. REINHARDT, 0000
STEWARD E. REMALY, 0000
DAVID A. RENAUD, 0000
PERRY A. RENIKER, 0000
ISRAEL REYES, 0000
JAMES R. RICE, 0000
BRYAN D. RICHARDSON, 0000
MARK D. RIDER, 0000
RICARDO R. RIERA, 0000
STEPHEN R. RIESE, 0000
DENNIS M. RINGLIEB, 0000
WILLIAM J. RISSE, 0000
MARK L. RITTER, 0000
MICHAEL F. ROACHE II, 0000
*JEFFREY S. ROBERTS, 0000
CHARLES W. ROBINSON, JR., 0000
RODERICK ROBINSON III, 0000
JOHN M. ROCHE, 0000
DAVID W. RODGERS, 0000
ANTHONY J. ROJEK, 0000
ROBERT A. ROMICH, 0000
GREGORY K. ROOKS, 0000
ROBERT H. ROOME, 0000
TERRY J. ROPES, 0000
MICHAEL S. ROSE, 0000
DIRK C. ROSENDAHL, 0000
DAVID H. ROSS, 0000
HARRY V. ROSSANDER, 0000
JOHN G. ROSSI, 0000
MICHAEL A. ROSSI, 0000
DINO D. ROTH, 0000
MATTHEW J. ROTHLISBERGER, 0000
RICHARD J. RUNDE, JR., 0000
CARL RUNYON, 0000
KEITH E. RYAN, 0000
PATRICK E. RYAN, 0000
TERRENCE P. RYAN, 0000
THOMAS E. RYAN, 0000
BENNET S. SACOLICK, 0000
STEVEN L. SALAZAR, 0000
RONALD F. SALYER, 0000
DAVID W. SAMEC, 0000
MARK H. SAMISCH, 0000
DONALD M. SANDO, 0000
DONNA J. SANGIORGIO, 0000
*JOAN P. SANGL, 0000
LAWRENCE SANSONE, 0000
TIMOTHY A. SASSENRATH, 0000
WAYNE A. SAUER, 0000
ROBERT S. SAUNDERS, 0000
WALTER J. SAWYER, 0000
TIMOTHY C. SAYERS, 0000
JESS A. SCARBROUGH, 0000
DAVID J. SCARCHILLI, 0000
GARY A. SCHEID, 0000
PAUL A. SCHIELE, 0000
MICHAEL J. SCHILLER, 0000
PHILIP J. SCHLATTER, 0000
DAREL D. SCHOENING, 0000
THOMAS J. SCHWARTZ, 0000
ANDREW K. SCHWEIKERT, 0000
ROBERT E. SCURLOCK, JR., 0000
THOMAS C. SEAMANDS, 0000
GEORGE A. SEARS II, 0000
MICHAEL K. SEIDL, 0000
GARY M. SERVOLD, 0000
JOSEPH D. SETTE, 0000
JERRY D. SHARP, JR. 0000
JOHN R. SHARP, 0000
KAREN E. SHEALAWSON, 0000
MARK J. SHEEHAN, 0000
RICHARD W. SHEPPARD, 0000
TIMOTHY M. SHERWOOD, 0000
RICHARD E. SHIPKOWSKI, 0000
JAMES D. SHUMWAY, IV 0000
THOMAS E. SIDWELL, 0000
JORGE L. SILVEIRA, 0000
JAMES M. SIMMONS, 0000
VIRGINIA W. SIMONSON, 0000
JOHN B. SIMPSON, III 0000
ROBERT W. SIMPSON, 0000
JOHN M. SISK, 0000
GEORGE P. SLAGLE, 0000
THOMAS F. SMALL, 0000
RICHARD S. SMARR, 0000
DAVID A. SMITH, 0000
DOUGLAS E. SMITH, JR. 0000
EUGENE B. SMITH 0000
GARY L. SMITH, 0000
JACK F. SMITH, JR. 0000
JAMES E. SMITH, 0000
*JAY Q. SMITH, 0000
JEFFOREY A. SMITH, 0000
KEVIN B. SMITH, 0000
STEPHEN T. SMITH, 0000
THOMAS M. SMITH, 0000
WILLIAM E. SMITH, 0000
LAWRENCE R. SNEAD, III 0000
JEFFREY J. SNOW, 0000
ROBERT D. SNYDER, 0000
LOWELL E. SOLIEN, 0000
KEITH D. SOLVESON, 0000
DAVID L. SONNIER, 0000
MATTHEW L. SORENSON, 0000
DEREK A. SORIANO, 0000
JUAN B. SOTO, 0000
ROBERT V. SOUTHERN, 0000
SUSAN R. SOWERS, 0000
DON P. SPENCER, 0000
MARK A. SPIEGEL, 0000
MERRILL F. SPROUL, 0000
PATRICK T. STACKPOLE, 0000
CHARLES A. STAFFORD, 0000
STEPHEN G. STALVEY, 0000
ALLAN T. STANDRE, 0000
GARY R. STANLEY, 0000
JOHN H. STAUFFER, II, 0000
GRANT D. STEFFAN, 0000
JAMES E. STEINKE, 0000
BILL D. STEPHENS, JR., 0000
STEVEN T. STEVENS, 0000
WILLIAM W. STEVENSON, 0000
DEBORAH M. STEWART, 0000
MICHELLE D. STOLESON, 0000
TIMOTHY R. STOY, 0000
STEVEN M. STRAIT, 0000
JEFFREY S. STRICKLAND, 0000
KENNETH R. STRICKLAND, 0000
JAMES M. STUTEVILLE, 0000
JEFFREY C. SUGRUE, 0000
CHRISTOPHER C. SULLIVAN, 0000
JOHN A. SUPRIN, 0000
ERIC C. SURLES, 0000
EUGENE S. SURMACZ, 0000
DAVID W. SUTHERLAND, 0000
BRIAN SUTTON, 0000
KNUT N. SVENDSEN, 0000
THOMAS SVISCO, 0000
ANTHONY SWAIN, 0000
JOHNNIE E. SWEATTE III, 0000
MICHAEL T. SWENSON, 0000
PETER J. TABACCHI, 0000
ERNEST A. TAFOYA, 0000
MICHAEL J. TALIENTO, JR., 0000
STEVEN C. TALKINGTON, 0000
WILLIAM J. TARANTINO, 0000
JOHN A. TARTALA, 0000
THOMAS L. TATE, 0000
ANTOINE D. TAYLOR, 0000
JOHN J. TAYLOR, 0000
PETER F. TAYLOR, JR., 0000
PHILLIP M. TEMPLE, 0000
STEPHEN V. TENNANT 0000
LOUISE V. TERRELL, 0000
DEBRA A. THEDFORD, 0000
JOHN S. THIEL, 0000
DAVID L. THOMAS, JR., 0000
PETER A. THOMAS, 0000
RICHARD G. THOMAS, JR., 0000
JOSEPH E. THOME, JR., 0000
DAVID S. THOMPSON, 0000
GARY J. THOMPSON, 0000
JEFFREY G. THOMPSON, 0000
LANCE B. THOMSON, 0000
GARY M. THORNE, 0000
PAUL D. THORNTON, 0000
JOHN P. TIDD, 0000
CHRISTINE M. TILLMAN, 0000
MARK E. TILLMAN, 0000
MARTIN R. TILLMAN, 0000
PHILIP R. TILLY, 0000
MICHAEL G. TITONE, 0000
KENNETH L. TOPPING, 0000
KIMETHA G. TOPPING, 0000
GERALD TORRENCE, 0000
BRADFORD C. TOUSLEY, 0000
RICHARD C. TOWNES, 0000
RICHARD S. TRACEY, 0000
TODD J. TRAVAS, 0000
DOUGLAS D. TRENDA, 0000
RAYMOND A. TREVINO, 0000
LYN O. TRONTI, 0000
MICHAEL V. TRUETT, 0000
RONALD D. TUGGLE, 0000
CLEMSON G. TURREGANO, 0000
BARRY N. TYREE, 0000
JOHN UBERTI, 0000
GREGORY J. ULSH, 0000
PHILIPPE J. UPPERMAN, 0000
DAVID W. VADEN, 0000
RAMON VALLE, 0000
RICHARD W. VANALLMAN, 0000
RAYMOND T. VANPELT, 0000
ROBERT J. VASTA, 0000
JAMES M. VAUGHN, 0000
JOHN K. VAUGHN, 0000
ARNOLD K. VEAZIE, 0000
DAVID W. VERGOLLO, 0000
ANTHONY C. VESAY, 0000
ALFRED VIANA, 0000
LANCE A. VOGT, 0000
CHRISTOPHER T. VOLK, 0000
*BRYAN S. VULCAN, 0000
MICHAEL L. WACLAWSKI, 0000
RODERICK K. WADE, 0000
WILLIAM O. WADE, III, 0000
THOMAS D. WAHLERT, 0000
WILLIAM A. WALK, 0000
JAMES M. WALKER, JR., 0000
WALTER M. WALKER, 0000
DOROTHEA I. WALLACE, 0000
JOSEPH K. WALLACE, 0000
*SUSAN C. WALLACE, 0000
*ROBERT S. WALSH, 0000
ROBERT C. WALTER, 0000
STEPHEN WALTERS, 0000
JAMES M. WARING, 0000
MICHAEL L. WARSOCKI, 0000
JAMES N. WASSON, 0000
ROGER WATERS, 0000
JAMES L. WATSON, JR., 0000
KEVIN L. WATSON, 0000
RONALD A. WATTS, 0000
ANDREW F. WEAVER, 0000
JAMES R. WEBER, 0000
KEVIN A. WEDMARK, 0000
BRANDA M. WEIDNER, 0000
MARK R. WEITEKAMP, 0000
RONALD W. WELCH, 0000
GERALD L. WELLS, 0000
STEPHEN M. WELLS, 0000
JOHN A. WENZEL, 0000
*TIMOTHY L. WHALEN, 0000
WILLIAM L. WHEELEHAN, 0000
CHARLES WHITE, 0000
DAVID F. WHITE, 0000
RANDALL T. WHITE, 0000
RONALD E. WHITE, 0000
TIMOTHY L. WHITE, 0000
RANDY R. WIERS, 0000
PERRY L. WIGGINS, 0000
JOHN A. WILCOX, 0000
BRENT A. WILDASIN, 0000
JOHN A. WILHELM, 0000
JOHN C. WILHELM, 0000
*ANTHONY L. WILLIAMS, 0000
BENJAMIN H. WILLIAMS III, 0000
DEBORAH L. WILLIAMS, 0000
DONNA L. WILLIAMS, 0000
HERMAN WILLIAMS III, 0000
RANDY L. WILLIAMS, 0000
RICKEY K. WILLIAMS, 0000
ROBERT A. WILLIAMS, 0000
RUSSELL WILLIAMS, 0000
VIRGIL S. WILLIAMS, 0000
ALBERT S. WILLNER, 0000
CHARLES L. WILSON, 0000
GEORGETTE P. WILSON, 0000
JOHN P. WILSON, 0000
LANCE L. WILSON, 0000
STANLEY W. WILSON, 0000
THOMAS K. WILSON, 0000
STEPHEN E. WINKLER, 0000
WAYNE M. WINTERLING, 0000
MICHAEL B. WINZELER, 0000
DANIEL V. WISE, 0000
JEFFREY R. WITSKEN, 0000
DANIEL G. WOLFE, 0000
THOMAS F. WOLOSZYN, 0000
JOE A. WOOD, 0000
JOHN K. WOOD, 0000
KENT T. WOODS, 0000
EDMUND W. WOOLFOLK, JR., 0000
HAROLD H. WORRELL, JR., 0000
DAVID V. WREFORD, 0000
JERRY V. WRIGHT, 0000
JOHN T. WRIGHT, 0000
PHILLIP D. WRIGHT, 0000
LARRY D. WYCHE, 0000
EDGAR J. YANGER, 0000
MICHELLE F. YARBOROUGH, 0000
MICHAEL S. YARMIE, 0000
MARK W. YENTER, 0000
RONALD YOUNG, 0000
THOMAS S. YOUNG, 0000
MARK A. ZAMBERLAN, 0000
PETER B. ZWACK, 0000

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 531:

To be major

*MADELFIA A. ABB, 0000
*WILLIAM R. ABB, 0000
*ROBERT L. ABBOTT, 0000
*DAVID A. ACCETTA, 0000
DAVID P. ACEVEDO, 0000
*JAMES H. ADAMS, 0000
*RICHARD K. ADDO, 0000
PAUL S. AGUE II, 0000
ANTONIO A. AGUTO, JR., 0000
PETER D. AHL, 0000
ADAM R. ALBINA, 0000
CARL A. ALEX, 0000
*JAMES E. ALEXANDER, 0000
*ROBERT A. ALEXANDER, 0000
*THOMAS A. ALLAIRE, 0000
*LARRY D. ALLEN, 0000
SHAWN D. ALLEN, 0000
*RICHARD L. ALLISON, JR., 0000

PEDRO G. ALMEIDA, 0000
*JAMES E. ALTHOUSE, 0000
*CHARLOTTE D. ALVARENGA, 0000
MATTHEW H. AMBROSE, 0000
*ANTONIO J. AMOS, 0000
*DUANE E. AMSLER, JR., 0000
GEORGE A. ANDARY, 0000
DAVID P. ANDERS, 0000
DEBORAH K. ANDERSON, 0000
*DUANE T. ANDERSON, 0000
*JOHN M. ANDERSON, 0000
*THOMAS J. ANDERSON, 0000
MARTY A. ANGELI, 0000
JEFFREY P. ANGERS, 0000
*STANFORD E. ANGION, 0000
JOSEPH W. ANGYAL, 0000
*EDWINA D. ANTHONY, 0000
MICHAEL E. ANTI, 0000
CARMINE C. APICELLA, 0000
*WILLIAM G. APIGIAN, 0000
*JAIME L. APO, 0000
JAN F. APO, 0000
*MICHAEL APODACA, 0000
KEVIN V. ARATA, 0000
PAUL J. ARCANGELI, 0000
*REGINALD D. ARMSTRONG, 0000
*GARY R. ARNOLD, 0000
*THOMAS S. ARRINGTON, 0000
PAUL L. ARTHUR, 0000
JOSEPH E. ARTIAGA, 0000
SAMUEL L. ASKEW III, 0000
RICHARD A. AST, 0000
*FRANCIS G. ATKINSON, 0000
FERNANDO AVALOS, 0000
*BRYAN F. AVERILL, 0000
MARC D. AXELBERG, 0000
*STEVEN W. AYERS, 0000
*WALTER AYMERICH, 0000
RANDY J. BACHMAN, 0000
*CLARK R. BACKUS, 0000
*DENNIS L. BACON, 0000
*TEREZ A. BADGER, 0000
CHRISTOPHER M. BADO, 0000
PETER J. BADOIAN, 0000
RUSSELL N. BAILEY, 0000
*GREGORY C. BAINE, 0000
ARTHUR H. BAIR III, 0000
BRUCE W. BAKER, 0000
JAMES E. BAKER, JR., 0000
*TONY M. BAKER, 0000
MARK BAKUM, 0000
*MARK J. BALLESTEROS, 0000
*MARK E. BALLEW, 0000
LEIGH M. BANDY, 0000
TRACY P. BANISTER, 0000
DOUGLAS T. BANKS III, 0000
MICHAEL J. BARA, 0000
MARK A. BARBOZA, 0000
WAYNE S. BAREFOOT, JR., 0000
*BRIAN T. BARRETT, 0000
BENJAMIN J. BARRIS, 0000
PATRICK M. BARRY, 0000
ROBERT G. BARTHOLET, 0000
*ERIC P. BATTINO, 0000
THOMAS A. BATTLE, 0000
*PAUL K. BAUMANN, 0000
HILLARY R. BAXTER, 0000
MARK D. BAXTER, 0000
*RONALD H. BAYHI, 0000
KEITH A. BEAN, 0000
*PATRICK C. BEATTY, 0000
JOHN G. BECHTOL, 0000
ANTHONY F. BECK, 0000
CURTIS L. BECK, 0000
WILLIAM R. BECKMAN, 0000
BRIAN P. BEDELL, 0000
*DAVID A. BEECH, 0000
STEVEN D. BEHEL, 0000
TED J. BEHNCKE, 0000
RONNIE L. BELL, JR., 0000
THOMAS G. BELL, 0000
*LOUIS J. BELLO, 0000
JOHN J. BELME IV, 0000
STEVEN D. BELTSON, 0000
*STEPHEN J. BENAVIDES, 0000
*MICHAEL A. BENDER, 0000
*KIM L. BENESH, 0000
*BRIAN D. BENNETT, 0000
*ROBERT W. BENNETT, JR., 0000
*GEORGETTA S. BENNETTATTAWAY, 0000
CHARLES H. BENSON III, 0000
CHRISTOPHER L. BENSON, 0000
*TABB B. BENZINGER, 0000
*ANDREW M. BERRIER, 0000
*PHARISSE BERRY, 0000
MICHAEL J. BESSASPARIS, 0000
*ROBERT S. BEVELACQUA, 0000
*PAUL BEZZEK, 0000
BALRAM J. BHEODARI, 0000
*ROBERT D. BIALEK, 0000
*GARY M. BIDELMAN, 0000
ELIZABETH A. BIERDEN, 0000
MONIQUE C. BIERWIRTH, 0000
*WILLIAM F. BIGELOW, 0000
ALLAN L. BILYEU, 0000
ELLEN A. BIRCH, 0000
STEPHEN M. BIRCH, 0000
JOSEPH F. BIRCHMEIER, 0000
JAMES E. BIRD III, 0000
JOHN H. BIRDSONG III, 0000
*TIMOTHY E. BIRKENBUEL, 0000
*MARTIN O. BIXBY, 0000
*MARCUS C. BLACK, JR., 0000
*OLIVER A. BLACK, 0000
CRYSTAL S. BLACKDEER, 0000
MICHAEL D. BLACKWELL, 0000
JOHN F. BLAIR, 0000
*OBEDIAH T. BLAIR, 0000
*THOMAS S. BLAIR, 0000
ERIK T. BLECHINGER, 0000
BRADLEY D. BLOOM, 0000
*RICHARD L. BLOOMER, 0000
*GUSTAVO E. BLUM, 0000
ROGER M. BOBER, 0000
*JEFFREY T. BOCHONOK, 0000
KURT A. BODIFORD, 0000
RALPH BOECKMANN, 0000
*ALFRED H. BOEHM, 0000
*KENNETH M. BOERSMA, 0000
*WILLIAM L. BOLDEN, JR., 0000
NORMAN C. BOLING II, 0000
*BOB G. BOND, 0000
*HENRY T. BOOKER, 0000
*ROBERT W. BORDERS, 0000
*MICHAEL D. BORG, 0000
WILLIAM M. BORUFF, 0000
SCOTT P. BOSSE, 0000
ROLAND J. BOSTICK, 0000
*BRIAN E. BOSWORTH, 0000
MARY C. BOURG, 0000
JEFFREY R. BOURNE, 0000
*MARK C. BOUSSY, 0000
CALVERT L. BOWEN III, 0000
*ALLEN T. BOYD, 0000
*RAFEAL D. BOYD, 0000
*WILLIAM K. BOYETT, 0000
*MARGARET S. BOZGOZ, 0000
SAUL BRACERO, 0000
*BRENT E. BRACEWELL, 0000
*CHRISTOPHER E. BRADBERRY, 0000
*DENNIS C. BRADFORD, 0000
JEFFREY A. BRADFORD, 0000
*IVAN D. BRADLEY, 0000
*LISA M. BRADLEY, 0000
DAVID L. BRAND, 0000
*HAROLD T. BRANDENBURG, JR., 0000
*MARK S. BRANDON, 0000
MARY E. BRANSFORD, 0000
*DAVID M. BRANSTETTER, 0000
GARY M. BRENNIS, 0000
HOWARD K. BREWINGTON, 0000
*VON M. BRICKHOUSE, 0000
MICHAEL R. BRIDGES, 0000
*GREGORY K. BRIGHT, 0000
DARRELL L. BRIMBERRY, 0000
*GARY M. BRITO, 0000
DAVID M. BROCK, 0000
*JAMES L. BROGAN, 0000
SCOTT E. BRONSON, 0000
ANDREW I. BROWN, 0000
BARTON B. BROWN II, 0000
*BOBBY J. BROWN, 0000
*CHESTER F. BROWN, 0000
GEORGE C. BROWN, 0000
*JAY M. BROWN, 0000
*JOHN O. BROWN, 0000
KEITH BROWN, 0000
MICHAEL E. BROWN, 0000
ROSS A. BROWN, 0000
TIMOTHY D. BROWN, 0000
*STEPHEN M. BRUCE, 0000
*JOHN R. BRUDER, 0000
SCOTT F. BRUNER, 0000
*CHERYL P. BRUTON, 0000
ANNE L. BRYANT, 0000
*TODD A. BRYMER, 0000
SHAWN P. BUCK, 0000
DAVID W. BUCKINGHAM, 0000
SHAWN A. BUDKE, 0000
*GREGG E. BUEHLER, 0000
*PHILIP W. BUFORD, 0000
*DANNIE L. BULLOCK, JR., 0000
KATHRYN A. BURBA, 0000
*DAVID E. BURCH, 0000
*JOHN C. BURDETT, JR., 0000
DEBRA L. BURGER, 0000
JOHN R. BURGER, 0000
CHARLES F. BURKE, 0000
*GREGORY J. BURKE, 0000
ROBERT E. BURKS, JR., 0000
WILLARD M. BURLESON II, 0000
*MATTHEW J. BURNS, 0000
JAMES S. BURNSIDE, 0000
*AL T. BURRS, JR., 0000
ROBERT C. BUSCHER, JR., 0000
*HOLLIS L. BUSH, JR., 0000
*WILLIAM C. BUTCHER, 0000
BRIAN D. BUTLER, 0000
JOHN P. BUTLER III, 0000
*MICHEL L. BUTLER, 0000
ROLAND S. BUTLER, 0000
LYNN K. BYERS, 0000
*MICHAEL A. BYRD, 0000
ROBERT K. BYRD, 0000
*PAMELA M. BYRNE, 0000
STEPHEN R. CAIN, 0000
ROBERT W. CAIRNS, 0000
MARION K. CALLAHAN, 0000
JOHN T. CALLERY, 0000
JOSEPH R. CALLOWAY, 0000
*OTIS CALVIN, 0000
*ASHAWN D. CAMPBELL, 0000
*DEBRA K. CAMPBELL, 0000
*DENNIS L. CAMPBELL, 0000
*LESTER J. CAMPBELL, 0000
ANDREW C. CAMPI, 0000
KATHLEEN A. CANNON, 0000
*WILLIAM K. CANTRELL, 0000
*DION A. CANTU, 0000
JOSE A. CARBONE, 0000
ANTHONY C. CARIELLO, 0000
MARK J. CARLSON, 0000
*ROBERT K. CARNAHAN, 0000
*DANIEL W. CARPENTER, 0000
MAXEY B. CARPENTER III, 0000
DOUGLAS A. CARR, 0000
JAMES T. CARR, 0000
CHARLES L. CARRICK III, 0000
JONATHAN L. CARROLL, 0000
*ROBERT J. CARROLL, 0000
*ROBIN P. CARROW, 0000
CURTIS J. CARSON, 0000
DAVID H. CARSTENS, 0000
REBECCA CARTER, 0000
*DENNIS A. CASH, 0000
*MICHAEL A. CASPER, 0000
*ROBERT J. CASPER, 0000
ROBERT M. CASSIDY, 0000
HUGH C. CATE III, 0000
*JOHN CATINO, JR., 0000
ROBERT J. CAULFIELD, JR., 0000
*BRUCE D. CAULKINS, 0000
CHRISTOPHER G. CAVOLI, 0000
*RANDALL R. CEPHUS, 0000
ALGIS J. CESONIS, 0000
*MACIE M. CHAMBERS, 0000
*WILLIE J. CHANDLER, 0000
*MICHAEL G. CHANG, 0000
*JOHN E. CHAPMAN, 0000
NICHOLAS P. CHARLES, 0000
*SHARON Y. CHARLES, 0000
LUIS R. CHAVEZ, 0000
*JOHN T. CHENERY, 0000
*JOHN A. CHICOLI, 0000
*CHONGKIN CHIN, 0000
*DARRELL W. CHINN, 0000
*TIMOTHY J. CHMURA, 0000
*HERBERT M. CHONG, 0000
BRYCE R. CHRISTENSEN II, 0000
THOMAS V. CHRISTENSEN, 0000
*DEIDRE R. CHUNG, 0000
HONG K. CHUNG, 0000
*CHRISTOPHER CHURCHBOURNE, 0000
TIMOTHY D. CHYMA, 0000
CARMINE CICALESE, 0000
*SHANNON S. CLABURN, 0000
*EDDIE W. CLARK, 0000
ERVIN B. CLARK, JR., 0000
JOEL J. CLARK, 0000
PATRICK A. CLARK, 0000
*RICHARD A. CLARK, 0000
*WILLIAM R. CLARK, 0000
KEVIN R. CLARKE, JR., 0000
*MARTIN C. CLAUSEN, 0000
*RANDY T. CLEMENTS, 0000
*PHILIP B. CLEMMONS, 0000
*BRUCE B. CLINGMAN, 0000
ROGER L. CLOUTIER, JR., 0000
DAVID C. COCHRAN, 0000
MARK R. COFFIN, 0000
*MARK H. COGBURN, 0000
*JONATHAN M. COHEN, 0000
*ALFONSO COLBOURNE, 0000
WILLIAM E. COLE, 0000
*ERNEST C. COLEMAN, 0000
*DENNIS T. COMER, 0000
JAMES J. CONNELLY, 0000
JAY R. CONNORS, 0000
*KEVIN M. CONROY, 0000
BESHARA J. CONSTANTINE, JR., 0000
*CHRISTOPHER D. CONWAY, 0000
GREGORY J. COOK, 0000
*JAMES D. COOK, 0000
*PETER D. COOK, 0000
*THOMAS S. COOK, 0000
JOHN D. COOKSEY, 0000
KEVIN D. COONEY, 0000
CURT S. COOPER, 0000
PAUL J. COOPER, 0000
*KENNETH D. COPELAND, 0000
*PAUL COPELAND, 0000
*DAMON J. CORBETT, 0000
MARK T. CORBETT, 0000
SHARI L. CORBETT, 0000
*PHILIP CORBO, 0000
*THOMAS L. CORE, 0000
*ANTHONY P. CORNETT, 0000
*ROOSEVELT H. CORPENING, 0000
*GUY T. COSENTINO, 0000
STEPHEN M. COSTABLE, 0000
*CONSTANTINE H. COSTAS, 0000
ANDRE M. COTAROBLES, 0000
*SCOTT R. COULTER, 0000
ALEX G. COVERT, 0000
*TORRIS D. COWAN, 0000
*BRUCE E. COX, 0000
DOUGLAS A. COX, 0000
JOSEPH M. COX III, 0000
*REGINALD T. COX, 0000
SCOTT A. COY, 0000
DAVID W. CRABTREE, 0000
*JAMES E. CRAIG, 0000
*ROBERT S. CRAIG, 0000
MARK A. CRAVENS, 0000
*EDUARDO J. CRAWFORD, 0000
ROBERT B. CREVELING, 0000
*NEIL P. CRIBB, 0000
JOHN R. CRINO, 0000
DOUGLAS C. CRISSMAN, 0000
RICHARD E. CROGAN II, 0000
*IVETTE R. CROSBY, 0000
*JOHN W. CROSS, 0000
*CLIFFORD P. CROW, 0000
ALVIN F. CROWDER III, 0000
*DAVID M. CROY, 0000
DAVID B. CRUM, 0000
*BRIAN P. CUMMINGS, 0000
*JOHN L. CUNTZ, 0000
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TODD M. CURRIE, 0000
JOHN T. CURRIER, 0000

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TODD A. CYRIL, 0000
EDWARD J. DAES, JR., 0000
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*PAUL R. DANIELS, 0000
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*GERALD P. DANUSSI, 0000
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*KENT D. DAVIS, 0000
*LEONEAL DAVIS, JR., 0000
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*SAMUEL R. DAWSON, 0000
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*KENNETH L. DEAL, JR., 0000
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*RICHARD V. DEBRAY, 0000
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PAUL B. DEGIRONIMO, 0000
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*TIMOTHY R. DELASS, 0000
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*DAVID R. DELFAVERO, 0000
*JOHN T. DELOACH, 0000
*SERAFI DELOSANTOS, 0000
*PAUL R. DENNIS, 0000
*FREDERICK R. DENNISON, 0000
*RANDY W. DENNY, 0000
*GREGORY P. DEWITT, 0000
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*MARK D. DRABECKI, 0000
*JOHN P. DRAGO, 0000
*JOSEPH P. DRAGO, 0000
*MARIA R. DREW, 0000
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*TERRY R. ELMORE, 0000
HARRIS EMMONS III, 0000
LEE H. ENLOE III, 0000
ERICH ERKER, 0000
*JEFFREY K. ERRON, 0000
*ROBERT D. ERVIN, 0000
GARY D. ESPINAS, 0000
MANUEL V. ESPINOSA, 0000
ROBERT G. ESTEY, 0000
DALLAS L. EUBANKS, 0000
*BEATRICE M. EVANS, 0000
*BILL L. EVANS, 0000
*CHARLES M. EVANS, 0000
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DENNIS A. FARMER, JR., 0000
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*JOSEPH R. FELICIANO, 0000
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RICHARD M. FENOLI, 0000
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NEIL E. FITZPATRICK, 0000
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*MARC A. FLICKER, 0000
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*ROMAN J. FONTES, 0000
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ALFRED L. FORTEZZO III, 0000
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*CURTIS R. FOX, 0000
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*LEE A. FRETWELL, 0000
JEANNETTE J. FRIEDLAND, 0000
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*EDWARD R. GALLOWITZ, 0000
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*JOSEPH GARAPOLA, 0000
*DANIEL R. GARCIA, 0000
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*DEWEY A. GRANGER, 0000
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*JOSEPH L. HAACK, 0000
*TRES HAASE, 0000
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VICTOR R. HARPER, 0000
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*CHRISTOPHER V. HERNDON, 0000
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*STEPHEN E. HERRING, JR., 0000
*COLLEEN J. HERRMANN, 0000
*HORST P. HERTING, 0000

*JAMES D. HESS, 0000
*BRENDA L. HICKEY, 0000
*MARK A. HICKS, 0000
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*SEAN W. HIGGINS, 0000
*PAUL M. HILL, 0000
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*JON M. HINCHCLIFFE, 0000
*ADAM R. HINSDALE, 0000
HAROLD M. HINTON, JR., 0000
*JUSTIN A. HIRNIAK, 0000
*MARK R. HIRSCHINGER, 0000
KEITH A. HIRSCHMAN, 0000
*ROBERT T. HIXON, 0000
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*MYRON R. HNATCZUK, 0000
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*WILLIAM L. HOWARD, JR., 0000
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*MICHAEL W. HUBNER, 0000
TODD M. HUDERLE, 0000
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*GILBERT G. HURON, 0000
CLAYTON M. HUTMACHER, 0000
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*JAMES E. HUTTON, 0000
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*ROBERT D. IBARRA, 0000
*DAVID S. IMHOF, 0000
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*HARRY A. IVARIE, 0000
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*STEPHEN E. JESELINK, 0000
FREDERICK H. JESSEN, 0000
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*RODNEY E. JORDAN, 0000
*CHRISTOPHER A. JOSLIN, 0000
*TIMOTHY F. JUERGENS, 0000
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*RICHARD M. KANNEY, 0000
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*PAUL J. KARNAZE, 0000
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*RICHARD B. KEMPF, 0000
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*STEPHEN J. KEPPLER, 0000
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*STEVEN A. KING, 0000
*PATRICK J. KIRK, 0000
*JACQUELINE B. KIRKENDOLL, 0000
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*AIMEE L. KLIMOWICZ, 0000
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*CARL C. KNICKERBOCKER, 0000
*ANDY F. KNIGHTS, 0000
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*KEITH D. KOESTER, 0000
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*JOHN F. KOPE, 0000
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*GARY J. KOTOUCH, 0000
*STEVEN R. KRAMER, 0000
*DEAN A. KRATZENBERG, 0000
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*SCOTT P. KUBICA, 0000
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*JEFFREY D. KULMAYER, 0000
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*FRANCIS J. LAWLER, 0000
*JEFFREY LAWRENCE, 0000
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*JOSEPH K. LAYTON, 0000
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JOHN LEMONDES, JR., 0000
LARRY R. LENKEIT, 0000
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*MICHAEL S. LEWIS, 0000
*QUINTON A. LEWIS, 0000
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*ROBERT E. LINK, JR., 0000
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*RUSSELL M. LIVINGSTON, 0000
*DIANA E. LIZOTTE, 0000
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SCOTT J. LOFREDDO, 0000
*ROBERT C. LOGSDON, 0000
*DWIGHT LOMAX, 0000
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*JAMES C. LORD, 0000
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LOIS J. LOVE, 0000
*RICARDO M. LOVE, 0000
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*JAMES E. LUCAS, 0000
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*JAMES A. LUCK, 0000
*MARY K. LUDDY, 0000
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*MICHEL J. LUGO, 0000
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*GEORGE A. LUMPKINS, 0000
*CHARLES H. LUNATI, 0000
MARK J. LUNDTVEDT, 0000
*ANNIESTINE D. LUNDY, 0000
VIET X. LUONG, 0000
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*JOHN M. MACHESNEY, 0000
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*JIMMIE C. MAHANA, 0000
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ALFRED E. RENZI, JR., 0000
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CRAIG L. RETTIE, 0000
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*FREDERICK A. RIKER, 0000
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*PATRICIA M. RIMBEY, 0000
*RONALD J. RISPOLI, JR., 0000
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SAMUEL J. SALADA, 0000

*RICKEY L. SALLEE, 0000
*CHRISTOPHER W. SALLESE, 0000
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*ROBERTA K. SAMUELS, 0000
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*JOSEPH A. SANCHEZ, 0000
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*STANLEY F. SCHALL, JR., 0000
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*DEAN P. SHULTIS, 0000
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*EUGENE SIMON, 0000
*KEVIN W. SIMPSON, 0000
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*JONATHAN D. SIRMON, 0000
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*EVELYN TIRADO, 0000
VALEN S. TISDALE, 0000
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*DAVID W. TOHN, 0000
*JAMES P. TOOMEY, 0000
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*THOMAS J. TROSSEN, 0000
*CARL R. TROUT, 0000
PHILLIP M. TRUED, 0000
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*ALBERT J. VISCONTI, 0000
JOHN T. VOGEL, 0000
VICTORIA L. VOGEL, 0000
JEFFREY R. VOIGT, 0000
CHRISTINE J. VOISINETBENDER, 0000
*PHILLIP D. VONHOLTZ, 0000
JEFFREY E. VUONO, 0000
DAVID G. WADE, 0000
*ROBERT P. WADE, 0000
*WILLIAM T. WADSWORTH, JR., 0000
MARTIN S. WAGNER, 0000
*MARK D. WALD, 0000
*DAVID L. WALDEN, 0000
CARLOS L. WALKER, JR., 0000
*MICHAEL D. WALKER, 0000
*TIMOTHY C. WALL, 0000
CHERIE S. WALLACE, 0000
*KENZIE WALLACE, 0000
*TERRANCE D. WALLACE, 0000
*JOHN C. WALLER, 0000
*DENISE A. WALLS, 0000
DANIEL R. WALRATH, 0000
KENNETH E. WALRAVEN, 0000
TIMOTHY W. WALROD, 0000
*DALE E. WALSH, 0000
*MICHAEL T. WALSH, 0000
*FREDERICK K. WALTER, 0000
ROBERT B. WALTER, 0000
TIMOTHY C. WALTER, 0000
MARK L. WALTERS, 0000
WAYNE M. WALTERS, 0000
*DESMOND D. WALTON, 0000
MARVIN R. WALWORTH, JR., 0000
WILLIAM J. WANOVICH, 0000
KAREN K. WARD, 0000
KELLY J. WARD, 0000
LAWRENCE J. WARK, 0000
*LLOYD R. WASHINGTON, 0000
*THOMAS U. WASHINGTON, 0000
*TIMOTHY B. WASHINGTON, 0000
*JOHN C. WATERS, 0000
MARK V. WATKINS, 0000
*DENORRIS L. WATSON, 0000
JOSEPH D. WAWRO, 0000
*JERRY J. WAYNICK, 0000
BRENT N. WEAVER, 0000
JOHN M. WEBB, 0000
*MICHAEL J. WEBB, 0000
*AARON A. WEBSTER, 0000
ALLAN L. WEBSTER, 0000
*GORDON D. WEED, 0000
*COLIN A. WEEKS, 0000
JOHN F. WEGENHOFT IV, 0000
RUSSELL A. WEIR, 0000
THOMAS M. WEISZ, 0000
ROBERT M. WELLBORN, 0000
FREDERICK P. WELLMAN, 0000
THOMAS W. WELLS, 0000
*LESLEY W. WELSH, 0000
*FRANKLIN L. WENZEL, 0000
BRAD L. WESTERGREN, 0000
JACQUELINE K. WESTOVER, 0000
JAMES P. WETZEL, 0000
CATHERINE M. WHALEN, 0000
TIMOTHY J. WHALEN, 0000
*BOOKER T. WHEELER, 0000
GEORGE W. WHEELOCK, 0000
DAVID R. WHIDDON, 0000
DAVID O. WHITAKER, 0000
*JAMES R. WHITAKER, 0000
BENJAMIN M. WHITE, 0000
*HERBERT B. WHITE, JR., 0000
*JAMES P. WHITE, 0000
*WESLEY B. WHITE, 0000
*JO A. WHITEHILL, 0000
*GREGORY J. WHOLEAN, 0000
*STEVEN C. WIEGERS, 0000
*DAVID B. WIERSMA, 0000
RALPH M. WILCOX, 0000
DAVID L. WILCOXON, 0000
DANNY A. WILEY, 0000
*BOBBIE L. WILLIAMS, SR, 0000
*EDWARD A. WILLIAMS, 0000
*JOHN C. WILLIAMS, 0000
JULIAN R. WILLIAMS, 0000
MICHAEL S. WILLIAMS, 0000
*PATRICK W. WILLIAMS, 0000
PAUL V. WILLIAMS, 0000
*RONALD J. WILLIAMS, 0000
*VANCE C. WILLIAMS, 0000
*KENNETH D. WILLIS, 0000
*CHRISTOPHER S. WILSON, 0000
DARRELL T. WILSON, 0000
LAUREN B. WILSON, 0000
JAMES O. WINBUSH, JR., 0000
STEVEN P. WINTERFELD, 0000
*JEFFREY J. WINTERS, 0000
MARK E. WISECARVER, 0000
*JONATHAN B. WITHINGTON, 0000
*DONALD M. WIX, JR., 0000
TODD R. WOLF, 0000
JAMES J. WOLFF, 0000
*JOHN S. WOMACK, 0000
ROGER M. WOOD, 0000
WILLIAM H. WOODS, 0000
JOEL A. WOODWARD, 0000
DAVID J. WRAY, 0000
*MICHELE J. WREGGELSWORTH, 0000

*STEPHEN C. WREN, 0000
*TIMOTHY R. WULFF, 0000
SHAUN T. WURZBACH, 0000
*BRUCE T. WYDICK, 0000
*JOSEPH J. YAKAWICH, 0000
THOMAS J. YANOSCHIK, 0000
BETTY J. YARBROUGH, 0000
MARC G. YATES, 0000
JOSEPH M. YOSWA, 0000
GARETH S. YOUNG, 0000
GEORGE R. YOUNG II, 0000
ROLLIN J. YOUNG, 0000
*LAWRENCE T. ZABEN, JR., 0000
FRANK ZACHAR, 0000
*STEPHEN M. ZACHAR, 0000
GUY M. ZERO, 0000
JOHN R. ZSIDO, 0000
VERONICA S. ZSIDO, 0000
*MARIA T. ZUMWALT, 0000
*TIMOTHY L. ZUMWALT, 0000
X0000
*X0000

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVAL RESERVE UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be captain

LAWRENCE E. ADLER, 0000
DAPHNE G. ALBRIGHT, 0000
TERRENCE L. ALLEMANG, 0000
BRYAN S. APPLE, 0000
BONNIE E. ASHCOM, 0000
THOMAS K. BADGER, 0000
WILLIAM R. BAKER, JR., 0000
THOMAS Q. BAKKE, 0000
KEVIN K. BALL, 0000
JEAN M. BENNETT, 0000
CAMILLA A. BICKNELL, 0000
DAVID L. BLACK, 0000
ROBERT F. BLOOM, 0000
LAURENCE H. BOGGELN, 0000
SHEILA S. BRACKETT, 0000
KATHERINE M.W. BRADLEY, 0000
JOHN T. BRAUN, 0000
RICHARD R. BRIGHT, JR., 0000
THOMAS R. BRODERICK, 0000
GERARD D. BROWN, 0000
JAMES T. BROWN, JR., 0000
WILLIAM E. BROWN, 0000
WILLIAM J. BUCKINGHAM, 0000
WILLIAM R. BURGE, 0000
WILLIAM L. BURT, 0000
JESSE D. CANNON, JR., 0000
LANCE C. CANTOR, 0000
STEVEN CHALFIN, 0000
ENRIQUE G. CHANG, 0000
CAROLINE E. CIOTTI, 0000
HUBERT V. COLLINS, JR., 0000
ANTHONY M. CONTI, 0000
KEVIN P. COOK, 0000
SUSAN A. CUDDY, 0000
PETER C. CUSHING, 0000
MARY J. DAACK, 0000
DAVID B. DANZER, 0000
DONEL L. DAVIDSON, 0000
MARY V. DECICCO, 0000
NEIL D. DEMAREE, 0000
THOMAS J. DEMAY, 0000
JOAN E. DENDINGER, 0000
JOHNNA L. DETTIS, 0000
PATRICIA S. DONOVAN, 0000
JAMES P. DORMAN, 0000
JAMES L. DOSS, 0000
LINDA M. DUNN, 0000
MARY L. EADY, 0000
JOHN H. EDMUNDS, 0000
BARBARA G. EILERS, 0000
RAYMOND P. ENGLISH, 0000
NANCY F. ERICKSEN, 0000
RICARDO B. EUSEBIO, 0000
JOHN A. FAIST, 0000
MARK J. FITZMAURICE, 0000
TIMOTHY T. FLYNN, 0000
STEVEN S. FOSTER, 0000
THOMAS M. FRESHWATER, 0000
PETER F. FROST, 0000
DANIEL P. FRY, 0000
DARRELL R. GALLOWAY, 0000
ALBERT GARCIA, III, 0000
RICHARD H. GETTYS, JR., 0000
JEROLD A. GODDARD, 0000
ROBERT J. GOLDBERG, 0000
KATHY S. GOOKIN, 0000
JENNIFER L. GORMAN, 0000
PAUL A. GRAY, JR., 0000
JUDITH K. GREENE, 0000
LEE H. GRISHMAN, 0000
DAVID A. GROFF, 0000
EDWARD G. GUMMER, 0000
LAWRENCE P. HADDOCK, JR., 0000
EVELYN B. HALL, 0000
ELLEN F. HALTER, 0000
TIMOTHY P. HANNON, 0000
RUSSELL H. HARRIS, 0000
BEATRICE E. HARROLD, 0000
GREGORY J. HEISE, 0000
BOLIVAR P. HERDOIZA, 0000
GORDON R. HILL, 0000
THOMAS F. HILTON, 0000
JOHN P. HODGES, 0000
SALLIE B. HOLLOWAY, 0000
JOHN J.J. HOM, 0000
DIANE C. HOWARD, 0000
LAWRENCE HSIA, 0000
MICHAEL J. HUGHEY, 0000
LAWRENCE J. HUWE, 0000
SCOTT W. IMRAY, 0000
BRIAN S. ISHAM, 0000
LETITIA M. JACKSON, 0000
DANIEL M. JACOBS, 0000
THOMAS G. JACOBS, 0000
DAVID W. JAMESON, 0000
MARY K. JANCZEWSKI, 0000
MARK E. JOLIVETTE, 0000
JUDITH N. JONES, 0000
JUDITH J. KAYSER, 0000
JERRY R. KELLEY, 0000
SALEEM A. KHAN, 0000
CURRAN N.E. KIESEL, 0000
JOHN M. KILLEY, 0000
ALVIN H. KLASSEN, 0000
MARGARET A. KNAPPENBERGER, 0000
DOUGLAS J. KOUPASH, 0000
JOANNE L. KRAMER, 0000
DONNA I. KREFT, 0000
ANN LABORDE, 0000
JAMES V. LACEY, 0000
GARY A. LASHAM, 0000
ANITA M. LEBLANC, 0000
VINCENT L. LEIBELL III, 0000
PETER B. LETARTE, 0000
PETER LIASHEK, JR., 0000
ROGER D. LINN, 0000
WALTER H. LOVELADY, 0000
MILTON K. LOW, 0000
OSCAR E. LUJAN, 0000
EUGENE LUNDY, 0000
DOUGALD C. MACGILLIVRAY, 0000
WILLIAM E. MANROD III, 0000
HOWARD W. MARKER, 0000
STEVEN C. MARTINKA, 0000
LAURA A. MCCLAY, 0000
EDDIE MCCORVEY, JR., 0000
TERRI C. MCDONALDGREEN, 0000
JAMES V. MCGARRY, 0000
CAMERON C. MCKEE, 0000
MARGARET M. MCKIBBEN, 0000
DAVID M. MCQUISTON, 0000
JOHN G. METZ, JR., 0000
JACKIE R. MILLER, 0000
ROBERT C. MILLER, 0000
WILLIAM E. MINAMYER, 0000
RONALD L. MINTON, 0000
THEODORE J. MONACO, 0000
LARRY C. MOORER, 0000
STEPHEN G. MORALES, 0000
ROBERTA L. MORIARTY, 0000
RONALD E. MYERS, 0000
CLARICE A. NASH, 0000
NEAL H. NELSON, JR., 0000
RALPH A. NELSON, 0000
DALE C. NEWTON, 0000
VINCENT L. NZINGA, 0000
WILLIAM Y. OH, 0000
GLENN M. OKIHIRO, 0000
TIMOTHY L. ORTEL, 0000
ROBIN E. OSBORN, 0000
STANLEY A. OSTAPSKI, 0000
BRIAN P. O'SULLIVAN, 0000
JOHN P. OUDSHOORN, 0000
KIRK D. PAGEL, 0000
DOROTHY B. PALER, 0000
ROBERT C. PATTON, 0000
IVAN Y. PEACOCK, 0000
WENDY N. PELHAN, 0000
RICHARD E. PELTZ, 0000
THOMAS R. PERKERSON, 0000
JAMES M. PETERS, 0000
WHITTON M. POTAMPA, 0000
DONALD M. PRIMLEY, 0000
JOHN B. RAFF, 0000
TERRY P. RAST, 0000
JAMES A. RAWLINS, 0000
DORIS A. REID, 0000
CRAIG W. RENCH, 0000
EILEEN C. RILEY, 0000
ELISABETH J. RUSHING, 0000
NORMAN A. RYAN, 0000
GREGORY M. SARACCO, 0000
ROBERT M. SAVAGE, 0000
NORMAN W. SCHLEIF, JR., 0000
LARRY J. SCHNEIDER, 0000
MARK R. SCHWEER, 0000
DAVID L. SEALS, 0000
JOSELYN C. SENTER, 0000
MARTIN C. SEREMET, 0000
THOMAS P. SHEEHAN, 0000
JOHN E. SHIELDS, JR., 0000
WAYNE S. SHIMIZU, 0000
ERNEST L. SIMMS, 0000
DAVID A. SMITH, 0000
MARY K. SMITH, 0000
SUSAN L. SMITH, 0000
WALTER L. SMITH, JR., 0000
RAYMOND D. SNOWDEN, 0000
LEE L. SORENSON, 0000
ELSIE M. SPENCER, 0000
LANA M. SPETHMAN, 0000
LARRY W. STARR, 0000
SALVATOR M. STEFULA, 0000
JOHN N. STENSLAND, 0000
DANIEL K. STEPHENSON, 0000
JOSEPH D. STINSON, 0000
RICHARD A. SUMMA, 0000
JEFFREY M. SWALCHICK, 0000
CYNTHIA D. SWEENEY, 0000
STEVEN M. TALSON, 0000
FRANK L. TEZAK, 0000
LUCIE A. D. THOMAS, 0000
NANCY E. TJEPKEMA, 0000
JOAN W. TRELEASE, 0000
KEVIN M. TURMAN, 0000
ANTHONY P. VARBONCOUER, 0000
PAUL F. VARNIS, 0000
NANCY J. VONTERSCH, 0000
JAMES R. VROOM, 0000
JAMES M. WARDEN, 0000
KRISTINE D. WARNER, 0000
MARY L. WASSEL, 0000
ANNE M. WEATHERFORD, 0000
DONNA J. WEHE, 0000
MICHAEL J. WENDLING, 0000
JONATHAN M. WHITFIELD, 0000
MONROE C. WHITMAN III, 0000
HARRIS E. WILLIAMS, 0000
ISAAC R. WILLIAMSON, 0000
PETER WOLFF, 0000
DAVID R. WOODARD, 0000
ROGER L. WORTHAM, 0000
JOHN D. YOUNG, 0000
MICHAEL S. ZIEBELMAN, 0000
THOMAS A. ZIMMERMAN, 0000

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 531:

To be major

*ARNOLD K. ABANGAN, 0000
*ROBERT K. ABERNATHY, 0000
EMIL E. ABRAHAM, 0000
WILLIAM P. ACKER, JR., 0000
CHRISTOPHER F. ACKERSON, 0000
TIMOTHY A. ADAM, 0000
JOHN P. ADAMO, 0000
LEO C. ADAMS, 0000
*SAMUEL G. ADAMS, 0000
*SAMUEL M. ADAMS, 0000
STEVEN G. ADAMS, 0000
THOMAS A. ADAMS, 0000
RONALD L. ADDICOTT, 0000
WILLIAM C. ADELMANN, 0000
BONNIE NIEBAUER ADKINS, 0000
JANE A. ADKISON, 0000
*DAVID S. ADLER, 0000
FERNANDO AGUILAR, 0000
MICHAEL T. AHERN, 0000
DAVID J. AIROLA, 0000
KEITH A. ALBRECHT, 0000
*CLIFFORD H. ALBRITTON, 0000
DAVID J. ALCORN, 0000
GARY E. ALDRICH, 0000
GARY A. ALEXANDER, 0000
TY G. ALEXANDER, 0000
WILLIAM S. ALEXANDER, 0000
THOMAS J. ALICATA III, 0000
CARL D. ALLEN, 0000
DAVID R. ALLEN, 0000
MELVIN E. ALLEN, 0000
PATRICK R. ALLEN, 0000
RANDY S. ALLEN, 0000
RUFUS D. ALLEN, JR., 0000
WILEY V. ALLGOOD, 0000
KENNETH ALLISON, 0000
*RICHARD J. ALLISON, 0000
ELIZABETH O. ALMEIDA, 0000
RUSSELL R. ALSTON, 0000
ROBERT W. ALTON, 0000
ANTHONY L. AMADEO, 0000
DAVID J. AMDAHL, 0000
THOMAS G. AMELUXEN, 0000
*CHRISTOPHER T. AMEND, 0000
JOHNNIE AMES, 0000
WILLIAM J. AMES, 0000
*BRIAN L. AMMERMAN, 0000
FRANK L. AMODEO, 0000
BRIAN D. AMOS, 0000
CLAYTON M. ANDERSEN, 0000
JAMES L. ANDERSEN, 0000
KENNETH E. ANDERSEN, 0000
BRENT A. ANDERSON, 0000
DAVID M. ANDERSON, 0000
GEORGE J. ANDERSON, 0000
*MARK W. ANDERSON, 0000
REID R. ANDERSON, 0000
*STEVEN A. ANDERSON, 0000
STEVEN N. ANDRASZ, 0000
CRAIG A. ANDREAS, 0000
JANET A. ANDREPONT, 0000
KAREN D. ANGELL, 0000
MELISSA J. APPLEGATE, 0000
SALVADOR ARANGO, II, 0000
*MICHAEL C. ARAUJO, 0000
MARK A. ARBOGAST, 0000
TIMOTHY J. ARCH, 0000
DIANE M. ARCHAMBAULT, 0000
JOHN L. ARMANTROUT, 0000
THOMAS R. ARMIAK, 0000
ERIC R. ARMSTRONG, 0000
MERRILL F. ARMSTRONG, 0000
PRESTON F. ARNOLD, 0000
EDWARD A. ARRINGTON, 0000
WILLIAM H. ARRINGTON, III, 0000
BRENT F. ASAY, 0000
MITCHELL B. ASHMORE, 0000
ROBERT T. ATKINS, 0000
DONALD L. ATKINSON, 0000
*JAMES R. AUCLAIR, 0000
JANET C. AUGUSTINE, 0000
CHRISTOPHER S. AUSTIN, 0000
*DIERDRA L. AUSTIN, 0000
BENJAMIN L. AUTEN, 0000
LAWRENCE M. AVERBECK, 0000
DAVID P. AVERY, 0000
*JOHN F. AX, 0000
PETER D. AXELSON, 0000

THOMAS L. AYERS, 0000
JAY C. BACHHUBER, 0000
FREDERICK C. BACON, 0000
DANIEL T. BAGLEY, 0000
WALTER S. BAGWELL, 0000
PETER C. BAHM, 0000
THOMAS M. BAILEY, 0000
DAVID W. BAKER, 0000
ROBERT P. BAKER, 0000
SANFORD H. BALKAN, 0000
CALVIN D. BALL, 0000
THOMAS P. BALL III, 0000
LLOYD A. BALLARD, 0000
MARTIN P. BALUS, 0000
BRIAN J. BANKERT, 0000
BRYAN E. BANNACH, 0000
BRENT L. BARBER, 0000
ELLEN T. BARBER, 0000
STEVEN F. BARBOUR, 0000
JAMES E. BARGER, 0000
IRWIN A. BARNARD, 0000
*BRADFORD R. BARNETT, 0000
EDWARD C. BARON, 0000
MICHAEL A. BARRETT, 0000
KENNETH J. BATCZARK, 0000
SUMMER E. BARTCZAK, 0000
CORY G. BARTHOLOMEW, 0000
RICHARD C. BARTON, 0000
RICHARD M. BASAK, 0000
*ALISON M. BASINGER, 0000
HOWARD A. BASS, 0000
LORI M. BASS, 0000
VANCE C. BATEMAN, 0000
*SONNIE G. BATES, 0000
JEFFREY L. BATTIN, 0000
KENNETH J. BAUER, 0000
TERENCE P. BAUGH, 0000
CATHERINE A. BAUM, 0000
JOSEPH T. BEACH, 0000
VERONICA Y. BEAGAN, 0000
T.W. BEAGLE, JR., 0000
JOSEPH V. BEALKOWSKI, 0000
DEBRA F. BEAN, 0000
MARTIN B. BEARD, 0000
JAMES B. BEARDEN, 0000
DAVID M. BEASLEY, 0000
LLOYD W. BEASLEY, 0000
CLYDE G. BEATTIE, 0000
DENNIS T. BEATTY, 0000
SETH BEAUBIEN, 0000
ARTHUR F. BEAUCHAMP, 0000
JOHN R. BEAULIEU, 0000
KENT R. BECK, 0000
DAVID B. BECKHAM, 0000
NICKY L. BECKWITH, 0000
WILLIAM P. BEDESEM, 0000
TODD P. BEER, 0000
MARK T. BEIERLE, 0000
JAMES J. BEISSNER, 0000
RICHARD W. BELK, 0000
ANDREW E. BELKO, 0000
DAVID E. BELL, 0000
JOSEPH P. BELL, JR., 0000
RICHARD L. BELL, 0000
LYLE A. BELLEQUE, 0000
JOSEPH A. BELLI, 0000
DONALD F. BELLINGHAUSEN, 0000
ERIC A. BELLOWS, 0000
RONALD A. BELYAN, 0000
ERNESTO V. BENAVIDES, 0000
GARY D. BENEDETTO, 0000
FRANK K. BENJAMIN, 0000
JOHN T. BENJAMIN, 0000
BETTY J. BENNETT, 0000
LOUIS J. BENOIT, 0000
ROBERT A. BENTALL, 0000
WILLIAM G. BENTE, 0000
DAVID W. BENTLEY, 0000
MARK R. BENZ, 0000
JEFF M. BERGER, 0000
PAMELA A. BERGESON, 0000
KIRK J. BERGGREN, 0000
*ANDERS P. BERG,AMM, 0000
*JOHN R. BERNIER, 0000
JAMES C. BERRES, 0000
JUAN R. BERRIOSVAZQUEZ, 0000
BRIAN D. BERRY, 0000
RICARDO J. BERUVIDES, 0000
JOSEPH J. BESSELMAN III, 0000
WERNER BEYER, JR. 0000
SUSHIL R. BHATT, 0000
PAUL E. BIANCHI, 0000
MERVIN W. BIERMAN, 0000
MARY E. BIGGS, 0000
GEORGE W. BIRSIC IV, 0000
JEB S. BISHOP, 0000
SCOTT C. BISHOP, 0000
WILLIAM W. BISHOP, JR., 0000
DANIEL O. BLACK, 0000
*KEVIN J. BLACK, 0000
ROBERT C. BLACK, 0000
ROBERT E. BLACKINGTON, 0000
*STEVEN G. BLACKWELL, 0000
JAMES E. BLACKWOOD, 0000
JAMES N. BLAIR, 0000
*ROBERT J. BLAIR II, 0000
JEFFREY A. BLANK, 0000
*MARVIN D. BLANKENSHIP, 0000
ANTHONY L. BLAYLOCK, 0000
KELLY G. BLEDSOE, 0000
*JON M. BLUE, 0000
SCOTT C. BLUM, 0000
*KEITH R. BOADWAY, 0000
KENNETH G. BOCK, 0000
JOHN V. BODE II, 0000
*STEVEN V. BOHON, 0000
JAMES T. BOLLES, 0000
RICKY G. BOLLINGER, 0000
DARREN R. BOND, 0000
JOSEPH M. BOND, 0000
JAMES M. BONN, 0000
GARY J. BONTLY, 0000
*ALLEN D. BOOZER, 0000
JOHN C. BORDNER, 0000
JEFFREY EUGENE BORG, 0000
*JAMES M. BORGREN, 0000
LAURENCE C. BOSTROM, 0000
STACY M. BOUDREAUX, 0000
SCOTT C. BOWEN, 0000
*VICTORIA L. BOWENS, 0000
LARRY D. BOWERS, 0000
JOHN A. BOWES, JR., 0000
*LESTER K. BOYKIN, JR., 0000
BRYAM M. BOYLES, 0000
*WALTER C. BRACEWELL, 0000
*GERALD S. BRADSHAW, JR., 0000
*ROBERT M. BRAGG, JR., 0000
GARY W. BRANDSTROM, 0000
RONALD G. BRANSFORD, 0000
JOHN R. BRAUN, 0000
MARTIN C. BRAUN, 0000
SCOTT B. BRAUNER, 0000
RANDY S. BRAWLEY, 0000
MICHAEL G. BREAKEY, 0000
BRENT F. BREIDENTHAL, 0000
DENNIS J. BREMSER, 0000
HUGH P. BRENNAN, 0000
KENNETH C. BRENNEMAN, 0000
DAVID S. BRENTON, 0000
KEVIN N. BREWER, 0000
MICHAEL T. BREWER, 0000
LORI L. BRIDEL, 0000
GORDON D. BRIDGER, 0000
KAREN M. BRIDGES, 0000
MICHAEL W. BRINGOLD, 0000
GREGORY J. BROARDT, 0000
EDWARD W. BROCKHAUS, 0000
LEX BROCKINGTON, 0000
WILLIAM K. BROGAN, JR., 0000
PETER J. BROLL, 0000
KEVIN D. BROOKS, 0000
ROBERT T. BROOKS, JR., 0000
STEVEN J. BROOKS, 0000
TODD A. BROOKS, 0000
*PETER R. BROTHERTON, 0000
*JOSEPH E. BROUILLARD, 0000
JAMES W. BROUSE, 0000
RANDY P. BROUSSARD, 0000
*DAVID W. BROWN, 0000
DOUGLAS M. BROWN, 0000
EUGENE A. BROWN, JR., 0000
JAMES M. BROWN II, 0000
*LAWRENCE M. BROWN, 0000
MARK A. BROWN, 0000
MARK ANTHONY BROWN, 0000
ROBERT B. BROWN, 0000
RUSS J. BROWN, 0000
SAMUEL J. BROWN, 0000
SAMUEL BROWN, JR., 0000
STANLEY L. BROWN, 0000
STEVE BROWN, 0000
WILLIAM C. BROWN, 0000
DON E. BROYLES, 0000
ROBERT B. BRUMLEY II, 0000
ALFRED E. BRUNER, 0000
RICHARD G. BRYAN, JR., 0000
JOHN P. BRYANT IV, 0000
RONALD M. BRYANT, JR., 0000
SCOTT W. BRYANT, 0000
KENRYU M. BRYSON, 0000
STEVEN D. BUCHANAN, 0000
DAVID T. BUCKMAN, 0000
MARK C. BUERKLE, 0000
ANITA C. BULLOCK, 0000
*KENNETH R. BUMANN, 0000
GEORGE R. BUMILLER, 0000
WILLIAM M. BUMPUS, 0000
LAURA L. BUNKER, 0000
JOHN A. BURATOWSKI, 0000
JAMES G. BURCH, 0000
KENNETH C. BURCH, 0000
*BONNIE R. BURCKEL, 0000
GARY L. BURG, 0000
BRIAN T. BURGER, 0000
THORNTON W. BURGESS, 0000
EDWIN I. BURKHART, 0000
SANDRA A. BURKMAN, 0000
LESLIE C. BURNS, 0000
JAMES A. BURTON, 0000
*RICHARD A. BURTON, 0000
ROBERT H. BURTON, 0000
WILLIAM E. BURTON, JR., 0000
MARK P. BURWELL, 0000
VICKI S. BUSCHUR, 0000
RICHARD J. BUTLER, 0000
JOHN B. BYRD, 0000
JOHN V. BYRD, 0000
TRAVIS C. BYROM, 0000
RAYMOND J. CABALLERO, 0000
JOHN V. CABIGAS, 0000
CRIAG D. CADY, 0000
*GARRY S. CAGLE, 0000
GREGORY B. CAICEDO, 0000
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JAMES A. CALDWELL, JR., 0000
SCOTT R. CALISTI, 0000
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JOSEPH A. CALLAN, 0000
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PHILIP M. CALVANO, 0000
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ROBERT C. CAMPBELL, JR., 0000
TROY D. CAMPBELL, 0000
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MARK W. CANTRELL, 0000
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ANDREW R. CARLSON, 0000
TOBY L. CARLYON, 0000
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JAMES P. CASHIN, 0000
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UK CHONG, 0000
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BYRON K. CLAY, 0000
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TY R. CRESAP, 0000
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ENRIQUE DE LA GARZA, 0000
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TERESA L. FITZPATRICK, 0000
SHAWN R. FLEMING, 0000
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TIMOTHY A. FORSYTHE, 0000
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*AARON D. FRANKLAND, 0000
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ANTHONY C. FRANZEL, 0000
BRIAN S. FRATUS, 0000
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THOMAS FRENCH, 0000
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MARJORIE A. FULLER, 0000
*JON A. FULLERTON, 0000
ROY J. FULLERTON, JR., 0000
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JUAN GALINDEZ, 0000
KEVIN P. GALLAGHER, 0000
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CHARLETON P. GALLOWAY, 0000
BRADLEY H. GALLUP, 0000
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HANS, GARCIA, 0000
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VON A. GARDINER, 0000
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*DEWEY M. GAY, 0000
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LA VERN GOSHEN, 0000
MICHAEL F. GOSNELL, 0000

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*PAUL J. HELT, 0000
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LINDA T. HOLIEN, 0000
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PATRICK R. HOLLRAH, 0000
DENISE M. HOLLYWOOD, 0000
ELIZABETH J. HOLMES, 0000
STAN L. HOLMES, 0000
NANCY G. HOLT, 0000
JEFFREY L. HOOD, 0000
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PHILLIP W. HOOVER, 0000
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ANDREW M. HORTON, 0000
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MARK F. HOSTETTER, 0000
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JAY P. HUMELBAUGH, 0000
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KERI S. HUMPHREYCLINARD, 0000
ALICE N. HUNGER, 0000
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JOSEPH HUNT, 0000
JAMES C. HUNTER, 0000
STERLING E. HUNTER, 0000
JOSEPH A. HUNTINGTON, 0000
JEFFREY L. HUPY, 0000
JOHN T. HURD, 0000
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MICHAEL T. HUSAR, 0000
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MARK T. HUTHMACHER, 0000
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WINTHROP C. IDLE, 0000
PETER W. INGENLOFF, 0000
DAVID P. INGERSON, 0000
TIMOTHY M. INGLE, 0000
ANDREW D. INGRAM, 0000
PAIGE E. INSCOE, 0000
SHELLY K. ION, 0000
DAVID M. IRVIN, 0000
BILLY J. C. IRWIN, 0000
ANN L. ISAACS, 0000
WALTER L. ISENHOUR, 0000
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CHRIS J. KAMPSEN, 0000
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STEELE R. MACFARLANE, 0000
JACQUELINE M. MACH, 0000
JEAN MACINTYRE, 0000
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DENNIS J. MALFER, JR., 0000
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VICTOR J. MANGES, 0000
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MARK A. MC CLURE, 0000
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BRADLEY K. MC COY, 0000
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PATRICK J. MC CREA, 0000
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DENNIS P. MC DEVITT, JR., 0000
JOHN F. MC DEVITT, JR., 0000
JOHN B. MC DONALD, JR., 0000
MAURICE D MC DONALD, 0000
TIMOTHY S. MC DONALD, 0000
BRADLEY I. MC ELDERRY, 0000
KEVIN A. MC FADDEN, 0000
JOHN P. MC GARRITY, 0000
GARVIN A. MC GETTRICK, 0000
KENNETH A. MC GHEE, 0000
KEVIN P. MC GLAUGHLIN, 0000
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MARTHA E. MCSALLY, 0000
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MARK S. MEDVEC, 0000
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GARY P. MELUSEN, 0000
JOSE MENCHACA, JR., 0000
GEORGE T. MENKER, JR., 0000
RODNEY C. MERANDA, 0000
RICHARD T. MERCADO, 0000
DEBORAH A. MERCURIO, 0000

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JAY D. MOHEIT, 0000
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PAUL NOWOTNY, 0000
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THOMAS F. OBOYLE, 0000
PRESTON E. OBRAY, 0000
DOMINGO R. OCHOTORENA, 0000
BRIAN E. OCONNOR, 0000
ANTHONY J. ODEGARD, 0000
EARL B. ODOM III, 0000
ROGER E. OERTER, 0000
DONALD T. OESTERLE, JR., 0000
DAVID J. OLDER, 0000
STEVEN G. OLIVE, 0000
JERALD G. OLIVER, 0000
SAMUEL OLIVER, JR., 0000
LAURA L. OLSEN, 0000
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DAVID K. OMUNDSEN, 0000
*DAVID L. ONAN, 0000
EDWARD J. O'NEAL, JR., 0000
SEAN E. ONEAL, 0000
HOWARD L. ORBAN, 0000
BRIAN P. OREAR, 0000
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TERRY M. ORNER, 0000
RONALD A. ORNSTEDT, 0000
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MICHAEL T. OUELLETTE, 0000
DAVID M. OUTLAW, 0000
JAMES L. OVERSTREET, 0000
JONATHAN H. OWENS, 0000
PATRICK J. OWENS, 0000
SABRINA T.S. OZISIK, 0000
DAVID J. PABST, 0000
POLLYANNA A. PADDEN, 0000
MICHAEL T. PANARISI, 0000
HENRY P. PANDES, 0000
MARK W. PAPEN, 0000
CHARLES H. PAPPAS, 0000
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GUY E. PARKER, 0000
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CHRIS B. PATTERSON, 0000
JOHN K. PATTERSON, 0000
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RICHARD V. PATTERSON, 0000
MARC E. PATTI, 0000
CREG D. PAULK, 0000
JOHN A. PAULSON, 0000
JEFFREY B. PAXSON, 0000
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DENNIS K. PEARSON, 0000
JOHN L. PECKO, 0000
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JUDITH H. PEER, 0000
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WILLIAM D. PENN, 0000
VERNON L. PEPPERS, 0000
LEE J. PERA, 0000
RICKY D. PERALTA, 0000
JOAQUIN E. PEREDA, 0000
JOHN D. PEREZ, 0000
PETER J. PERINO III, 0000
DONALD E. PERKINS, JR., 0000
GERALD M. PERKINS, 0000
LEE ANN PERKINS, 0000
JOHN J. PERNOT, 0000
GREGORY PERRY, 0000
GAYLE C. PETERS, 0000
STEVEN F. PETERS, 0000
MICHAEL R. PETTY, 0000
VINH T. PHAN, 0000
ERIC M. HARRIS, 0000
GORDON D. PHILLIPS, 0000
KELLY L. PHILLIPS, 0000
LISA M. PHILLIPS, 0000
NEAL C. PHILLIPS, 0000
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JOHN R. PIOLETTI, 0000
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MARK A. POKORNY, 0000
HENRY W. POLCZER, 0000
JOHN M. POLHEMUS, 0000
JAMES D. POOLE, 0000
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THOMAS J. PORTERFIELD, 0000
BRUCE H. POSTEL, 0000
GARY L. POTTER, JR.,0000
TONY POUNDS, 0000
JOHN P. POWELL, 0000
STEVEN W. POWELL, 0000
JOSEPH E. POWERS, 0000
CHARLES B. POWLEY, 0000
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WILLIAM E. PRENOT, 0000
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MARY C. PRICE, 0000
STEVEN A. PRICE, 0000
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JERRY W. PRITCHARD, 0000
ROBERT W. PROUHET, 0000
BRADFORD A. PROVENCAL, 0000
SCOTT A. PROVOST, 0000
PAASHKA E. PROWELL, 0000
GINA G. PRUETT, 0000
MARK D. PRUITT, 0000
MARTHA S. PRUITT, 0000
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MARK W. PUGH, 0000
MARTA L. PURVIS, 0000
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KEITH M. QUINTON, 0000
CARLOS W.W. QUITERIO, 0000
JOSEPHINE L. RACICOT, 0000
JAMES A. RADER, 0000
JAMES C. RAGSDALE, 0000
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JULIANNE F. RAMSEY, 0000
MARGARET M. RANALLI, 0000
MARY A. RANDOUR, 0000
PAUL V. RASTAS, 0000
PATRICIA A. RATTERREE, 0000
GREGORY S. RAU, 0000
ROBERT O. RAU, JR., 0000

JAMES J. RAVELLA, 0000
THOMAS S. RAY, JR., 0000
VICTOR L. RAY, 0000
MARK J. REA, 0000
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JOHN R. REID, 0000
TODD J. REIDT, 0000
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JIM G. REILY, JR., 0000
EMIL J. REIMAN, 0000
KENNETH A. REIMAN, 0000
MARK D. REINEKE, 0000
JAMES R. REITZEL, 0000
RICHARD REMINGTON, 0000
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LARRY A. RIDOLFI, 0000
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HEINRICH K. RIEPING, JR., 0000
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SHAWN P. RIFE, 0000
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SCOTT A. ROSE, 0000
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KEITH P. ROSS, 0000
MARK S. ROSS, 0000
MICHAEL D. ROTHSTEIN, 0000
MATTHEW D. ROTONDARO, 0000
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CHARLES A. ROUTHIER, 0000
MARK E. ROVERSE, 0000
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JOHN T. SACKS, 0000
SAMUEL R. SAGER, 0000
BRADLEY D. SAILER, 0000
CARMIA L. SALCEDO, 0000
CLAUDE E. SALCEDO, 0000
DAVID L. SALM, 0000
ERIC V. SALOMONSON, 0000
JOHN E. SALTZMAN, 0000
RICHARD P. SAMUELS, 0000
ROBERTO J. SANCHEZ, 0000
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EDWIN SANTOS, 0000
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DION SCAGLIONE, 0000
LEIGH A. SCARBORO, 0000
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ROBERT S. SCHAAB, 0000
MICHAEL K. SCHAEFFER, 0000
JOHN GEORGE SCHAEUFELE IV, 0000
MARK R. SCHAIBLE, 0000
*STANLEY M. SCHALCK, 0000
VALERIE L. SCHALK, 0000
LUKE J. SCHAUB, 0000
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TODD C. SCHIFF, 0000
RALPH G. SCHINDLER, 0000
MARK E. SCHLICHTE, 0000
LOIS J. SCHLOZ, 0000
RHONDA D. SCHLUMPBERGER, 0000
STEVEN J. SCHLUMPBERGER, 0000
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JOEL B. SCHMICK, 0000
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JOHN J. SCHULDHEISS, 0000
TERRY W. SCHULLER, 0000
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RAY C. SCHULTZ, 0000
JIMMIE D. SCHUMAN, JR., 0000
DIANA K. SCHUMICK, 0000
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ERIC L. SCHWALM, 0000
MARK D. SCHWALM, 0000
KAREN F. SCHWARTZ, 0000
STEPHEN R. SCHWARTZ, 0000
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LELAND G. SCIFERS, 0000
RICHARD W. SCOBEE, 0000
COERT C. SCOGGIN, 0000
RAYMOND D. SCOTT, 0000
TODD J. SCOTT, 0000
WINFIELD J. SCOTT, 0000
JOHN A. SCOTTO, 0000
WILLIAM R. SCRUITSKY, 0000
TIMOTHY M. SCULLY, 0000
LANE A. SEAHOLM, 0000
STEPHEN L. SEAMAN, 0000
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CHRISTOPHER L. SEDGWICK, 0000
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JOEL SEIDBAND, 0000
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PAUL SHEVLIN, 0000
LEE A. SHICK, 0000
CHARLES P. SHIFFLETT, 0000
KENT U.M. SHIN, 0000
BRUCE A. SHIPP, 0000
SCOT D. SHIVELY, 0000
KEITH B. SHOATES, 0000
JAMES A., SHOEMAKER II, 0000
STEPHAN F. SHOPE, 0000
KEVIN A. SHORB, 0000
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RUSTY E. SHUGHART, 0000
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JOHN A. SKINNER, 0000
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JOANNA J. SOBIESKI, 0000
JOSE R. SOLIS, JR., 0000
THEODORE A. SOMES, 0000
CHRIS A. SOSEBEE, 0000
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WILLIAM L. SPARROW, 0000
JOHN W. SPECHT, 0000
JOSEPH S. SPECKHART, 0000
JOEL S. SPEIGHT, 0000
CHARLES F. SPENCER, JR., 0000
JEFFREY D. SPENCER, 0000
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*JOEL T. STADE, 0000
MICHAEL ALLEN STAHR, 0000
CHARLES E. STAINER III, 0000
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PETER STANZIANO, 0000
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DAWN L. STEWART, 0000

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ARNOLD H. STRELAND, 0000
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ROGER J. TANNER, 0000
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JOHN G. TERINO, 0000
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THOM H. TERWILLIGER, 0000
*DAVID H. THARP, 0000
MICHAEL L. THERIANOS, JR., 0000
KURT E. THIELEN, 0000
CHARLES B. THINGER, 0000
DAVID L. THIRTYACRE, 0000
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SCOTT G. TINGLEY, 0000
MARK T. TIPMONGKOL, 0000
CHRISTOPHER L. TIPSWORD, 0000
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THERESA P. TIZZARD, 0000
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DANIEL R. TORWEIHE, 0000
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KHANH C. TRAN, 0000
TUAN V. TRAN, 0000
*PHILIP J. TRAVAGLIONE, 0000
STEPHEN F. TREMAIN, 0000
DAVID G. TRIBO, 0000
ARTHUR B. TRIGG, 0000
JEANNE OTTINGER TRIGO, 0000
EUGENE E. TRIZINSKY, 0000
SCOTT D. TROTTER, 0000
EVAN T. TROUT, 0000
MARK A. TRUDEAU, 0000
GEORGE R. TRUMBULL, 0000
VERA A. TU, 0000
DAVID J. TUBB, 0000
CHARLES D. TUCK, 0000
THOMAS W. TUCKER, 0000
WILLIAM S. TULLY, JR., 0000
*GREGORY L. TURES, 0000
*MICHAEL J. TURLEY, 0000
HAROLD J. TURNER, 0000
MANSON S. TURNER, 0000
MICHAEL E. TURNER, 0000
SCOTT M. TURNER, 0000
STUART L. TURNER, 0000
MICHAEL E. TURNIPSEED, 0000
DAVID E. TUTERAL, 0000
*ALAN K. TUTTLE, 0000
LINDA A. TYREE, 0000
ROGER T. TYREE, 0000
GREGORY R. UHL, 0000
RICHARD S. ULIANO, 0000
JON H. ULLMANN, 0000
JASON P. ULM, 0000
STERLING D. UNDERHILL, 0000
CARL F. UNHOLZ, JR., 0000
KARON L. BAGGETT UZZELL, 0000
CHRISTOPHER M. VALDEZ, 0000
DARRIN M. VALHA, 0000
STEVEN C. VALLENARI, 0000
JACQUELINE D. OVOST VAN, 0000
FREDERICK W. VANCLEAVE, 0000
STEPHEN S. VANDERHOOF, 0000
DAVID G. VANDERVEER, JR., 0000
ROLAND K. VANDEVENTER, 0000
THOMAS F. VANDORPLE, 0000
GLEN D. VANHERCK, 0000
FRANK L. VANHORN, 0000
JAMES A. VANLOBENSELS, 0000
DONALD A. VANPATTEN, 0000
MARK G. VARAN, 0000
EDGAR M. VAUGHAN, 0000
JERRY L. VAUGHAN, JR., 0000
ROBERT M. VAUGHN, 0000
MICHAEL J. VAZQUEZ, 0000
CHRISTOPHER M. VEAZIE, 0000
JAMES C. VECHERY, 0000
JULIE VERDURA, 0000
JANE M. VESPERMAN, 0000
HUGH S. VEST, 0000
DONALD V. VEVERKA, 0000
MARK K. VIDMAR, 0000
CARLOS J. VILELLA, 0000
*XAVIER C. VILLARREAL, 0000
ROGER M. VINCENT, 0000
JEFFERY ALLEN VINGER, 0000
ROBERT C. VIRAMONTES, 0000
MICHAEL D. VLK, 0000
GEORGE S. VOGEN, 0000
MICHAEL G. VOLLMUTH, 0000
WILLIAM T. VOLZ, 0000
JEFFREY S. VOORHEES, 0000
RICHARD M. VROEGINDEWEY, 0000
DANIEL J. WAGNER, JR., 0000
JEFFREY P. WAGNER, 0000
ROGER L. WAGNER, 0000
DAVID M. WAITE, 0000
JAMES DEVIN WALKER, 0000
LARRY S. WALKER, 0000
RICHARD W. WALKER, 0000
*STEVEN M. WALKER, 0000
MARY A. WALKERIRVIN, 0000
ROBERT J. WALLACE, 0000
SCOTT A. WALLACE, 0000
STEPHEN M. WALLER, 0000
ANDREAS W. WALSH, 0000
ANNA M. WALTERS, 0000
THOMAS A. WALTERS, 0000
CHRISTINA N. WALTON, 0000
*MICHAEL G. WAN, 0000
BRIAN R. WARANAUSKAS, 0000
KIRK R. WARBURTON, 0000
MARK A. WARD, 0000
MICHAEL J. WARD, 0000
MICHAEL R. WARD, 0000
TERRY WARD, 0000
TIMOTHY D. WARD, 0000
WILLIAM M. WARD, 0000
WILLIAM W. WARDEN, 0000
BARRY G. WARDLAW, 0000
JONATHAN C. WARREN, 0000
*PAUL R. WARREN, 0000
*BENJAMIN C. WASH, 0000
ESAU N. WATERS, 0000
PATRICK D. WATHEN, 0000
DARREL R. WATSEK, 0000
BRUCE A. WATSON, 0000
DANNY J. WATSON, 0000
ROBERT E. WATTS, 0000
BRUCE K. WAY, 0000
JOHN R. WEAVER II, 0000
ROBERT S. WEAVER, 0000
MICHAEL WEBB, JR., 0000
LINDSAY R. WEBER, 0000
MICHAEL R. WEEKS, 0000
HAROLD S. WEIMER, 0000
DAVID WEINTRAUB, 0000
ALISON M. WEIR, 0000
BARTHOLOMEW W. WEISS, 0000
DOUGLAS H. WELCH, 0000
DOUGLAS J. WELCH, 0000
PATRICK G. WELCH, 0000
STEVEN J. WELLER, 0000
*THOMAS M. WELLS, 0000
RANDALL J. WELP, 0000
JEFFREY S. WENBERG, 0000
DAVID L. WENIGER, 0000
CRAIG J. WERENSKJOLD, 0000
MERRY D. WERMUND, 0000
JAMES L. ROY WERTZ, 0000
HERBERT H. WESSELMAN, 0000
JAMES J. WESSLUND, 0000
HARRY F. WESTCOTT, 0000
JOHN K. WESTENHAVER, 0000
EVIN R. WESTEREN, 0000
RUSSELL J. WESTERGARD, 0000
ROGER H. WESTERMEYER, 0000
CHARLES J. WETTERER, 0000
ROBERT J. WETZEL, 0000
BENJAMIN WHAM II, 0000
BRENT A. WHARTON, 0000
*DUDLEY G. WHEELER, 0000
ELISE M. WHEELER, 0000
JEFFREY L. WHIDDON, 0000
DAVID W. WHISENAND, 0000
ANDRE P. WHISNANT, 0000
DAVID E. WHITACRE, 0000
ANDREW B. WHITE III, 0000
ANDREW W. WHITE, 0000
EARL R. WHITE JR., 0000
GARY A. WHITE, 0000
JOHN B. WHITE, 0000
BRADLEY S. WHITFIELD, 0000
CHET L. WHITLEY, 0000
*MARK S. WHITMIRE, 0000
STEVEN D. WHITNEY, 0000
*ALVIN S. WHITT, 0000
DAVID R. WHITT, 0000
EMILY A. WHITTAKER, 0000
JOHN D. WHITTENBERGER, 0000
*ROBERT E. WICKS, JR., 0000
ALAN J. WIEDER, 0000
DAVID P. WIEGAND, 0000
*PAUL A. WIESE, 0000
KENNETH B. WIGGINS, 0000
CHARLES M. WILBORN, 0000
RICHARD S. WILCOXEN, 0000
DENNIS B. WILDER JR., 0000
LESLIE K. WILFORD, 0000
JAMES M. WILKERSON, 0000
MICHAEL G. WILKINS, 0000
DAVID S. WILKINSON, 0000
*DAVID L. WILLARD, 0000
*RICHARD T. WILLETT, 0000
ALBERT C. WILLIAMS II, 0000
BRIAN H. WILLIAMS, 0000
CALVIN WILLIAMS, 0000
CHRISTOPHER D. WILLIAMS, 0000
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DONNA J. WILLIAMS, 0000
*HOWARD D. WILLIAMS, 0000
MATTHEW R. WILLIAMS, 0000
STEPHEN S. WILLIAMS, 0000
DOW A. WILLIAMSON, 0000
*MARK L. WILLIAMSON, 0000
WESTAL W. WILLOUGHBY, 0000
DAVID G. WILSEY, 0000
BRIAN C. WILSON, 0000
BRIAN D. WILSON, 0000
DARREN E. WILSON, 0000
KURT DANIEL WILSON, 0000
*PAUL D. WILSON, 0000
PETER L. WILSON, 0000
ROBERT L. WILSON, 0000
RUSSELL A. WILSON, 0000
STEVEN T. WILSON, 0000
THOMAS M. WILSON, 0000
GLENN R. WINKLER, 0000
JOHN C. WINN, 0000
STEPHEN E. WINN, 0000
CURTIS M. WINSTEAD, 0000
MICHALE F. WINTERS, 0000
ROBERT J. WINTERSTEEN, 0000
PHILIP L. WISE, 0000
JUDITH A. WISER, 0000
MARK A. WITHERSPOON, 0000
DANIEL T. WITT, 0000
KENNETH J. WITTE, 0000
JAMES R. WITTER, 0000
LATISHIE L. WODETZKI, 0000
TERRANCE J. WOHLFIEL, 0000
GARY M. WOLFE, 0000
PAMELA J. WOLOSZ, 0000
JEFFREY N. WOOD, 0000
YOLANDEA M. WOOD, 0000
*DOUGLAS P. WOODFORD, 0000
TROY R. WOODFORD, 0000
GREGORY S. WOODROW, 0000
MARSHALL S. WOODSON, 0000
DAVID P. WOOLLARD, 0000
CHRISTOPHER F. WRENN, 0000
CHRISTOPHER P. WRIGHT, 0000
DAVID A. WRIGHT, 0000
MICHAEL I. WRIGHT, 0000

PAUL W. WRIGHT, 0000
ROCKFORD B. WRIGHT, 0000
PHILIP A. WRINN, 0000
RICKY L. WYATT, 0000
DAVID R. YACHABACH, 0000
MICHAEL J. YAGUCHI, 0000
ERNEST K. YAMADA, 0000
HIROSHI T. YAMAGUCHI, 0000
*ROBERT T. YARBOROUGH, 0000
KEVIN D. YEOMANS, 0000
GEORGE W.P. YORK, 0000
PETER L. YORK, 0000
DARREN C. YOUNG, 0000
JACK W. YOUNG, 0000
EDWIN C. YOUNGSTROM, 0000
TODD M. ZACHARY, 0000
NOEL ZAMOT, 0000
GEORGE A. ZANIEWSKI, 0000
ANTHONY E. ZARBANO, 0000
KENNETH R. ZATYKO, 0000
FREDDIE D. ZAYAS, 0000
ANTHONY J. ZENT, 0000
JOHN J. ZENTNER, 0000
JOHN L. ZIEGLER, JR., 0000
*MARK A. ZILLI, 0000
CYNTHIA A. ZIMMERLE, 0000
LAWRENCE T. ZIRILLI, 0000
*MICHAEL E. ZOLLER, 0000
ANTHONY J. ZUCCO, 0000
ALAN W. ZWICK, 0000
DARREN L. ZWOLINSKI, 0000

DEPARTMENT OF STATE

R. NICHOLAS BURNS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE.

KATHRYN WALT HALL, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

TOM MCDONALD, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

MARK ROBERT PARRIS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

EDWARD E. SHUMAKER, III, OF NEW HAMPSHIRE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TRINIDAD AND TOBAGO.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

JEFFREY DAVIDOW, OF VIRGINIA
RUTH A. DAVIS, OF GEORGIA
PATRICK FRANCIS KENNEDY, OF ILLINOIS

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

VINCENT M. BATTLE, OF NEW YORK
ROBERT M. BEECROFT, OF MARYLAND
WILLIAM M. BELLAMY, OF CALIFORNIA
PETER EDWARD BERGIN, OF MARYLAND
JOHN WILLIAM BLANEY, OF CALIFORNIA
WILLIAM JOSEPH BURNS, OF PENNSYLVANIA
JOHN CAMPBELL, OF VIRGINIA
JOHN A. COLLINS, JR., OF MARYLAND
JAMES B. CUNNINGHAM, OF PENNSYLVANIA
ROBERT SIDNEY DEUTSCH, OF VIRGINIA
CEDRIC E. DUMONT, M.D., OF MARYLAND
BARBARA J. GRIFFITHS, OF VIRGINIA
LINO GUTIERREZ, OF FLORIDA
BARBARA S. HARVEY, OF THE DISTRICT OF COLUMBIA
PATRICK R. HAYES, OF MARYLAND
DONALD S. HAYS, OF VIRGINIA
JOHN C. HOLZMAN, OF HAWAII
SARAH R. HORSEY, OF CALIFORNIA
WILLIAM H. ITOH, OF NEW MEXICO
DANIEL A. JOHNSON, OF FLORIDA
DONALD C. JOHNSON, OF TEXAS
RICHARD H. JONES, OF VIRGINIA
JOHN F. KEANE, OF NEW YORK
MARISA R. LINO, OF OREGON
MICHAEL W. MARINE, OF CONNECTICUT
WILLIAM C. MC CAHILL, OF NEW JERSEY
WILLIAM DALE MONTGOMERY, OF PENNSYLVANIA
JANET ELAINE MULES, M.D., OF WASHINGTON
JOHN M. O'KEEFE, OF MARYLAND
ROBERT C. REIS, JR., OF MISSOURI
EDWARD BRYAN SAMUEL, OF FLORIDA
THEODORE EUGENE STRICKLER, OF TEXAS
ROBERT J. SURPRISE, OF VIRGINIA
JOHN F. TEFFT, OF VIRGINIA
ROBERT E. TYNES, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MICHAEL DONALD BELLOWS, OF IOWA
PETER WILLIAM BODDE, OF MARYLAND
MARTIN G. BRENNAN, OF CALIFORNIA
WAYNE JEFFREY BUSH, OF OREGON
PETER H. CHASE, OF WASHINGTON
PHILLIP T. CHICOLA, OF FLORIDA
LAURA A. CLERICI, OF SOUTH CAROLINA
FRANK JOHN COULTER, JR., OF MARYLAND
CARYL M. COURTNEY, OF WEST VIRGINIA
ANNE E. DERSE, OF MARYLAND
MILTON K. DRUCKER, OF CONNECTICUT
DAVID B. DUNN, OF CALIFORNIA
WILLIAM A. EATON, OF VIRGINIA
REED J. FENDRICK, OF NEW YORK
ROBERT PATRICK JOHN FINN, OF NEW YORK
ROBERT W. FITTS, OF NEW HAMPSHIRE
GREGORY T. FROST, OF IOWA
WALTER GREENFIELD, OF THE DISTRICT OF COLUMBIA
MICHAEL E. GUEST, OF SOUTH CAROLINA
RICHARD CHARLES HERMANN, OF IOWA
RAVIC ROLF HUSO, OF VIRGINIA
JAMES FRANKLING JEFFREY, OF MASSACHUSETTS
LAURENCE MICHAEL KERR, OF OHIO
CORNELIS MATHIAS KEUR, OF MICHIGAN
SCOTT FREDERIC KILNER, OF CALIFORNIA
SHARON A. LAVOREL, OF HAWAII
JOSEPH EVAN LEBARON, OF OREGON
ROSE MARIE LIKINS, OF VIRGINIA
JOSEPH A. LIMPRECHT, OF CALIFORNIA
R. NIELS MARQUARDT, OF CALIFORNIA
ROGER ALLEN MEECE, OF WASHINGTON
GILLIAN ARLETTE MILOVANOVIC, OF PENNSYLVANIA
JAMES F. MORIARTY, OF MASSACHUSETTS
ROSIL A. NESBERG, OF WASHINGTON
STEPHEN JAMES NOLAN, OF PENNSYLVANIA
LARRY LEON PALMER, OF GEORGIA
SUE FORD PATRICK, OF FLORIDA
MAUREEN QUINN, OF NEW JERSEY
KENNETH F. SACKETT, OF FLORIDA
DAVID MICHAEL SATTERFIELD, OF TEXAS
JOH F. SCOTT, OF IOWA
PAUL E. SIMONS, OF NEW JERSEY
STEPHEN T. SMITH, OF NEBRASKA
JOSEPH D. STAFFORD III, OF FLORIDA
GEORGE MCDADE STAPLES, OF CALIFORNIA
DORIS KATHLEEN STEPHENS, OF ARIZONA
SHARON ANDERHOLM WIENER, OF OHIO
HERBERT YARVIN, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MARY JANICE FLECK, OF TENNESSEE
ROBERT J. FRANKS, OF VIRGINIA
BURLEY P. FUSELIER, OF VIRGINIA
SIDNEY L. KAPLAN, OF CONNECTICUT
JOHN J. KEYES III, OF FLORIDA
ROBERT K. NOVAK, OF WASHINGTON
ANITA G. SCHROEDER, OF VIRGINIA
CHARLES E. SPARKS, OF VIRGINIA
JOSEPH THOMAS YANCI, OF PENNSYLVANIA

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be rear admiral (lower half)

CAPT. WILLIAM W. COBB, JR., 0000