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Senate

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, who has said, ''Judgment is Mine!'', forgive us when we play god by assuming the right to judge people's ultimate worth on the basis of their positions on issues. We confess the judgmentalism that renders others as good or bad people on the basis of their ideas. Forgive any cowardice that steps back from debate of convictions and hides behind condemnation of character. Jesus said,

''Judge not that you be not judged. For with what judgment you judge, you will be judged . . .''—Matthew 7: 1–2.

The men and women of this Senate have two things in common as they begin this week: They all are conscientious about their crucial leadership role; and they all want what is best for our Nation. Now create in all of them a dominant desire to seek Your guidance and will. May their hourly prayer be, ''Show me, reveal to us, Your way.'' In response, express Your direction for the Nation. In the name of 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. Mr. President, today the Senate will be in a period of morning business to accommodate a number of Senators who have asked for time to speak.

The Budget Committee is scheduled to mark up the budget resolution beginning this afternoon at 4 p.m., and it is my hope that we may count any debate time today that we will use relating to the budget toward the statutory time limitation.

Tomorrow, the Senate will begin consideration of the concurrent budget resolution, and Members can anticipate rollcall votes throughout the day.

It is also possible that the Senate may resume consideration of H.R. 1122, the partial-birth abortion ban bill, with the intention of a vote on final passage occurring early this week. We had actually hoped that we could get a vote on that perhaps right after the luncheon on Tuesday. But there are some discussions underway, and we may not be able to get to that that soon.

As always, all Members will be notified as soon as any votes are scheduled on these or other matters.

Also, as a reminder to Members, this is the last week prior to the Memorial Day recess and, therefore, Senators can expect a very busy week with us more than likely having to go into the evening on Tuesday, Wednesday, and Thursday. And we should expect votes on Friday. At least on Tuesday, I don't know that there will be recorded votes, but certainly on Wednesday and Thursday in order to finish the budget resolution, complete action on the partial-birth abortion ban, and also get to another vote on the comptime-flextime Family Friendly Workplace Act. We will have to have some votes on that probably on Thursday. Then we would probably need to do the budget resolution by Friday, or probably on Friday, as well as the supplemental appropriations on Friday, if we haven't been able to get an agreement to do it before then.

Also this week we will have to pass the Chemical Weapons Convention implementation bill. I think the problems are being worked out there. It shouldn't take too much time, although a block of time will be necessary to explain what is included in that implementation bill.

So, Mr. President, I just want to reconfirm that we do still this week intend to do the budget resolution, finish the debate and final vote on the partial-birth abortion ban, have votes on the comptime-flextime bill with the hope that we could reach some agreement to actually get the legislation completed, and then vote on the budget resolution conference and the supplemental conference.

We will keep the Members advised of any changes in the schedule.

By the way, we do expect this week to take up perhaps some action on the Executive Calendar, at least the judicial nominations, probably Wednesday or Thursday. And we will have to have recorded votes on those three nominations, if we actually do take them up.

So we would try to schedule that either Wednesday or Thursday.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HAGEL). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. LOTT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

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

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PARTIAL-BIRTH ABORTION BAN ACT OF 1997

Mr. ASHCROFT. Mr. President, I rise to speak about a topic which is going to be voted on here in the U.S. Senate tomorrow, the topic of partial-birth abortion. This is an issue which I think is understandable by virtually every American who has given it any consideration. They understand this is a brutal technique which inflicts pain and is the kind of thing which would shock the conscience of most Americans not only as it relates to unborn children, but if it were, as a matter of fact, a procedure used even on animals.

Mr. President, about 2 weeks ago, a Rhode Island jury found a mother guilty of second-degree murder in the death of her newborn daughter. The State medical examiner, according to a May 9 article in the Providence Journal-Bulletin, testified that the little girl died from a single blow to the back of the head that left a laceration on her scalp and an inch-long skull fracture. The umbilical cord and the placenta were still attached to the child.

Now, ironically, this Rhode Island woman who had been found guilty of second-degree murder, if she had, prior to giving birth, allowed a physician to perform a procedure very similar to what she did, a procedure called partial-birth abortion, there would have been no criminal action involved. The baby would have been there, the blow to the head would have been similar, the umbilical cord would still have been attached, the placenta would still have been there, but because the baby would have been only partially born, it would have been entirely legal.

This kind of tension that exists in the law between charging and convicting a mother of second-degree murder and authorizing a physician to conduct what is called a partial-birth abortion makes no sense to the American people.

Let me take a few moments today to talk about the lessons we teach when we as a culture allow such tensions to persist. When we come down here to the floor and we argue before the cameras, the Nation is affected on a level of which we too often take little notice. People look, people listen, people understand.

Right now we are debating a violent medical procedure that, in my judgment, should be a clear-cut wrong. People understand that. However, the high emotion of the abortion debate seems to blur the vision of many of us who are in the U.S. Congress. We are so caught up in arguing about the definition of technicalities that we are in danger of slipping into absurdities ourselves, absurdities that are exemplified by the charge and conviction of the woman in Rhode Island.

The stakes are high here, as we are talking, in no uncertain terms, about the value of human life. It seems so clear that all of us should vote to ban the direct killing of a fully formed, often viable, human being. Yet because the child is 80 percent born, somehow we have allowed the killing of that child to be legal.

Now the partisan political rhetoric we expend here and the attempts to turn this vote into abstract public policy are setting an example in our society and in the world that bring into question our Nation's status as a moral leader. How can we lecture or threaten China on its human rights abuses when we stand up and argue that human beings should be brutally butchered in a procedure that is rarely, if ever, medically necessary?

How can we question the practice of child slavery in foreign nations when our own Nation's lawmakers cast cavalier votes to torture our own infants?

Let me be clear, though. Our position as a world leader does not trouble me as much as the positions we put our youth in when we refuse to provide moral guidance.

What are we teaching our own children? What are we saying to them about the value of life? What are we saying to them when we suggest that a technicality provides the difference between destroying a life, committing murder, and merely having an abortion?

What values are we teaching when we vote that the difference between a partial-birth abortion and a homicide is a mere 3 inches?

If the physician took forceps or scissors to collapse the baby's skull outside the mother's body, he or she would be charged with murder.

Yet, if the skull is collapsed when the baby's head is still partially in the birth canal, the homicide becomes a legal procedure.

What values are we teaching when lawmakers show more concern for animals or the environment than for human life? Let's look at two pieces of legislation that demonstrate the absurdity of our present value system.

H.R. 3918 was introduced by then Representative BARBARA BOXER on November 25, 1991. The Congressional Research Service summarizes the bill as follows:

> Requires each Federal department or agency head to review and evaluate nonanimal alternatives with the potential for partial or full replacement of the Draize or other animal acute toxicity tests for some or all of the products regulated by such department or agency.

I might not have all the facts, but it seems to me that Senator BOXER—one of the strongest opponents of this legislation—seems to put the pain and suffering of laboratory animals above the pain and suffering of human beings.

When you say that you want to replace the Draize, or other animal acute toxicity tests, and you are willing to say it is necessary to spare animals this kind of pain but it is not necessary to spare these mostly born children of the pain inflicted on them by partial-birth abortion, I think you can again raise the level of tension between what the public knows is right and the technicality of the law which would allow something which the public knows to be very wrong.

Former Senator Pell introduced S. 1701 during the 104th Congress. The bill prescribes criminal penalties for use of steel jaw leghold traps on animals; directs the Secretary of the Interior to reward nongovernment informers for information leading to a conviction under this act; and empowers enforcement officials to detain, search, and seize suspected merchandise or documents and to make arrests with and without warrants.

Senator Pell stated on the floor, ''While this bill does not prohibit trapping, it does outlaw a particularly savage method of trapping.'' Well, the bill we are debating today does not outlaw abortion—it outlaws ''a particularly savage method of abortion.''

I am surprised and even a bit dismayed that the Members supporting and proactively fighting for measures that would reduce the suffering of animals have not been willing to afford at least the same protections to human beings.

What values are we teaching when we appear to value to limbs of animals over the lives of children?

And this takes me back to my opening—the emotion and strife of the abortion debate is blinding and confusing some Members. However, the legislation before us today is not about an uncertainty, it is about combating acts of barbarism against human beings.

Of course, part of the confusion on this issue is due to misleading reports on the necessity and practice of partial-birth abortions. As reported in Newsweek last October:

> When the partial-birth-abortion debate took shape last year, pro-choice groups insisted the procedure was extremely rare. The number 500 to 600 was tossed around, with the President and others explaining that it was reserved for heart-wrenching cases involving women whose tests show severely deformed fetuses or whose health was at risk.

That comes from Jonathan Alter, ''When the Facts Get Aborted,'' Newsweek, October 7, 1996.

But we now have a fairly clear and broad concurrence on the truth about the rarity and utility of this procedure. Let's look at the facts.

The fact is that partial-birth abortions are not rare or unusual.

The fact is not that it is 500 or 600 cases a year in the entire country.

The Sunday Record of Bergen County, NJ stated: ''But interviews with physicians who use the method reveal in New Jersey alone, at least 1,500 partial-birth abortions are performed each year''—triple the 450–500 number which the National Abortion Federation [NAF], a lobby for abortion clinics, has claimed occur in the entire country.

The same article in the Bergen County Sunday Record reported:

> Another [New York] metropolitan doctor who works outside New Jersey said he does about 260 post-20-week abortions a year, of which half are by intact D&E. The doctor, who is also a professor at two prestigious

teaching hospitals, said he had been teaching intact D&E since 1981, and he said he knows of two former students on Long Island and two in New York City who use the procedure.

The truth contravenes the myths of last year's debate—the suggestions by proponents of this procedure that it is only used in situations of dire medical emergency, and that it is limited in its use to about 500 or 600 a year nationwide. The truth of the matter is that in New Jersey alone it is three times that number.

Is partial-birth abortion needed to protect the health of the mother?

Frankly, I think we have to always be very concerned about the health of women in this debate. We should not do those things that would unduly or unnecessarily impair the health of women in this country.

President Clinton has justified his veto of the partial-birth abortion ban last year by pointing to the legislation's absence of a health exception. Some Members of this body also argue for a health exception. However, the facts indicate that such an exception is unnecessary.

Four specialists in ob/gyn and fetal medicine representing PHACT—Physicians' Ad Hoc Coalition for Truth—a group of over 500 doctors, mostly specialists in ob/gyn, maternal and fetal medicine, and pediatrics, stated in a September 19, 1996, Wall Street Journal article:

> Contrary to what abortion activists would have us believe, partial-birth abortion is never medically indicated to protect a woman's health or her fertility. In fact, the opposite is true: The procedure can pose a significant and immediate threat to both the pregnant woman's health and her fertility.

In response to the President's statements that partial-birth abortions were necessary to preserve the woman's health and their ability to have future pregnancies, former Surgeon General C. Everett Koop stated:

> I believe that Mr. Clinton was misled by his medical advisors on what is fact and what is fiction in reference to late-term abortions. Because in no way can I twist my mind to see that the late-term abortion as described—you know, partial birth, and then destruction of the unborn child before the head is born—is a medical necessity for the mother.

''Because in no way can I twist my mind in a way * * *.''

C. Everett Koop, former Surgeon General of the United States, indicates that it takes a twisting of the mind to get to the point of saying that the baby must be destroyed in that setting.

Even Dr. Martin Haskell, who has performed over 1,000 partial-birth abortions, said that he performs them routinely for nonmedical reasons, and that 80 percent are purely elective—not required to protect the health of the mother.

Dr. David Brown, a physician investigating this procedure for the Washington Post wrote:

> [I]in most cases where the procedure is used, the physical health of the woman whose pregnancy is being terminated is not in jeopardy * * *. Instead, the ''typical'' patients tend to be young, low-income women, often poorly educated or naive, whose reasons for waiting so long to end their pregnancies are rarely medical.

The PHACT doctors have even said that at 21 weeks or later, abortion is riskier to a woman's health than childbirth. They state in a recent letter to the editor of the Washington Post:

> It should be noted that at 21 weeks and after, abortion is twice as risky for women as childbirth: the risk of maternal death is 1 in 6,000 for abortion and 1 in 13,000 for childbirth.

I hope we will be successful in our endeavor to obtain enough votes to override an expected Presidential veto in this matter. Clearly the President won't be able to rely on the myths and misrepresentations this year that he relied on last year if he is to veto it.

We are not only teaching poor values. We are not only setting a bad example. We are risking lives and losing lives as a result of this procedure.

George Will tells an interesting story in an April 24 Washington Post op-ed which demonstrates the irony of what we are debating here. The story is about Stephanie and Sandra Bartels of Hull, IA. Sandra and Stephanie were twins born in a South Dakota hospital. They were born 88 days apart by what is called ''delayed-interval delivery.'' Will states:

> Stephanie, born January 5 when her mother went into premature labor in the 23rd week of her pregnancy, weighed 1 pound, 2 ounces. Sandra, weighing 7 pounds, 10 ounces, was born April 2, by which time Stephanie weighed 4 pounds 10 ounces.

For 88 days, while her twin sister's life was protected by the law, Sandra, who was still unborn, under the current law could have been the subject of a partial-birth abortion.

As Will states,

> Location is the key factor. Unless she is completely outside the mother she is fair game for the abortionist.

The tension between the fact that one twin already born is protected by our law, while the other twin yet unborn is fair game for destruction through a brutal procedure called a partial-birth abortion, is obvious.

Such an absurdity in the law is not consistent with American values. It is not consistent with the expectation of the American people that we govern rationally. Physical location should not be the key factor. However, George Will is right. Location was and is the key factor, and that locational factor should be abandoned.

We should ask ourselves about location. We should ask ourselves: To what location will our moral compass direct us when we vote on the Partial-Birth Abortion Ban Act? I believe it should direct us to the location where we abandon and outlaw this painful and brutal procedure.

We should ask ourselves: Where will we end up on the scale of decency and humanity?

Will we continue to be guilty of basing our reasoning on a thin, irrational thread of support for an inexcusable practice which we would not tolerate in terms of animal experiments?

Should we keep drawing these illogical distinctions to sustain the brutal inhumane treatment of our citizens?

I hope when this vote comes before the Senate that we will all end up on the high ground. I hope that our vote to ban this procedure will be so resounding that the President will look at our action and think, This legislation is not only based upon rationality and consistency, but it was also endorsed so thoroughly by the U.S. Senate that I ought to sign it rather than veto it. We as a nation must refuse to allow the grotesque brutality of partial-birth abortion to continue.

Mr. President, I thank the Chair. I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ASHCROFT. 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. ASHCROFT. I thank the Chair.

FAMILY FRIENDLY WORKPLACE ACT

Mr. ASHCROFT. Mr. President, families in America are facing a challenge raising children—especially since in most cases —if there are two parents, they both are in the workplace. Certainly for single parents being in the workplace makes raising children even more difficult. For these single parents, if their children have to go to the doctor—they take them. If their children are having trouble at school or get sick during the day, the single parent does not have anyone else to rely on.

The single parent must take care of the problem themselves. As difficult as that may be, if that single parent is a salaried worker, she can work with her employer to arrange her work schedule to accommodate these needs. However, if that single parent is an hourly worker, she must find a way to meet her child's needs and work all of the required hours during a 7-day period or lose part of her pay.

Demographics have changed significantly since the passage of our major employment laws. In 1938, when the Fair Labor Standards Act was enacted, only 2 out of 12 mothers with school-age children were in the workplace. Today only 3 out of 12 mothers of school-age children are not in the workplace—obviously, the statistics have taken a real flip. People have gone into the workplace in order to tackle the incredible tax burden and the cost of living. It has been said that in some families, in most families, one parent works to pay the Government and the other parent works to provide for the family.

It is very difficult for families to make ends meet unless you have both

parents working to provide financial resources for the family. Therefore, we have a high level of involvement of the parents of America in the workplace—this stresses our families. Regardless of why we have this kind of stress in our lives, it exists. It is real as any other societal problem that we are dealing with today. We need a solution.

Parents need to be available to their children to go to award ceremonies, to see them play soccer or football, and to confer with the teacher. Parents need to be able to care for a sick child or a child that becomes sick or ill at school without worrying that they will have to miss time away from work—and the income that goes with it.

We have proposed and will continue to debate—and I think we will enact—what is called the Family Friendly Workplace Act. It is a way of saying to parents you should be able to make agreements with your employer about flexible working arrangements, that you should be able to save up some time off that comes when you work overtime. Instead of being paid time-and-one-half, if you want to—at your option and at your request—you should be able to take time-and-one-half in time off with pay. You can use that time later so that when the need arises you will be able to meet the needs of your family.

Those who have been opposed to providing this option for America's workers have their own solution to the problem—they think that providing the American worker with more unpaid leave will somehow help already financially strapped workers. They want to expand Family and Medical Leave to allow for 24 hours of unpaid leave to attend a child's event.

I think the Family Friendly Workplace Act is a superior option. This would allow you—at your option—instead of being paid time-and-one-half for overtime to take time-and-one-half with pay some other time to meet the needs of your family. The Family Friendly Workplace Act does not say to the moms and dads of America, in order to be a good mom and dad, you have to take a pay cut. It says if you can work something out with your employer to put some time-and-one-half hours in the bank and take time off later, you still will be paid for them because you have hours in the bank.

There is more social tension, there is more financial tension, and we need to have the flexibility for families to spend more time with each other to resolve those tensions. It is simply true that moms and dads in America should not have to take a pay cut in order to be good parents.

Experience has shown us that pilot programs—or experiments—help us understand whether a program should be permanently authorized or more broadly adopted. It will tell us whether there are bugs in it that need to be worked out or whether it is a program that will work well and can succeed.

The Family Friendly Workplace Act is modeled off of one such pilot program. Since 1978, Federal Government workers have been able to work flexible work schedules as provided for in the Federal Employees Flexible and Compressed Work Schedules Act. That is, we have had flexible working arrangements. We have had compensatory time off for overtime that has been used at the option of the worker. I believe it has been a model that we can follow to provide for American laborers who work by the hour.

As a matter of fact, in 1994 in an Executive order, President Clinton directed more broad use of these flexible scheduling programs throughout the Federal Government. So what we have here is a system which is working for Federal employees that should be allowed for the men and women of America who work by the hour.

I should just take a moment to indicate that all the people who are salaried workers have flextime potentials—the people in the board rooms, the presidents and the owners of the companies, the supervisors and managers generally. As a matter of fact, the great majority of workers in the country, especially when you put in governmental workers, have comptime and flextime options, but the average hourly worker in America does not. It is time to give the hourly workers, the laboring people what the great majority of workers have and that is flexible working arrangements.

Now, one of the things that opponents of this bill constantly say is that this proposal destroys the 40-hour week, that it somehow would force people to work overtime without pay. Nothing is further from the truth. Taking compensatory time off in the bill is totally—completely—voluntary. The Family Friendly Workplace Act provides for new, voluntary choices for workers. Section 3 provides, under compensatory time off, that it is voluntary participation. It says, No employee may be required to receive compensatory time in lieu of monetary compensation.

That basically says no one can be required, instead of taking time-and-one-half pay, to take time-and-one-half off later with pay. It is a system that says we want to give workers the choice. As a matter of fact, so committed are we to choice, even if you decided you wanted to take compensatory time off when you work the overtime hours but later change your mind, the bill says you have an absolute right to get paid the cash.

Comptime provides some flexibility for those workers who get paid overtime. However, many workers never earn overtime compensation. The biweekly work programs and flexible credit hour programs provide flexibility for those workers. Participation in these programs also are completely voluntary. ''No employee may be required to participate in a program described in this section.'' This is all voluntary. Those who say there are not employee choices in this matter simply have not read this legislation.

There are protections for workers to make sure that voluntary means voluntary. The protections that are involved in this bill for workers exceed those protections that are involved in the Federal law for State and local government workers. ''Section (d). Prohibition of Coercion. An employer shall not directly or indirectly intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce any employee.'' And ''the penalties for abuse are doubled in the current law.'' We have taken great steps here to make sure that this is totally voluntary and that any coercion, direct or indirect, is impermissible and would be punished substantially with higher penalties than we have under current law.

As a matter of fact, the situation we are recommending in the Family Friendly Workplace Act has far more guarantees and protections for workers than are currently involved in the law for State and local government workers. The Federal law allowing State and local government workers to have comptime says that workers can be required to be involved in comptime as a condition of employment. That is not so under the law we are proposing for private workers. It is strictly voluntary. It cannot be required. It is up to the worker. No worker can be required to participate.

Under the law which now applies to State and local government workers, management can decide when a worker must use comptime. Under the Family Friendly Workplace Act, workers cannot be coerced into using their comptime. Penalties would be doubled for any direct or indirect coercion. There is another significant difference. There is no cash-out provision under the system for State and local government workers, comptime only is paid in cash when the employee is either terminated or quits. In other words, if a State or local government worker wants to get his overtime in cash, you can only get the cash out of the system when you leave your job. You have to quit your job to get your money.

Under the Family Friendly Workplace Act, you do not have to quit to get your money. Any time you change your mind, comptime must be cashed out on request. It must be cashed out at the end of each year. So that the Family Friendly Workplace Act is totally voluntary—and there are these structural guarantees—with doubled penalties. These arrangements are strictly voluntary. They cannot be required, they cannot be coerced, penalties are doubled, and comptime must be cashed out on request. This is a system which basically allows workers to make choices. It allows them to make meaningful choices. These are choices about spending time with their families.

We have talked about just one of these choices—the choice that relates to comptime which you get when you work overtime. But the truth of the matter is, many American workers seldom if ever get overtime. As a matter

of fact, in 1996, our census data indicates that only 4.5 percent of working women in the private sector get regular overtime.

If we were just to leave this bill at the comptime level and not do anything about flexible working arrangements, we would not be providing much relief to women who work by the hour and never get overtime so they could take comptime instead of time-and-one-half in pay. In order to meet the real needs of American workers—the broad workforce—we need to have the kind of breadth of options in the program that is in the program for Federal workers. Federal workers have more than just comptime as an option for flexibility. They have the potential for flexible working arrangements so individuals who never get overtime still have the ability to have flexible working arrangements and spend time with their families.

If only 4.5 percent of the 28.9 million women who work by the hour in this country—if only 4.5 of percent of them get overtime—really, if we only do comptime, we are not going to help the vast majority of the women. We have to give the private sector workers the same range of options that exist for the Federal employees. And that includes flextime arrangements; the ability to schedule work flexibly and the ability 1 week to work an hour extra so the next week you can take an hour off.

Right now, it is shocking, but our legal framework makes it illegal for an employer to say to you, I'll let you work an extra hour on Friday so you can take an hour off on Monday. Most Americans are shocked by that. They also are shocked by the fact that it is not illegal for a Government employee to do it, but it is illegal for an average citizen to do it. They know it is not illegal for the boss to do it or for the boardroom guys to do it or the managers or the supervisors to do it. They know it is not illegal for the salaried people to do it. They ought to have some reservations about a system that has sort of second-class citizenship for hourly paid persons and it is illegal for them to work an extra hour on Friday and take an hour off on Monday, even when their employer agrees with it. We need to stop that illegality.

The point is simply this. Since very few working women who work by the hour get overtime, very few will benefit from a comptime only option. We need to provide a framework for these women to have the ability to be with their families, and we have to have flextime in order to get that done.

Mr. President, this is a great opportunity for us to say to American families, We are with you. We are not against you. This is a great opportunity for us to say to the working people of the country, You deserve the same chance for flexibility that the Federal Government employees have. You deserve the same chance to be with your children that the salaried workers have—the managers, the supervisors, and CEO's or the company Presidents. As a matter of fact, they are a minority of workers who do not have these options. We understand that. Hourly workers are a minority of workers in this country when compared to the Government and the salaried and other workers. But they should not be treated as second-class citizens.

The soccer game is just as important to the hourly worker's child as it is to the boss' child. It is just as important to go to the school doctor to confer about your child's health if you are an hourly worker as it is if you are a Federal Government employee. It is just as important for your family to operate as a family, to be able to shape the values and to provide the framing, the development of the next generation if you are an hourly worker as if you are paid in some other way. The Family Friendly Workplace Act is simply a means of getting that done.

It is a means we have designed with protections that are strong. The protections are superior to the protections that are there for State/local government workers. I am a little bit befuddled because the individuals who argue most aggressively against providing this for hourly private sector workers across this country sponsored the legislation for State and local government workers. Not only did they sponsor the legislation for the State and local government workers, but that legislation —that they cosponsored—has fewer protections than does the legislation we are proposing for private workers. Yet those who sponsored the fewer protections for State and local government workers are criticizing the proposal in the private sector because they say enough protections do not exist in the measure. That is difficult to understand. Those individuals, I think, should reevaluate their position.

When organized labor leaders of this country oppose laboring people getting the opportunity to spend time with their families and flexible working arrangements, we ought to ask them to come to the table to help us, to help us assure an opportunity for America's working people, not stand aside and hurt us and criticize a system which is far superior to the one that has been endorsed and for which they negotiate when they are representing State and local government workers.

Mr. President, the opportunity to pass flexible working arrangements to help parents be better parents, to have more time to spend with their families, to be able to take the time off with pay by using compensatory time and flexible working arrangements is what the future of America will be all about. Those who suggest we have to have more unpaid leave so parents will have to choose between taking a pay cut and helping their child are on the wrong track. People are not working because they can afford to take a pay cut. They are working because they need the money, and we should never ask them to sacrifice their child in order to make more money or to sacrifice the money they need to help their child in order to spend time with their child.

The last time I checked, when my children had to go to the dentist and I needed to take them there, that is not the time I could do with less money. That's the time I needed more money, when there was a crisis, when I needed to go to school to see what was happening with my child, take the child to the doctor or to the dentist. I didn't want to take a pay cut. I didn't want to have my salary reduced. Of course I wouldn't. I am a Member of the Senate, I am a Government employee. I have flexible working arrangements. But I do know this, for us to say to the working people of America: When you have a special need in your family, you should take a pay cut and you should take leave without pay, we are asking them to jump out of the frying pan into the fire.

As a matter of fact, family and medical leave has been the occasion for a lot of people to find themselves in real financial distress. When the Commission on Family and Medical Leave met, it found that over 10 percent of all people who took that unpaid leave to meet the needs of their family had to go on welfare because of the loss of salary. Wouldn't it have been better to have flexible working arrangements and some comptime in the bank so you could do that? Ten percent went on welfare, over 40 percent said they had to defer the payment of bills. They just had to stop paying their bills. About 20 percent said they had to borrow money. We have a great opportunity to say to families, ''If you work together, cooperate with your employer in a framework of solid protections in a voluntary system, you will be able to be better parents and you will not have to take a pay cut to do it.''

I call upon my colleagues to enact this legislation as a matter of great service to the people of the United States.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. 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. HELMS. I thank the Chair.

(The remarks of Mr. HELMS pertaining to the introduction of S. 763 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

PARTIAL-BIRTH ABORTION BAN ACT OF 1997

Mr. HELMS. Mr. President, there are many times when I am so inclined to pay my respects to Senators who have gone out of their way to take a somewhat different stand. And I imagine that during the past week—and throughout the days of debate on the Partial-Birth Abortion Ban Act in the 104th Congress, as a matter of fact—that if unborn children had a vote or a message of communication and a way to deliver it, they would be sending their love to the distinguished Senator from Pennsylvania, Mr. SANTORUM; and to the distinguished occupant of the chair, Mr. DEWINE of Ohio; and to the able Senator from New Hampshire, Mr. SMITH as well as to the able Senators from Texas and Tennessee, Mr. GRAMM and Mr. FRIST; and on and on.

It has not always been easy to take the pro-life position on this floor, but it is a lot easier and a lot more comfortable now, thanks to these great Senators and others. I personally pay my respects to all who have participated in the debate on the Partial-Birth Abortion Ban Act up to this point.

By the way, as one who has participated in the abortion debates since the Supreme Court's Roe versus Wade decision in 1973, and as one who has been condemned by many in certain quarters, I am so thankful that the cavalry has arrived in the Senate and now other Senators are standing up to be counted on an issue that involves the survival of this country. I have long felt if our country cannot reconcile with morality and decency and honesty, the position on the deliberate destruction of the most innocent, the most helpless of human life, that may be at peril—lying just down the road—is the survival of this country.

In any case, the abortion debate shifted dramatically when legislation was introduced in the 104th Congress to spare unborn babies from a merciless procedure known as a partial-birth abortion. Because of the debate in Congress and the heightened concern of the American people, the spotlight no longer is focused on the sanctimonious, so-called right to choose; instead, the debate now centers around the ultimate question: Does an innocent, defenseless, unborn child have a right to live? Senators have cast their votes for and against legislation outlawing partial-birth abortions on two previous occasions—first on December 6, 1995, when 54 Senators voted to ban partial-birth abortions. But the President of the United States, Mr. Clinton, saw fit to veto that bill. The Senate, on September 26 of last year, failed to override that Presidential veto. Fifty-seven Senators voted to override, but the 57 were 10 votes fewer than the two-thirds necessary and required to override.

Which brings me to where we are now and the reason I stand here to pay my respects to Senators like the distinguished occupant of the chair, Mr. DEWINE, Mr. SANTORUM, Mr. SMITH, and others. The Senate has been considering whether an innocent baby—partially born, just 3 inches from the protection of the law—deserves the right to live, to love, and to be loved. Interestingly enough, the House of Representatives has already passed H.R. 1122, which is the bill now before the Senate. In my judgment, the Senate must not squander this opportunity to outlaw partial-birth abortions, and I cannot believe it will.

Those who oppose the Partial-Birth Abortion Ban Act, as it is named, have again asserted the necessity of the procedure that enables doctors to deliver babies partially, feet first from the womb, only to have their brains brutally removed by the doctor's instruments. This procedure has prompted revulsion across this land, even among many who previously have been vocal advocates of the right to choose.

Well-known medical doctors, obstetricians and gynecologists have repeatedly rejected the assertions that a partial-birth abortion is needed to protect the health of a woman in a late-term complicated pregnancy. Dr. Pamela E. Smith, who is director of medical education in the department of obstetrics and gynecology at Chicago's Mount Sinai Hospital, in a letter to Senators described these assertions as—in her words, not mine—''deceptive and patently untrue.''

Also, Mr. President, there is much to be said about the facts surrounding the number of partial-birth abortions performed annually and the reason they are performed—or at least the given, stated reason. It is hard to overlook the recent confession of Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, who admitted that he, himself, had deceived the American people on national television about the number and the nature of partial-birth abortions.

Mr. Fitzsimmons now estimates that up to 5,000 partial-birth abortions are conducted annually on healthy women carrying healthy babies. This is a far cry from the rhetoric espoused by Washington's pro-abortion groups who maintain that only 500 partial-birth abortions are performed every year, and only in extreme medical circumstances.

Mr. President, I could go on and on, but Senators throughout this debate have provided ample evidence affirming the need to rid America of this senseless, brutal form of killing. And it is also important to note that the American people recognize the moral significance of this legislation. The continued outpouring of letters and phone calls from across the country in support of a ban on partial-birth abortions has been nothing short of remarkable.

I remember so vividly the day in January 1973, when the Supreme Court handed down the decision to legalize abortion. It was hard to find many people to speak up, certainly on the floor of the Senate, on behalf of unborn babies.

But it is time, once again, for Members of the Senate to stand up and be counted for or against the most helpless human beings imaginable, for or against the destruction of innocent human life in such a repugnant way. The Senate simply must pass the Partial-Birth Abortion Ban Act, and I pray that it will do it by a margin of at least 67 votes in favor of the ban.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, May 16, 1997, the Federal debt stood at $5,343,648,869,296.26. (Five trillion, three hundred forty-three billion, six hundred forty-eight million, eight hundred sixty-nine thousand, two hundred ninety-six dollars, and twenty-six cents)

One year ago, May 1996, the Federal debt stood at $5,113,663,000,000. (Five trillion, one hundred thirteen billion, six hundred sixty-three million)

Twenty-five years ago, May 1972, the Federal debt stood at $427,214,000,000 (Four hundred twenty-seven billion, two hundred fourteen million) which reflects a debt increase of nearly $5 trillion—$4,916,434,869,296.26 (Four trillion, nine hundred sixteen billion, four hundred thirty-four million, eight hundred sixty-nine thousand, two hundred ninety-six dollars, and twenty-six cents) during the past 25 years.

THE RAPID CITY FIRE OF 1997

Mr. DASCHLE. Mr. President, last week a fire devastated downtown Rapid City, consuming the historic Sweeney Building in a furious blaze that threatened to destroy the entire block. Only the heroic efforts of the Rapid City Fire Department and emergency workers from all over the county ensured that the damage, as severe as it was, was contained.

This terrible blaze took a much-loved part of our heritage from us. The Sweeney Building had towered over Rapid City for 111 years, and was one of the oldest buildings in the Black Hills. Its builder, Tom Sweeney, was legendary. His name and slogan ''Tom Sweeney Wants to See You'' were famous throughout the hills, and his showmanship put Buffalo Bill to shame. His store was full of everything from gold pans to wagons for the early pioneers, and it was said that he could—and did—sell anything. Tom's store is gone now, and it will be missed.

Although part of our past, the Sweeney Building also was a vibrant part of our present. Seven businesses located in the building were lost in the Rapid City fire. They ranged from the State Barbershop, where Vern Johnson cut hair for 37 years, to the 1-week-old Blue Moon nightclub. No one is yet

sure how the fire started, but shortly after firefighters arrived to investigate reports of smoke, a broken window fed the fire with a sudden rush of oxygen. The result was a fiery explosion that shattered storefront windows and blew out the rear wall of the building, causing a rain of bricks to fall on Larry and Mike Blote, two owners of the building, and Pat Dobbs, a reporter for the Rapid City Journal. Thankfully, they had just minor injuries.

Soon after the explosion, Fire Chief Owen Hibbard made the difficult decision to retreat from the building. Few choices are more painful for firefighters. They are by nature people whose instincts urge them to save and preserve, and to fight a fire until the end. Yet as the flames of the Sweeney Building climbed higher and 40 mph winds blew cinders and sparks onto the roofs of neighboring buildings, Chief Hibbard recognized that the out-of-control blaze could destroy the entire block. Ordering his people back, he formed a defensive line around the fire and began the difficult work of containing it. Over the next 2 hours, with the sounds of exploding gunpowder and ammunition thundering from the burning First Stop Gun and Coin shop, the firefighters labored to cool nearby buildings and reduce the intensity of the blaze. By 4 p.m., the fire had been successfully contained, and dozens of homes and businesses that could have been destroyed were saved.

Mr. President, I commend the Rapid City Fire Department for their outstanding job containing this fire. It is due to their preplanning, training, and strong leadership that no one sustained serious injuries, despite dangerous circumstances ranging from backdraft explosions to ricocheting bullets. I also want to thank Mayor Jim Shaw for his calm and solid leadership throughout this crisis. The loss of the Sweeney Building has been difficult, especially for those men and women who lost their livelihood, but I am confident that, together, we will recover.

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

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The bill 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. Mr. President, I ask unanimous consent to speak for 7 minutes as in morning business.

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

THE BUDGET

Mr. THOMAS. Mr. President, we are going to, this week, enter into one of the most serious debates that we will have all year, one of the matters that I think is the most serious that we will address all year, and that is the question of the budget. As a matter of fact, it is my understanding we will talk about two budgets. One will be the appropriations for the supplemental budget, designed to deal with disaster and other matters, but then the real budget for the year which will outline the spending for this country.

I think this is important, particularly important, because there is much more to it than arithmetic. It is not simply numbers. It is not simply what we will spend. I think it has to do with a number of things that are of particular significance. I hope that we give some consideration to these broader things as we talk about numbers, which we inevitably will do. One has to do with the size of the Government. It has to do with the potential and the opportunity to reduce the size of Government. I happen to believe that Government has become too large and that it could be smaller. It could be much more efficient. I suspect it would be more efficient if it were smaller. The budget is one of the ways that you do that.

Government by its nature does not get smaller unless somehow there is a restriction on the amount of money available. I think it also gets more efficient when there is less money to do the job, and it is similar to what has to be done in the private sector.

Second, it has, of course, to do with priorities. Each of us, as we spend our money, whether in business or personal and private family lives, have to set priorities. There is never enough money for everything. Certainly that is increasingly true with Government. So it is necessary to set priorities, to decide which of the many functions of Government are most important, which ones need to be financed, which ones need to be funded, which ones, indeed, could be reduced or eliminated.

Third, it has to do with taxing. It has to do with how much money we are going to allow families to keep, to spend for themselves. Average family spending for taxes now is nearly 40 percent, 40 percent of revenue from the family. It was just recently that we had tax day, so that everything we earned up until just a week or so ago all went for taxes.

The budget has to do with the potential, the possibility of reducing the burden on the families in this country. It has to do with the incentive for investment. Tax reduction is also an opportunity to have investments for people to put into their businesses, to create jobs, to strengthen the economy. There is a direct relationship, particularly in tax reductions such as capital gains which encourages people to invest.

The budget gives us an opportunity to keep Medicare and entitlements available.

I just met this morning with a great group of young people, high school people. We talked a little bit about entitlements. We talked specifically about Medicare. Frankly, all of them, 18 years old, said, ''We really do not think there will be any Medicare for us.'' Indeed, there will not be unless we make some changes. Budgets, of course, are where it is possible to do that.

Budgets also test our willingness to be financially responsible, to balance the budget and not spend more than we take in, which we have done for more than 30 years here in this Congress. I have to say I have not done it for 30 years because I have not been here for 30 years.

Finally, and related to that, of course, budgets determine what will we leave to our kids to pay in terms of budgets, in terms of debts. What we have done, of course, over the last few years, is we have spent more than we took in and put it on the old credit card, and it is maxed out. So we will determine how much of a debt we leave to our kids.

That is what we are talking about in terms of budgets. It will be difficult. It will be difficult. American voters, as someone said, and I think it is true, sent two teams to do the same thing, two teams with quite different philosophies. If everyone here had the same philosophy then we would have a certain kind of a budget. If everybody believed we ought to have smaller Government, we would have smaller Government. If everybody thought we ought to have more tax relief, we would have that, but everybody does not. There are two different points of view that will have to be reconciled before anything can be done.

So we approach a budget with, I think, a certain amount of reserve. Certainly this is not a breakthrough budget. This is not a turnaround. This is not a change, a sea change, I do not believe. I do not think it is designed for meaningful reduction in the size of Government or spending reductions. It is not dedicated to real honest-to-goodness tax relief.

Now, on the other hand, I think in fairness, and we will have to talk about it, it does provide some of the principles that most of us have talked about for some time. It probably comes closer, and I hope it does, to a real balance than any budget in recent history over a period of 5 years, a real balanced budget.

Now you have to keep in mind you can balance the budget in many ways. You can continue to increase taxes and increase revenue and balance the budget up here, when the real idea that most people want to balance the budget is down here, and reduce some of the spending.

Second, it provides some tax relief. We are told that there will be an opportunity on the floor for debate of tax relief. One will be $500 per child for family relief. That is good. Another would be some relief of capital gains taxes. That is good. It will help the economy. And in the short term, at least, it will increase revenues. Some reduction in estate taxes, I think, is good.

In my State of Wyoming, there are lots of family farmers, ranches, and

small businesses. People have worked all of their lives—and many times the lives of their forebears—to put together a business or a ranch or a farm, often with relatively little flow of cash but lots of assets. Under the present circumstances, that is taxed at nearly 50 percent. Many have to sell those assets in order to pay the taxes. That ought to be changed.

There will be some effort made at entitlement reform. That is good. It helps preserve Medicare for people who will be on it in the future. There has to be some changes made to do that. So it is a kind of a mixed bag, it seems to me.

There are some other items I would like to see changed. I would like to see some incentives to increase the capital gains so that there is incentive to invest in the economy.

I would like to see some real long-term meaningful changes in Medicare so that our kids will have a chance.

The President has sort of tinkered around the edges, and takes down the providers' cost a little here and there to avoid any real tough decision, but he is doing a little something. We have to make them. The sooner we make them, the less costly they will have to be. We need to allow families to keep more of their dough.

We need to be careful about balancing the budget and about making very optimistic projections in the future. Suddenly, there was $200 billion-plus because of the projections for the future.

We ought to make kind of a level projection, it seems to me. And then, if we are fortunate enough to have revenue growth, why not apply that to the debt? Wouldn't that be a nice idea? But no, we put that on so that we continue to spend and see the Government grow larger.

These are some of the things we will be grappling with this week. I think they are very difficult ones, and some things I hope we do regardless of what we do with the tax bill, regardless of what we do with the budget. I hope we move on past that to reform the tax system. The tax system needs to be changed.

People are increasingly complaining about the IRS. And I understand that. The tax issue is not going to change the IRS a great deal until you change the system that they have to enforce. We ought to do that.

This budget should not mean we are going to leave it as it is for 5 years. We need meaningful reductions in taxes.

We need a smaller Government. We need to change the situation so that the Government doesn't compete with the private sector in those things that the Government does that are commercial in nature. We ought to allow for contracting, and let private small businesses be able to compete to do things that the Government does that are basically commercial.

Mr. President, there is something else that I think we ought to do that would help us. We ought to have a biennial budget.

We spend almost all of our time with this budget. We started this thing just about this time in January when the Congress came in. We will be very fortunate if we are through by the middle of September or the 1st of October. And, as you know, Mr. President, it has been longer than that in the past.

It wouldn't take any longer to do it on a biennial basis. We could know those figures just as well. The agencies would have 2 years of knowing where their money is going to be. But, most important of all, we could have the budget one year and the next year do oversight. That is part of Congress' responsibility, to oversee the things that the Government is doing. We can accomplish a great deal, if we can do that.

So, Mr. President, I look forward to this week's debate and discussions. I am confident we will come out of it with something better than we have had.

Thank you for the time.

I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, thank you.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997

Mr. SANTORUM. Mr. President, I rise this afternoon to announce that in the last few days I have been working with Representative CANADY in the House, with Senator FRIST here in the Senate, and with the American Medical Association in trying to work out some changes to H.R. 1122, the Partial-Birth Abortion Ban Act, which would satisfy some of the concerns that the board at the American Medical Association had with the legislation.

I am very pleased to report that we have been able to reach some technical changes with the legislation that has gained the support of the American Medical Association. I will read for the RECORD and insert into the RECORD a copy of a letter that was sent to me just a very short time ago from P. John Seward, M.D., executive vice president of the American Medical Association.

DEAR SENATOR SANTORUM: The American Medical Association (AMA) is writing to support HR 1122, ''The Partial Birth Abortion Ban Act of 1997,'' as amended. Although our general policy is to oppose legislation criminalizing medical practice or procedure, the AMA has supported such legislation where the procedure was narrowly defined and not medically indicated. HR 1122 now meets both those tests.

Our support of this legislation is based on three specific principles. First, the bill would allow a legitimiate exception where the life of the mother was endangered, thereby preserving the physician's judgment to take any medically necessary steps to save the life of the mother. Second, the bill would clearly define the prohibited procedure so that it is clear on the face of the legislation what act is to be banned. Finally, the bill would give any accused physician the right to have his or her conduct reviewed by the State Medical Board before a criminal trial commenced. In this manner, the bill would provide a formal role for valuable medical peer determination in any enforcement proceeding.

The AMA believes that with these changes, physicians will be on notice as to the exact nature of the prohibited conduct.

Thank you for the opportunity to work with you towards restricting a procedure we all agree is not good medicine.

Sincerely,

P. JOHN SEWARD, M.D.

Mr. President, I ask unanimous consent to have that letter printed in the RECORD.

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

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, May 19, 1997.

Hon. RICK SANTORUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR SANTORUM: The American Medical Association (AMA) is writing to support HR 1122, ''The Partial Birth Abortion Ban Act of 1997,'' as amended. Although our general policy is to oppose legislation criminalizing medical practice or procedure, the AMA has supported such legislation where the procedure was narrowly defined and not medically indicated. HR 1122 now meets both those tests.

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Thank you for the opportunity to work with you towards restricting a procedure we all agree is not good medicine.

Sincerely,

P. JOHN SEWARD, M.D.

Mr. SANTORUM. Mr. President, before I go into the details of the amendment, let me also enter into the RECORD a statement by Senator BILL FRIST.

I cannot emphasize enough how important he has been as the only physician here in the U.S. Senate in helping us in the debate here on the Senate floor and providing that expertise that is so necessary in these kinds of medical issues, and also in helping us work with the AMA to come up with some language that could garner their support.

I quote Senator FRIST's statement. He would have been here to announce this. But I understand we are going to be closing up shortly, and he is still on an airplane.

As the only physician in the Senate, I am proud of the American Medical Association's decision to support the ban on partial birth abortions. This is the strongest medical confirmation yet that this so-called medical

procedure, is brutal, inhumane, and medically unnecessary. As I said on the floor of the United States Senate, any provider who performs a partial birth abortion has violated the Hippocratic principle, ''First do no harm.''

The President has already been standing on shaky ground in his efforts to explain his intent to veto once again a ban of this grisly and unnecessary procedure. With these technical changes and the endorsement of the AMA, it's time for the President to do the right thing—it's time for him to sign this bill.

Mr. President, let me go through the changes that are in the bill that we are going to amend tomorrow morning. We hope to get unanimous consent to amend it. These are technical changes, and we believe that, irrespective of your position on the bill, these are changes that can be supported.

The first thing this bill does, as has been referred to, is to tighten up the language on what we mean by partial-birth abortion. There was some concern principally about a situation where the doctor would be delivering a baby with a normal delivery, but the baby would be delivered breech. And that happens on occasion. The baby is delivered in a breech position. The concern is that some complication may occur in the course of this breech delivery, and the doctor would be required, in order to save the mother's life, to perform some sort of procedure that would result in the killing of the baby.

Those are always very terrible situations. But the AMA was concerned that, because the definition was not specific enough from their reading, some zealous prosecutor could come out and accuse the doctor, who has not performed an abortion—does not intend to perform an abortion—but performed a normal delivery and, because of a complication, that somehow he or she could be covered under this act.

We have tightened up the language with mens rea, to use the legal term. That directs the mental state—as to what the doctor was doing when he was delivering the baby for the purpose of a live birth and is not doing an abortion.

So we tightened that language up substantially to satisfy that. That kind of situation would no longer be covered under the act. Frankly, I don't believe it is covered under the original act. But this makes it crystal clear that it is not covered under the act.

I think to the extent that we have made that clear and that it is positive to the extent that we have put in the requisite mens rea for a criminal statute, which arguably was somewhat vague in the original bill, we have now done that. We have tightened it up. This is a good, solid criminal statute as a result of that.

Second, as was discussed in the AMA letter, the State medical boards, we understand that if the doctor is going to be charged in doing one of those procedures, there is going to be medical evidence presented. The doctor and his team are going to present their medical experts, and the prosecutor will present their medical experts.

This gives us some medical expertise, if you will, that is not in either camp but gives us a peer review determination as to what they saw happen and what they believe happened. It will most likely result in as many people who agree with the physician as not. It is not something that we believe is a stacked deck one way or the other. We believe it is a legitimate peer review mechanism.

It is admissible in court but not determinative. It is simply medical evidence to be used should the prosecution continue with the case. We think that is important. It certainly is important for the professional standards that the AMA and other State medical associations would like to see in their profession.

So we have no problem with that. We believe it is legitimate medical evidence that would be otherwise included. So that is, again, a positive contribution to the legislation.

The other change is really the ultimate of technical changes that was surplus language in the life-of-the-mother exception where we said basically twice that it was the only procedure necessary. We said it twice. You don't need to say it twice. You just say necessary. It was the only procedure available that is necessary to save the life of mother. We don't say ''necessary'' twice. So we eliminated the surplus language.

Those are the three changes. They certainly do not go to the substance of the legislation. They are technical in nature. They are defined and solidifying in nature as a criminal statute and, I believe, a positive contribution.

I believe eventually, whether it is in the next few months as a result of this bill being passed and either signed by the President or having the President's veto overridden, that this bill will end up in court. Someone will challenge the constitutionality after this legislation.

My feeling is that this legislation not only has to be solid on the basis of abortion law, but also it has to be solid based on criminal law and how a criminal statute is drafted.

I think what we have done with these changes is improve the language as a criminal statute. I think that is very important, and I would hate to go through the entire legislative process and have the courts say, ''Well, on abortion law you are fine, but on criminal law you are too vague, and we are throwing it out for that.''

That would be a disconcerting result, one that I do not want to see and one that I believe is greatly reduced as a result of the changes that we hope to make tomorrow in this legislation, and which we will make tomorrow.

I have to say, finally, how excited I am that the AMA has stepped forward and supported this legislation.

This is the association that is the most preeminent association that oversees medicine in this country. As Dr. Seward said, partial-birth abortion is not good medicine. As Dr. C. Everett Koop said, it is not medically necessary for the life and health of the mother to do this procedure. This is a procedure that is a rogue procedure. It should be an outlawed procedure. We are attempting to outlaw this procedure because it just simply goes too far.

I am hopeful, with the support of the preeminent medical authority in this country, the American Medical Association, Members of this Senate will look long and hard now in these last few hours before the vote, which we are hoping to have scheduled tomorrow afternoon, they will look long and hard at the changes, at the evidence that now has been presented, the facts that have now been presented as a result of some of the admissions by the abortion industry as to what a partial-birth abortion is, when it is used, who it is used on, all of this new information that we have been presented in the Senate since the last vote a year ago, almost a year ago, and hopefully it is enough evidence and enough change in the statute that is being proposed, the bill that is being proposed, that we will get the requisite 67 votes.

I know there are a half a dozen or more Members who have still not publicly announced what their position is on this bill. That is more than enough votes for us to get it to the 67 we need to override the President's veto. I ask each and every Member who is not committed, and, frankly, I would ask those Members who are committed in light of the evidence that has been presented, in light of the changes that we have made in this legislation, in light of the AMA's strong endorsement and support for this legislation, to take another look. I know it is very difficult for Members on this issue to walk outside of their camp of support. If you are a pro-choice Member, it is very difficult to walk outside of that camp and venture away from those groups of abortion-rights supporters who have supported you in your election and who by and large agree. But it takes a lot of courage to look at your friends and tell them when they are wrong. The AMA supports legalized abortion, and they have been able to look at their friends and say in this case you are wrong; this is not an approved medical procedure and we should not have it legal in this country.

That took a lot of courage. I commend them for their courage. I just suggest that if the AMA can stand up to others in the medical community who believe abortion anytime, anywhere, under any procedure should be legal, they are willing to stand up to those within their ranks who hold that very extreme position, then I hope Members of this body who are not supposed to come here to argue extremist, irrational positions but here to represent what is in the best interests of this country will be able to look into the faces of the organizations that I know they seek support from on election day and with whom I know they

find themselves in agreement on most occasions, look at them and say, you have gone too far this time; we have to draw a line somewhere on this issue; it is not an absolute right for anyone at any point in time under any method to kill their children, that we have to have limits. Even Senator DASCHLE and, to some degree, although minor, Senators FEINSTEIN and BOXER have admitted there is some limit here as to what we can do, on what we should allow in the area of abortion.

The AMA and other professionals in the field have stood up and said this is the line to draw. I hope Members have the courage to stand up and say this is where we draw the line. I commend Members who have done that already. I commend them for their understanding that, frankly, this is less about abortion and more about infanticide; this is more about when we take a baby that is out of the womb, being born, outside of the mother and, frankly, gratuitously kill that baby. We have gone too far. There is no medical reason that a baby four-fifths delivered, everything outside of the mother with the exception of the head, there is no reason to perform a procedure on that baby that kills it at that point. There is no medical reason to protect the life or health of the mother ever to kill the baby at that point. In fact, it is more dangerous for the mother to insert instruments, to puncture bone by stabbing the baby at the base of the skull. That is dangerous to the health and life of the mother. It is obviously very dangerous to the baby.

That is not a safe procedure. You cannot argue that the baby sitting there in that position, that it is for the health of the mother to insert an instrument into the baby's skull. It is not. It can never be. So what we are saying is, whether it is partial-birth abortion or all length, give the baby a chance. Give the baby a chance.

There may be cases, and we understand that—folks who have gotten up and argued to ban this procedure have always recognized that there are situations in which the health and life of the mother are in danger and that separation of the child from the mother is necessary to protect the mother's health and life. But it is never necessary, certainly not by doing this barbaric procedure, to kill the baby in the process. You have a baby four-fifths born with a tiny head that is inches away from that first breath. Let the baby be born. Give it at least a chance to see if that baby can survive. Why do violence to that little baby? There is no medical reason. Why protect a procedure that does violence unnecessarily to little babies who otherwise would be born alive? They may not survive long. They may only survive minutes or hours. But give them the dignity of being born and brought into our human community. Give them the dignity of not having violence be the only thing they know of this Earth. Give them the dignity of life and memory as a part of our human family.

I am very hopeful that as a result of the endorsement of the AMA and other evidence that has come out, we can muster up the moral courage to say no to this procedure. I hope you can.

I hope that anyone who is in the sound of my voice will call, write, fax, E-mail, pray, send any kind of communication they possibly can to Members of the Senate who are going to be voting here tomorrow on this legislation asking that they now look at the evidence presented, look at the changes in the legislation, look at the evidence that has been presented and make the right decision for these children, make the right decision for our culture.

I thank the Chair.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I appreciate so much the remarks of the Senator from Pennsylvania. I associate myself with everything he said, and I intend to speak on this subject tomorrow before we have the final vote. I trust that Members will give it great thought before they make their final decision because we are on the verge of making a determination that I think is very important to the future of this country.

THE QUADRENNIAL DEFENSE REVIEW

Mr. COATS. Mr. President, this evening I should like to take just a very few moments to report, along with my colleague from Connecticut, Senator LIEBERMAN, on the recently released Quadrennial Defense Review. It was released today by the Secretary of Defense. It is the culmination of a very extensive process at the Department of Defense over the shape and makeup, the characterization and the implementation of our Armed Forces for the next several years.

We are at a unique point in our history, particularly as it relates to defense issues. We have come through a period of time when our strategy was primarily based on the threat from another superpower—the Soviet Union—a nuclear threat that required an extraordinary commitment of resources, of manpower, of effort to try to contain and to try to nullify that threat. With the fall of the Berlin Wall, with the fall of the Soviet Union, with the realignment that has taken place with the United States emerging as the one superpower in the world, we may have the luxury of looking at our defense structure, of making decisions and beginning a process of fashioning our defense forces for the threats of the future and not the threats of the past.

It is important to recognize, as Secretary Cohen has and as acknowledged in this Quadrennial Defense Review which was just released today, this is not a status quo situation. We have made extraordinary strides in terms of reshaping our forces from perhaps what was the peak of our defense effort in 1985, a very, very substantial decline in the number of active duty forces and the percentage of our budget and percentage of our gross national product that is devoted to defense. In the process, much of the framework that puts us in a position to make decisions in the future has at least been initiated, and the QDR, Quadrennial Defense Review, encompasses a lot of that thinking.

Because so often in the Congress we receive the conclusion of the analysis of the Department of Defense after all the decisionmaking process has been conducted and after the options have been evaluated, we do not have those same resources here in the Congress to ask the appropriate questions and get the full view of where we think we ought to go with our national defense policy. So Senator LIEBERMAN and I, along with others, in last year's authorization bill created a National Defense Panel consisting of outside experts in military affairs, who had a lifetime of experience, who could give us through this process a second look, a second opinion. I am pleased that they were able to have access to the process, the thinking process and the decisionmaking process that was undertaken in the Department of Defense on the QDR. They will now undertake a very thorough and very complete analysis of this QDR and report back to Congress. We have their preliminary report. They will report back to Congress no later than December 15 of this year giving us their view of current threats and future threats the United States might face, the strategy that we ought to employ to address those threats, as well as how we ought to implement that particular strategy and how we pay for it.

So we are looking forward at a process, and I have described this process in some detail because I do not want Members to think that this is the final chapter in the book. This really is the initial chapter in the decisionmaking process that has to be undertaken by the Congress and the administration over the next several months, if not several years, as we look into the next century and try to define the national defense strategy and the force to implement that particular strategy.

I will say this: I think the Secretary of Defense and the people who have undertaken this effort, the QDR, have done this in good faith. I think they have asked the tough questions. They have evaluated the various options. They will admit that this is an initial stage of the process and not the final chapter. They will indicate that there is more to come. There are more decisions to be made.

But I also say to my colleagues, a lot of the burden and responsibility also falls on us. The Department of Defense has presented its viewpoint of where we are going in the future, but we are the ones who have to ultimately make the decision as to whether to ratify what they have said, modify what they have

said, or reject what they have said and come up with our own alternatives. There are issues in the QDR Report to which a lot of Members, various Members, are going to say: ''wait a minute, that gets a little too close to home.'' We are talking about two more rounds of base closings. We have reduced our force structure more than a third since 1985, and yet we have reduced our infrastructure, our bases which support that force structure, by only approximately one-half of the amount that we reduced manpower. There is infrastructure that is excessive, and we are looking at a very difficult decision, in terms of how to go ahead and continue to advance the process of closing bases, of scaling back infrastructure, because every dollar spent on a facility or a support function that does not go to support our forces takes resources away from more pressing needs. To simply preserve excess infrastructure because it happens to be in a particular State or particular Member's district, or to preserve it because we were not able to come to a conclusion about closing it results in dollars staying in infrastructure that take away dollars from the very badly needed modernization of our forces, from research and technology, and from support for our active duty forces in terms of their readiness and deployment, et cetera.

So we have to recognize that the decisions that will be made here, whether it is streamlining the Department of Defense, whether it is consolidating or streamlining various defense and support agencies, which is recommended here—I wish the QDR provided recommendations in more detail, but it is recommended here nonetheless—whether it is closing bases, and even decisions on modernization will be made in this Chamber, will be made by these Members, and they will not be easy decisions.

We all recognize, I think, that one of the most important actions we can take, as this report says, is make decisions about modernizing our forces and investing in research and development of new technology. Whether this relates to platforms like tactical air for the Air Force and the Navy, ships for the Navy, land forces for the Army and Marines, or new technology to advance the way they do their business, all of that requires resources. And all of that will have to be done with offsets, because we pretty much have a static budget line. Without an external threat that we can foresee right now and without a major conflict, we are going to be at a pretty level funding appropriation for the next several years. If that is the case, then, if we want to retain the forces readiness, if we want to retain our current forces capability to deal with the threats as we see them, and if we want to restructure and modernize the force, we are going to have to provide them with the resources, and the only place we can get the resources is from existing expenditures.

This report takes us some of the way down that road. I am a little disappointed in the QDR in that it did not more specifically outline how we can go about particularly restructuring the base closing procedure, how we can restructure some of the defense or support agencies, how we can restructure the Reserve and the National Guard to better complement our active duty; but also to define, in some sense, different roles for them in that process, how we could go forward in making the decisions on modernization, what the different options are, and so forth.

I think there are several questions that Congress is going to have to address. I just mentioned modernization. Commitment to modernization, yes, but where do we put that money? What research? What new technologies? What new military platforms—ships, planes, et cetera—should we select? And how many of those should we buy?

These are critical decisions. It is not enough just to say we need to increase our modernization budget. It is where we put those dollars that will be critical to define the military of the future, and how we address these questions about the role of the Guard and Reserve and the reductions in defense infrastructure, which I mentioned earlier. I am disappointed we did not address the medical care issue in the QDR. Clearly, how we provide medical care for our active duty servicemembers and their family members, Reserve forces and others such is a major cost item in the defense budget. That needs to be addressed in the future.

Missile defense, how we allocate funds to missile defense, the Secretary says we have a shortfall in research and development funds for a National Missile Defense System and we need to shift a substantial amount of money, up to $2 billion, into that particular account—where does that money come from? That is not identified.

These are all issues which the Congress is going to have to grapple with in the next several months. Beyond that, we need to ensure that, in our thinking, we realize this is the beginning and not the end of the process. We need to look to outside sources like the National Defense Panel to give us guidance in terms of what the proper questions are: How we look at the scenarios in the future that will require a defense structure to address those challenges; how we devise the right kind of strategy to meet the threats; how we build in the flexibility—because we do not know what all those threats are going to be—how we build in the flexibility to have our forces able to adapt to those threats of the future; how we avoid making critical mistakes in resource allocation that prohibit us from having that flexibility in the future; how we go about implementing all of this and how we come up with the resources to address it.

So there are many, many questions still outstanding. It is an ongoing process. I look forward to working with my colleague, Senator LIEBERMAN of Connecticut, as we explore this, as well as my other colleagues, both on the Senate Armed Services Committee and the House Armed Services Committee, as well as our colleagues here in the Senate.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend and colleague and, on matters of defense, my partner, Senator COATS from Indiana.

Mr. President, I want to add a few words to those spoken by my colleague about the Quadrennial Defense Review, which was released by Secretary of Defense Cohen earlier today. It has been my pleasure to work with the Senator from Indiana, as well as with our colleagues on the Senate Armed Services Committee, Senator MCCAIN, Senator ROBB, Senator KEMPTHORNE, Senator LEVIN, and many others in a bipartisan effort that led to legislation requiring the Quadrennial Defense Review and the National Defense Panel.

Our intent in sponsoring this legislation, was to drive the defense debate to a strategy-based assessment of our future military requirements and capabilities, not to do a budget-driven incremental massage of the status quo.

We were motivated by two factors in calling for this over-the-horizon review of our defense needs. First, we did not want this to be just another annual report on what our defense needs are. Second, we wanted to force the Pentagon to look beyond the short range and to understand that many of us inside and outside of Congress believe that the decisions we are making today will affect our ability to protect our national security 10 to 20 years out.

From my first review of the Quadrennial Defense Review I would say while the report issued today does not live up to the high expectations I had for it, it is a step forward in the process that Senator COATS has just described. If we want to make defense decisions effectively, we have to consider two dramatic changes that have occurred in our world, which are influencing our defense needs. One is the dramatic and ongoing change in the post-cold-war world; second is the extraordinary change in technology, the transition we have made from an industrial age to an information age, which inevitably will affect the way wars are fought.

Even before it was released, the Quadrennial Defense Review achieved, I think, an important part of our goal by catalyzing a broad and vigorous debate within the Pentagon which engaged more people who considered more options than either of the previous two post-cold-war security assessments done in the Bush administration and then in the first year of the Clinton administration. The reviewing process began, also, to stimulate similar debate outside of the Pentagon and outside of Congress. I believe that all those involved in the Pentagon effort

have done well by debating the controversial questions and in making recommendations they believed were essential, even though some of those did not, in my opinion, go far enough and were not bold enough, and even though some of them are recommendations that will be controversial here in Congress.

I want to particularly draw attention to significant steps forward that are made in the QDR in three critical areas.

First, I believe the QDR has developed a much more comprehensive view of our strategic future military environment than we had from the two previous studies; that is, the way in which the national security environment, will be affected by unconventional threats to our security, including, of course, terrorism and chemical and biological warfare, but also including the capacity of an enemy to strike at us in what the military calls an asymmetrical way, that is, to find our vulnerability, invest much less than we spend on our military, and then to strike at that vulnerability.

Second, I think the QDR has taken some significant steps forward in beginning to deal with management improvements within the Pentagon and in confronting the need for some reductions in manpower and some reductions in acquisition of high-visibility procurement programs and in recommending, as Senator COATS has indicated, two additional rounds of BRAC, of the base closure process. To put it mildly, that will not be popular on Capitol Hill. And, yet, the more you look at the reductions that have already occurred in the size of our military forces and the extent to which we have reduced tooth but not reduced tail, it is hard to conclude that, in the interest of our national security, we do not need to further reduce military infrastructure.

Third, although I would criticize the QDR for being more budget driven than strategy driven, the Pentagon has presented some conclusions about reducing forces that they assume can help bring the defense program more closely and realistically in line with the fiscal assumptions that they are operating under.

Nevertheless, why do I say the report, as I looked at it this afternoon, does not live up to my own hopes for it? I find it to be too much of a status-quo document. While it is true we have reduced personnel and force structure significantly since the close of the cold war, the shape and focus of our military remains substantially what it was then. This report represents, as others have said, essentially a ''salami-slicing'' approach. It is not a dramatic change, nor does it seem to point to future dramatic changes to deal with increased workload for our military forces to respond to the much more complicated geopolitical situation nor to changes in technology, which have created a revolution in military affairs.

Mr. President, as I said a moment ago, the report was more budget driven than strategy driven. Perhaps that is understandable for the Pentagon has to live within the constraints we impose, but I must say, Senator COATS and I and the others did not introduce legislation which called for this Quadrennial Defense Review as a way to cut the defense budget. That might be a result, but a future-oriented review might just as logically lead to an increase in the defense budget, depending on what a strategic review of the world determines that our future defense needs will be. In fact, as you look at the more comprehensive strategic review of the future of the military environment that is in this QDR, it argues for additional capacity to that which the report continues to advocate: Which is the capacity to meet two major regional threats, a series of additional requirements, including terrorism, chemical and biological warfare, missile defense, and peacekeeping. Yet, I don't see the connection between what I think is the more accurately described complicated strategic future we have and the programs the report advocates to meet that future.

The report is not strategy driven. It continues to require that the military be structured to deal with two major regional conflicts but its assessment of the strategic environment raises questions about whether that is an appropriate standard, particularly since one of those conflicts presumably would be on the Korean Peninsula against North Korea, a state that many question will constitute a threat to security very much longer. So, as we look 10 to 20 years out, will our major threat in Asia be on the Korean Peninsula, or will it come from another great power or midsize power that has gained nuclear capability and can disrupt the entire region?

The report makes no recommendations for change to the organization of the current force and only minor changes to the size of that force. As I have indicated, some weapons-purchasing programs were reduced, but no major programs have been canceled. Perhaps even more important, from my own point of view, as we look forward, no new programs were recommended to deal with the extraordinary range of threats and responsibilities that are described in the strategic review part of the report. The explosion in technology could literally and totally change the way enemies will fight us and what weapons they will employ, while at the same time creating enormous opportunities for us, if we wisely and boldly use technology, to fundamentally improve our military capability to defend our interests perhaps in a much more cost-effective way.

I also was disappointed that the report did not deal with the further implementation of the Goldwater-Nichols legislation, which I think most observers would say has not fully achieved its goals for more jointness. The fact is, too much of what happens in the Pentagon and our military still happens in the stovepipes of the four services. We do not see enough cooperation across service lines—joint training, for instance—to either achieve the dollar savings or the increases in fighting effectiveness that many observers think will come from increased jointness.

Mr. President, a final word. There is a brief reference to space and the role space may play in future warfare. Remember, we are talking about 10 to 20 years from now. It is hard to imagine as we see the world depend more and more on space-based satellites that our future enemies will not rely on a wide range of space-based capabilities to fight us. It seems to me this suggests a very, very urgent need for us to consider the implications of that for our future military preparedness, including very controversial questions, which I think we have to consider in the responsible exercise of our duties, whether we should proceed with what might be called the weaponization of space, and what we should do to develop capacity to defend against attacks on us from space.

In summary, I feel strongly that we need to act more boldly and broadly now. We need to stop doing business as usual now so we can better respond to the challenges of the future, and that goes not just for those in the Pentagon, but also for those of us in Congress, because the decisions that we are making today will commit enormous national resources and determine the military forces we will have for decades.

The fact is that the extraordinary victory we achieved in the gulf war was the result not only of the extraordinary military leadership we had and the extraordinary bravery and skill of our troops on the ground, in the air, on the water, but it also was the result of decisions and investments made in the seventies in military technology that came online and were available to be used in the early 1990's in the gulf war.

We have to think, as we make the decisions we do committing hundreds of billions of dollars to defense programs, whether these are the programs we will need 10 and 20 years from now. The fact is, if we choose unwisely and a future opponent chooses more wisely, we may well be jeopardizing not only the lives of our soldiers, but also the lives of our children and our grandchildren. When we discover that, we will have precious little time and perhaps not the resources to fix our mistakes.

So in those ways, I find the QDR to be lacking, but Senator COATS and our cosponsors anticipated this and believed it would be the first step in a dynamic process. I hope that is the way in which the QDR, will be seen—as a first step, an important one—in a series of steps to determine what our future military needs will be. It does, in fact, provide a sound base from which this critical discussion can proceed.

I think Secretary Cohen himself has recognized this is only the beginning—

it is the end of the beginning, not the beginning of the end—not only in what he specifically said, but in the fact that last week he announced the appointment of a task force which will now go the next step, particularly in considering reform of the Office of the Secretary of Defense.

We all have high hopes for the independent National Defense Panel, that was created as part of our legislation, to go further and create clear alternatives and to begin to identify the critical unanswered questions that we are left with after reading the QDR. Then, as Senator COATS has said, it will be up to those of us in Congress and to those in the White House and the administration to absorb the recommendations of the QDR we received today; then of the National Defense Panel which will be presented to us in December; and then to push boldly against the status quo.

Our responsibility may require us to make difficult decisions about the weapons we buy and where our forces will be based and how they will be structured so that tomorrow's American military will be ready to meet the security threats of the next century in the most cost-effective and technologically dominant way.

The point is this: Some people will say, ''QDR says it all, we're doing well, our security is clear. If it ain't broke, don't fix it.'' Of course, we agree our security is strong today and it ain't broke today, but if we don't fix it, it will be broke 10 or 20 years from now, and we will not have fulfilled the fullest measure of our responsibility under the Constitution to provide for and protect the common defense.

I thank the Chair.

Mr. COATS. If the Senator will yield.

Mr. LIEBERMAN. I will be happy to yield to the Senator from Indiana.

Mr. COATS. Mr. President, I certainly agree with my colleague—we worked on this together—that this QDR report doesn't meet all of our expectations. We wanted a more visionary document. We wanted some bolder challenges, at least a broader definition of what the future might look like and what options we would have to address it, because the point is that we are at such a critical decisionmaking point, in terms of allocation of resources, that we need that look into the future in order to try to make the decisions that will give us the flexibility and the resources to address those future threats.

The real concern here is that we stay locked into, not necessarily a status quo proposal, but one that closely resembles the current state of affairs within the military, and that we will, on that basis, make decisions that will preclude us from having the resources to make different decisions in the future or to address different threats in the future. That, again, is the reason why we wanted a national defense panel, outside evaluators and experts, to give us some guidance on that.

While that Panel's report will not be available to support us in this year's decisionmaking process for the fiscal 1998 budget, it will be available for us next year. So I hope we can keep that in mind when we are allocating these resources and making these decisions.

Second, I say to my friend from Connecticut that, while many of our colleagues, and many individuals, will criticize this QDR as a status quo document, my guess is it will be extraordinarily difficult to convince them that they ought to adopt even half of the proposals of this status quo document because it will affect bases that are located in their State, it will affect defense contractors that manufacture defense products in their State, and so on.

Each of us has our favorite service, I suppose, perhaps one we served in. We try to be objective in that, but, you know: ''I was a marine, and therefore, we're not taking one person away from the Marines,'' or, ''I served in the Navy, and we can't take ships down.'' ''They build ships in my district; therefore, I can't support any changes in shipbuilding.'' And on and on and on it goes. We have that fight every year.

So my guess is that, if we can implement half of what is here, it would be a pretty extraordinary step for Congress.

Now, what is the point? The point is that we cannot just always blame the Department of Defense for not being bold enough, challenging enough, visionary enough when we ourselves are not willing to take some of those steps. So it is going to require several things: one, some good outside evaluation and expert help for us to even ask the right questions in order to arrive at the right decisions; and, second, some bold initiatives and some courage on our part in order to enact and effect some of these decisions.

The Senator from Connecticut talked about a different kind of threat, driven by technology, that we are just now beginning to understand. We probably are not looking at the massed formation type of standoff, a mass army versus mass army threat that we have looked at in the past. We are looking at technology which can give our adversaries advantages that perhaps we have not even thought of and capability we have not even thought of; but yet also offer us great promise in terms of defense capabilities to counter those threats if we can anticipate them coming our way in the future.

So there is a lot of work to do. I guess the caution here is that we allow ourselves to get outside the normal pattern of how we make decisions and how we appropriate funds for defense, to think beyond the next election cycle, to think into the next century, to be willing to take bold steps in either saying no or in saying yes to decisions that will have tremendous future implications for this Nation.

What does that mean? That means that we have to have an open mind, we have to see this as a process and not as a fixed point for which decisions made today will necessarily be those decisions which will be implemented tomorrow. We have to retain that flexibility as we understand how to develop a national defense strategy for the future.

It has been said that no major changes in military affairs in history have ever occurred except after a crushing defeat. We had a stunning victory in Operation Desert Storm. I think a lot of that was accomplished because of the lessons we learned in Vietnam, the changes that were consequently made. Yet, for us now to rest on that success and pretty much indicate that we are not willing to make major changes would condemn us to the lessons of history; we cannot simply strengthen and retain the capabilities of our last success, but we must fully understand and prepare for the potential of our next war. We want to avoid preparing for the past.

That is going to take some bold thinking. That is going to take some stepping outside the box to take some challenging questions about current assumptions and the current status quo as we look out in the future. I think we have started that process.

I want to commend my friend from Connecticut for all the effort that he has put into this and our other colleagues who have been involved in setting up our National Defense Panel and working with the Department of Defense, working with the new Secretary, who I think is committed and pledged to do this very thing.

I thank the Senator for his time.

Mr. LIEBERMAN. I thank my friend from Indiana for his comments, which I agree with totally.

Part of what we are saying—I echo him—is the world is changing so dramatically that we must make sure that our national security structure changes as well. There is not a company doing business in America today the way it did 5 or 10 years ago, let alone 30, 40, or 50 years ago. What strikes me as so stunning is that the companies that are doing best today are looking ahead 3, 4, 5, 10 years forward to figure out how they are going to need to change to make sure they are still on top. There are limits to that comparison, but that is what we are trying to do with our national security structure.

We are, in a sense, being the burrs under the saddle here because we are riding tall in the saddle right now as a country. We are very strong. But history tells us that unless you look forward and change with the times, particularly to begin to absorb the full measure of technological change in your military plans, then you are not going to be riding securely for very long.

Just to echo a final point, a very important one, when we drafted this legislation, Senators COATS, MCCAIN, ROBB, KEMPTHORNE, LEVIN, and others,

and I had in mind that it was not just the Pentagon—as big and bureaucratic, although very effective, an institution as it is—that needed an outside push; it was Congress, it was us because we are as prone to ride along with the successful status quo and not take the painful looks out over the horizon, particularly if they affect us, as some of these changes may.

So this is the first step. It is an ongoing process. I feel even more strongly that legislation was correct in calling for an independent panel, a national defense panel. And ultimately it will be up to the Armed Services Committees, the Appropriations Committees, and all the Members of both Houses to have the guts to make the tough decisions today that will guarantee that America is strong and secure tomorrow and a lot of tomorrows forward into the 21st century.

I thank the Presiding Officer, and I yield the floor.

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 sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:01 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1385. An act to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1385. An act to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes; to the Committee on Labor and Human 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–1872. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94–05; to the Committee on Appropriations.

EC–1873. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 96–08; to the Committee on Appropriations.

EC–1874. A communication from the Director of Defense Research and Engineering, Depeartment of Defense, transmitting, pursuant to law, the report on the Master Plan for Science, Mathematics, and Engineering Education for fiscal year 1996; to the Committee on Armed Services.

EC–1875. A communication from the Secretary of Defense, transmitting, the notice concerning a retirement; to the Committee on Armed Services.

EC–1876. A communication from the Secretary of Defense, transmitting, the notice concerning a retirement; to the Committee on Armed Services.

EC–1877. A communication from the Secretary of Defense, transmitting, the notice concerning a retirement; to the Committee on Armed Services.

EC–1878. A communication from the Secretary of Defense, transmitting, pursuant to law, the notice concerning a retirement; to the Committee on Armed Services.

EC–1879. A communication from the Secretary of Defense, transmitting, pursuant to law, a notice relative to live fire testing of the V–22 Osprey aircraft; to the Committee on Armed Services.

EC–1880. A communication from the Acting Assistant Secretary of Commerce for Export Administration, transmitting, pursuant to law, a rule relative to the list of entities of proliferation concern, (RIN0694–AB60) received on May 12, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1881. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, a rule relative to expansion of short-form registration, (RIN 3235–AG82) received on May 9, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1882. A communication from the Acting President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the semiannual report on tied aid credits; to the Committee on Banking, Housing, and Urban Affairs.

EC–1883. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report for the Strategic Petroleum Reserve for 1996; to the Committee on Energy and Natural Resources.

EC–1884. A communication from the Acting General Counsel of the Department of Energy, transmitting, pursuant to law, two rules relative to Unfunded Mandates Reform Act, received on March 25, 1997; to the Committee on Energy and Natural Resources.

EC–1885. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the U.S. Uranium Industry for calendar year 1995; to the Committee on Energy and Natural Resources.

EC–1886. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report on matters contained in the Helium Act for fiscal year 1996; to the Committee on Energy and Natural Resources.

EC–1887. A communication from the Secretary of the Interior, transmitting, pursuant to law, the biennial report on the Quality of Water, Colorado River Basin, Progress Report No. 18; to the Committee on Energy and Natural Resources.

EC–1888. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1889. A communication from the Acting Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, the report of a notice on leasing systems; to the Committee on Energy and Natural Resources.

EC–1890. A communication from the Acting Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, two rules relative to Arkansas and North Dakota, received on April 23, 1997; to the Committee on Energy and Natural Resources.

EC–1891. A communication from the Chairperson of the Klamath River Compact Commission, transmitting, a report relative to Congressional authorization to implement a management plan; to the Committee on Energy and Natural Resources.

EC–1892. A communication from the Assistant Secretary of the Treasury, transmitting, a draft of proposed legislation to amend the Internal Revenue Code; to the Committee on Finance.

EC–1893. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to Notice 97–28, received on May 6, 1997; to the Committee on Finance.

EC–1894. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Announcement 97–52, received on May 12, 1997; to the Committee on Finance.

EC–1895. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report relative to Revenue Ruling 97–20, received on April 23, 1997; to the Committee on Finance.

EC–1896. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report relative to Revenue Ruling 97–22, received on May 1, 1997; to the Committee on Finance.

EC–1897. A communication from the National Director, Tax Form and Publications Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of rule relative to private printing of substitute forms W–2 and W–3, (Rev-Proc. 97–24) received on April 24, 1997; to the Committee on Finance.

EC–1898. A communication from the National Director, Tax Form and Publications Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of rule relative to Medical Savings Accounts, (Rev-Proc. 97–25) received on May 6, 1997; to the Committee on Finance.

EC–1899. A communication from the Chief of the Regulation Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to Revenue Procedure 97–27, received in May 1997; to the Committee on Finance.

EC–1900. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, a rule relative to United States Savings Bonds, received on May 1, 1997; to the Committee on Finance.

EC–1901. A communication from the Assistant Commissioner (for Examination) of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, two

rules relative to the mining industry, received on May 6, 1997; to the Committee on Finance.

EC–1902. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, a rule relative to Treasury Bills, received on May 12, 1997; to the Committee on Finance.

EC–1903. A communication from the Chairman of the Social Insurance Committee of the American Academy of Actuaries, transmitting, pursuant to law, the annual reports of the Board of Trustees of the Federal Hospital Insurance Trust Fund and the Federal Supplemental Medical Insurance Trust Fund calendar year 1997; to the Committee on Finance.

EC–1904. A communication from the Chairman of the Social Insurance Committee of the American Academy of Actuaries, transmitting, pursuant to law, the report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds for calendar year 1997; to the Committee on Finance.

EC–1905. A communication from the Administrator of the Department of Health and Human Services, transmitting, pursuant to law, the annual report of the Rural Health Care Transition Grant Program for 1997; to the Committee on Finance.

EC–1907. A communication from the Chief of Staff, Officer of the Commissioner, Social Security Administration, transmitting, pursuant to law, the report of rule relative to the Earning Test, (RIN0960–AE60) received on April 22, 1997; to the Committee on Finance.

EC–1908. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–1909. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of a proposed approval of a manufacturing license agreement; to the Committee on Foreign Relations.

EC–1910. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–1911. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of a proposed approval of a manufacturing license agreement; to the Committee on Foreign Relations.

EC–1912. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–1913. A communication from the Secretary of Defense, transmitting, pursuant to law, the report relative to the semi-annual report on program activities for facilitation of weapons destruction and non-proliferation in the Former Soviet Union; to the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations.

EC–1914. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated March 1, 1997; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Energy and Natural Resources, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, and to the Committee on the Judiciary.

EC–1915. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to accredited veterinarians, received on May 7, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1916. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to pork products from Mexico, received on May 7, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1917. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to pork products from Mexico, received on May 7, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1918. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to pork products, received on May 14, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1919. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to cotton, received on May 12, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1920. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to tobacco, received on May 7, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1921. A communication from the General Sales Manager of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to commercial export programs, received on May 12, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1931. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93–11; to the Committee on Appropriations.

EC–1932. A communication from the Secretary of Defense, transmitting, notices relative to retirements; to the Committee on Armed Services.

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. HELMS (for himself, Mr. FAIRCLOTH, Mr. ASHCROFT, Mr. GRASSLEY, and Mr. SESSIONS):

S. 763. A bill to amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to expel a student determined to be in possession of an illegal drug, or illegal drug paraphernalia, on school property, in addition to expelling a student determined to be in possession of a gun; to the Committee on Labor and Human Resources.

By Mr. SPECTER (for himself, Mr. SANTORUM, and Mr. LAUTENBERG):

S. 764. A bill to reauthorize the mass transit programs of the Federal Government; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI:

S. Con. Res. 27. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002; from the Committee on the Budget; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS (for himself, Mr. FAIRCLOTH, Mr. ASHCROFT, Mr. GRASSLEY, and Mr. SESSIONS):

S. 763. A bill to amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to expel a student determined to be in possession of an illegal drug, or illegal drug paraphernalia, on school property, in addition to expelling a student determined to be in possession of a gun; to the Committee on Labor and Human Resources.

EDUCATION LEGISLATION

Mr. HELMS. Mr. President, I have just presented a bill to the clerk, S. 763, the goal of which is to strike a decisive blow in the war against drugs by protecting America's schoolchildren from the scourge of drugs in their classrooms.

Before anyone says, ''Here we go again,'' I counsel all to consider the differences between this bill and anything which was enacted before.

Incidentally, I am honored to be joined in the sponsorship of this measure by several distinguished Senators—Mr. FAIRCLOTH, Mr. ASHCROFT, Mr. GRASSLEY, and Mr. SESSIONS.

Specifically, this legislation will require each school accepting Federal education funds under the Elementary and Secondary Education Act of 1965 to adopt a zero tolerance policy regarding illegal drugs and illegal drug paraphernalia in schools. Zero tolerance means what it sounds like. It requires the expulsion, for not less than 1 year, of any student who possesses this contraband at school. This will send a clear message to students, parents, and teachers: Drugs and schools do not mix.

Illegal drug use is, in my judgment, the most insidious and destructive influence in our country today. Its cost to society, in terms of crime and wasted lives, is enormous. Just think of the innocent babies born already addicted

to drugs; think of the families destroyed because fathers, mothers, or children care more about where they will get their next fix than they do their loved ones; think of the neighborhoods that have been devastated by swaggering drug dealers peddling poison. These terrible things are going on right in the shadow of this Capitol in which the U.S. Senate operates.

Mr. President, Americans have heard these tragic stories so often that some citizens have questioned the wisdom of waging war against drugs. Last fall, California and Arizona voters took the unprecedented step of legalizing the so-called medicinal use of drugs, such as marijuana, heroin, and LSD, and in an outrageous decision reported recently, a Federal judge in San Francisco, Judge Fern Smith, ruled that the Federal Government cannot impose sanctions on doctors who recommend marijuana to their patients, despite the fact that such use remains illegal under Federal law.

Is it not time to say enough is enough? Is it not time to go all out in the drug war? Mr. President, the answers to these questions are obvious: It is time and we must do it. It is time to take every possible step to reverse this retreat from responsibility, and eliminating drugs from America's classrooms is the imperative, inescapable first step.

Anybody wondering if this bill is needed should take a look at the results of the latest ''Monitoring the Future'' [MTF] study of drug use among America's 8th-, 10th-, and 12th-graders and ''The National Household Survey on Drug Abuse'' study which measures drug use among the general population. Both studies dramatically confirm what many of us have known: We have lost ground in the war against drugs over the past 4 years. Most disturbing is the shocking increase in illicit drug use by our school-age children.

The findings in the ''Monitoring the Future'' study are eye-opening: 50 percent of 12th-graders have used illicit drugs during their lifetime; about 25 percent have used drugs during the past 30 days; almost one-third of 8th-graders have used illegal drugs during their lifetime; with about 15 percent of 8th-graders using it in the last 30 days. Marijuana use among 8th- and 10th-graders almost tripled from 1992 to 1996, while 5 percent of 12th-grade marijuana users are daily users.

But perhaps the most distressing finding is that the youngest students surveyed, our 8th-graders, report the highest rate of heroin use. Moreover, the percentage of actual drug use may be even greater than reported, because the MTF does not survey school dropouts. Instead, it relies solely on student self-reporting.

Similarly, ''The National Household Survey on Drug Abuse'' found startling increases in drug use among teenagers over the last 4 years. For example, the survey found that teen cocaine use increased 166 percent in 1 year, 1994–95; teen use of LSD and other hallucinogens skyrocketed 183 percent from 1992 to 1995; and the use of marijuana among teenagers soared 141 percent over the same period.

So, Mr. President, it is no coincidence that drug use among our children has skyrocketed. Drug dealers deliberately target our young people to be both consumers and distributors of illicit drugs because our children are our most precious and vulnerable resource. As a result, students report that drugs are now the No. 1 problem they face, far outdistancing any other concern. That, by the way, was the finding of a recent survey conducted by the Center on Addiction and Substance Abuse at Columbia University. And what an alarming conclusion it was, that it is our students who are on the front lines of the war against drugs.

Today, students of all ages have immediate access to a wide variety of drugs that are cheaper and more powerful than those of the past. According to the Center on Addiction and Substance Abuse, 69 percent of 17-year-olds report going to schools where students keep, use, and sell drugs. Here in the Nation's Capital authorities have closed unsafe schools for fire code violations, yet thousands of children still attend drug-infested schools. Billions of dollars spent on schools will accomplish little, Mr. President, if we do not first ensure that our children are safe there.

The relationship between violence and drug use is clear. The most recent national Parents' Resource Institute for Drug Education [PRIDE] survey found that students who carried guns to school were 20 times more likely to use cocaine than those who did not bring a gun to school. Gang members were 12 times more likely to use cocaine, and students who threaten others were 6 times more likely to be coke users.

The findings of a recent Department of Education report prepared by the Research Triangle Institute, in my home State of North Carolina, confirmed the findings of the PRIDE study. The Research Triangle Institute, found—and I quote—''[t]he use of drugs was related to violent behavior in schools. A much larger percentage of current users of alcohol and/or other drugs (32 percent of them) reported being involved in school fights as the aggressors than did current nonusers (14 percent of those students) or students who had never tried drugs (6 percent).''

Mr. President, that report went on to say that 37 percent of the students reported that they are afraid of attacks at school while 29 percent said they feared attacks when traveling to and from school. And, sadly, we must acknowledge that those fears are too often justifiable.

According to the North Carolina Center for the Prevention of School Violence, over 8,100 incidents of school violence were reported in North Carolina during the last full school year. Possession of a controlled substance, possession of a weapon other than a firearm, and assault on a school employee together accounted for 85 percent of those incidents. That study concluded: ''[t]he high number of reported weapon possessions may be reflective of student concern for their own safety, even in schools, since the most often cited reason for carrying weapons * * * is 'protection'.''

Parents and Government have a duty to do everything we can to protect children from the ravages of illegal drugs and the crimes spawned by the drug trade. Up until now—I think we ought to be frank with each other and acknowledge that we have failed miserably. It is not enough to prohibit students from taking guns to school if we do not address the reasons why they do so.

Mr. President, Congress addressed the issue of school violence in 1994 with the passage of the Gun-Free Schools Act, which required States to adopt a law mandating the expulsion of any student who brings a gun to school.

During debate on that bill, it was argued that we should state, as a matter of policy, that children should not bring guns to school. In my opinion, the Senate should also state, as a matter of policy, that drugs have no place in school. That is why I am offering today S. 763, a bill which I believe to be a logical and commonsense extension of the 1994 law.

Like that act, the bill sponsored by myself and several other Senators conditions the receipt of Federal education dollars, that is to say, Federal funds, on a State's adoption of a policy requiring the expulsion, for not less than one year, of any student who brings illegal drugs to school. Now, like the Gun-Free Schools Act, this bill does not create a new criminal offense, but it does require schools to refer violators to proper law enforcement authorities.

Both the 1994 act and the bill I am introducing today are flexible. Each bill allows the chief administrative officer of a school district to grant an exemption on a case-by-case basis, and permits, but does not require, school districts to establish alternative education facilities for violators.

So I think the policy is firm, yet fair. The drug trade and the violence associated with it have no place in America's classrooms. Schools should provide an environment that is conducive to learning and supportive of the vast majority of students who are in school to learn. Children and teachers alike deserve a school free of the fear and violence caused by drugs.

Mr. President, on the issue of drugs, many speeches have been made citing respected authorities and a lot of impressive statistics as I have done today. However, nothing any Senator has said on this floor speaks quite as eloquently of our responsibilities as the statement of one of the students

involved in the Research Triangle Institute study who said—and get this, I say to the Chair and other Senators—this student said, ''I don't like how dangerous it is at this school. I just wish the teachers and the rest of the school staff would have better control over their students and keep kids like me safe.''

Isn't it time for us to give the teachers and school administrators the support they need to remove violence and drug offenders from our schools? I think the answer to that is obvious.

Therefore, Mr. President, the removal of drugs and violence from our schools surely are goals that everybody agrees with. The President, during his State of the Union Address, said that ''we must continue to promote order and discipline'' in America's schools by, as he put it, ''remov[ing] disruptive students from the classroom, and hav[ing] zero tolerance for guns and drugs in school.''

Obviously, I think the President was right on that one. I do not always agree with him, but you can't get any clearer than that. I commend him for that statement, and I hope he will support this effort by several of us who are concerned about the safety of our youngsters. I believe that working together, we can eliminate illegal drugs and illegal drug paraphernalia from America's classrooms.

I ask unanimous consent, Mr. President, that the complete text of the aforementioned bill be printed in the RECORD.

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

S. 763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SAFE SCHOOLS.

(a) AMENDMENTS.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended to read as follows:

''PART F—ILLEGAL DRUG AND GUN POSSESSION

''SEC. 14601. DRUG-FREE AND GUN-FREE REQUIREMENTS.

''(a) SHORT TITLE.—This section may be cited as the 'Safe Schools Act of 1997'.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—Each State receiving Federal funds under this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined—

''(A) to be in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or on a vehicle operated by an employee or agent of, a local educational agency in that State; or

''(B) to have brought a weapon to a school under the jurisdiction of a local educational agency in that State,

except that such State law shall allow the chief administering officer of such local educational agency to modify such expulsion requirement for a student on a case-by-case basis.

''(2) CONSTRUCTION.—Nothing in this title shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

''(3) DEFINITION.—For the purpose of this section, the term 'weapon' means a firearm as such term is defined in section 921(a) of title 18, United States Code.

''(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals With Disabilities Education Act (20 U.S.C. 1400 et seq.).

''(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

''(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

''(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

''(A) the name of the school concerned;

''(B) the number of students expelled from such school; and

''(C) the type of illegal drugs, illegal drug paraphernalia, or weapons concerned.

''(e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

''(f) REPORT TO CONGRESS.—Two years after the date of enactment of the Safe Schools Act of 1997, the Secretary shall report to Congress with respect to any State that is not in compliance with the requirements of this part.

''SEC. 14602. POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.

''(a) IN GENERAL.—No funds shall be made available under this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or on a vehicle operated by an employee or agent of, such agency, or who brings a firearm or weapon to a school served by such agency.

''(b) DEFINITIONS.—For the purpose of this section, the terms 'firearm' and 'school' have the same meaning given to such terms by section 921(a) of title 18, United States Code.

''SEC. 14603. DATA AND POLICY DISSEMINATION UNDER IDEA.

''The Secretary shall—

''(1) widely disseminate the policy of the Department in effect on the date of enactment of the Safe Schools Act of 1997 with respect to disciplining children with disabilities;

''(2) collect data on the incidence of children with disabilities (as such term is defined in section 602(a)(1) of the Individuals With Disabilities Education Act (20 U.S.C. 1401(a)(1))) possessing illegal drugs, or illegal drug paraphernalia, on school property under the jurisdiction of, or on a vehicle operated by an employee or agent of, a local educational agency, engaging in life threatening behavior at school, or bringing weapons to schools; and

''(3) submit a report to Congress not later than 1 year after the date of enactment of the Safe Schools Act of 1997 analyzing the strengths and problems with the current approaches regarding disciplining children with disabilities.

''SEC. 14604. DEFINITIONS.

''In this part:

''(1) ILLEGAL DRUG.—

''(A) IN GENERAL.—The term 'illegal drug' means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under such Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.).

''(B) EXCLUSION.—The term 'illegal drug' does not mean a controlled substance used pursuant to a valid prescription or as authorized by law.

''(2) ILLEGAL DRUG PARAPHERNALIA.—The term 'illegal drug paraphernalia' means drug paraphernalia, as defined in section 422 of the Controlled Substances Act (21 U.S.C. 863), except that the first sentence of section 422(d) of such Act shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)' before the period.''.

(b) EFFECTIVE DATE.—This Act and the amendments made by this Act take effect 6 months after the date of enactment of this Act.

Mr. FAIRCLOTH. Mr. President, I urge my fellow Members of the Senate to support the legislation being introduced today by my distinguished colleague from North Carolina, Senator HELMS—the Safe Schools Act of 1997.

Urgent calls for more and more Federal money for schools to pay for everything from school construction to Internet access are misplaced. I would argue they are misplaced in any case, because decisions about how a school district should allocate its resources are better left at the local and State level. But they are certainly misplaced without a primary commitment to reducing school violence.

Students cannot learn effectively unless they feel safe. It was hard enough to learn in the days when I was in school with the normal distractions—the occasional spitball or gum-smacking student. Now some students worry about whether they will even survive to graduate from high school.

My colleagues have noted the results of several studies which confirm the very strong correlation between school violence and illegal drug use. And we already know the cost illegal drugs have exacted in terms of ruined lives and the breakdown of families. Yet in the past year we have seen two States, California and Arizona, pass laws to legalize the so-called medicinal use of drugs like marijuana, heroin, and LSD. That is why I introduced the Drug Use Prevention Act to impose strict penalties on doctors who prescribe marijuana. As my colleague has noted, a San Francisco Federal judge has recently overruled such penalties. But that particular debate is far from over yet.

Many Americans have concluded that the ground lost in recent years in the war on drugs is not recoverable, that the war is lost. I disagree. Too much is at stake to simply surrender the fight, especially when it comes to providing a safe environment for students in public schools. At the very least, schools should not receive Federal funds unless they refuse to tolerate the presence of drugs as well as firearms on school property.

By Mr. SPECTER (for himself, Mr. SANTORUM and Mr. LAUTENBERG):

S. 764. A bill to reauthorize the mass transit programs of the Federal Government; to the Committee on Finance.

THE MASS TRANSIT AMENDMENTS ACT OF 1997

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that would reauthorize and expand upon existing Federal mass transit programs. My legislation, the Mass Transit Amendments Act of 1997, is intended to lay the groundwork for the Senate's consideration of mass transit legislation in the context of reauthorizing the 1991 Intermodal Surface Transportation Efficiency Act [ISTEA]. Substantial increases in Federal spending on mass transit are warranted, notwithstanding current budget constraints, because a greater commitment to public transportation is in the national interest. I would note, however, that this legislation is an authorization bill which does not increase the deficit; funds authorized to be spent out of the mass transit account of the highway trust fund would still be subject to the annual appropriations process, which is subject to the discretionary spending caps set in the budget resolution and the 602(b) allocation process.

Transit should not be viewed as a partisan issue or a regional issue. This bill recognizes the valuable role transit plays in reducing our energy dependence, protecting our environment, reducing gridlock, and providing access to jobs, schools, and health care facilities for millions of Americans in urban and rural areas throughout the Nation. In particular, I urge my colleagues to review my proposed reverse commute pilot program, which would authorize $250 million annually in new grants targeted at improving access to employment for residents in economically distressed urban areas and rural communities.

This bill is intended to encourage the Banking Committee, led by Chairman ALFONSE D'AMATO and Senator PAUL SARBANES, to report to the Senate legislation which will preserve much of the ISTEA transit program but at increased funding levels which reflect the importance of mass transit to our economy, quality of life, and environment. I look forward to working with Senator D'AMATO, Senator SARBANES, and others on the Banking Committee and Appropriations Committee who want to improve the Nation's transit systems through the ISTEA reauthorization process.

This legislation takes into account the transit industry consensus proposal put forth by the American Public Transit Association (APTA), which represents transit systems, large and small, in all 50 States. I am pleased to note that APTA's new president is Bill Millar, whom I had the pleasure of working with for a number of years when he was the executive director of the Port Authority of Allegheny County.

In preparation for the ISTEA reauthorization process and the annual appropriations process, I have met with many individuals in an effort to learn more about the needs of transit systems, the towns and cities in which they operate, and the riders they are trying to serve. In recent months, I have discussed strategies to increase transit funding with Gov. Tom Ridge, Senator RICK SANTORUM, and Chairman BUD SHUSTER. In addition, I have visited with Jack Leary, the general manager of the Southeastern Pennsylvania Transportation Authority (SEPTA), Mayor Tom McGroarty of Wilkes-Barre, and representatives of the Pennsylvania Public Transportation Association. I have also met with transit system officials during my regular visits to Pennsylvania's 67 counties.

I am particularly pleased to be introducing this bill with my distinguished colleague from Pennsylvania, RICK SANTORUM, who has joined with me regularly to increase support for public transportation, such as when we unsuccessfully offered an amendment to the fiscal year 1996 Transportation appropriations bill to restore $40 million in Federal operating assistance. Both Senator SANTORUM and Gov. Tom Ridge recognize the vital role mass transit plays in Pennsylvania and have worked with me to maximize the Federal resources available to urban and rural transit systems in our State.

I am also pleased that Senator FRANK LAUTENBERG has joined in this bipartisan effort. For two years, Senator LAUTENBERG has joined me in cochairing an informal Senate transit coalition, which has served as an information clearinghouse for Senate transit supporters and their staffs and which will play an even greater role, I hope, during the reauthorization process.

For some time, I have addressed an ongoing threat to our Nation's security and prosperity, a threat with dual roots—in the precarious Middle East and right here at home. As I stated in a speech on the Senate floor on January 30, 1997, I am very concerned by our nation's increased reliance on potentially unstable foreign sources of oil and believe it is critical that during the 105th Congress, we focus on increasing energy conservation.

I have been troubled that United States imports of foreign oil continue to increase from the current 50-percent level, with 20 percent of our purchases coming from the Arab countries of the Organization of Petroleum Exporting Countries [OPEC]. According to the American Petroleum Institute, we import more than 9 million barrels per day, with a 6-percent increase in 1996 alone. This is a huge jump from the 6 million barrels imported per day in 1973. Further, if these trends continue, analysts say in ten years we will look overseas for two-thirds of our energy needs.

In part because of the ready availability of less expensive sources of foreign oil, it has not been cost-effective for U.S. energy companies to increase domestic production. Further, the effectiveness of the strategic petroleum reserve has dwindled because it only holds an amount comparable to 75 days of foreign imports, a situation that was not helped by the Clinton administration's decision last year to sell off approximately 25 million barrels of petroleum from the reserve to generate revenues.

The timing for selling our reserves was less than prudent, particularly considering the state of affairs in the Middle East today. Saudi Arabia, in particular, poses unique cause for concern. If a hostile nation seized Saudi oil wells, the largest reserve in the world, the American economy and world markets could tumble. The deplorable June 25, 1996, terrorist attack at the Khobar Towers facility in Dharhan, which resulted in the murders of 19 airmen and the wounding of more than 400 United States personnel, also gives cause for concern because there is a strong possibility of links to internal domestic struggles in Saudi Arabia. Pressure is mounting from politically activist and conservative Islamic movements to undermine the ruling monarchy, who are viewed by some to be too liberal and western. If American access to Persian Gulf oil cannot be guaranteed, then the United States must reduce its dependence on foreign oil.

While reducing our dependence on foreign oil is a difficult task, we can achieve meaningful reductions in energy consumption by promoting the use of public transportation. On the significant link between energy consumption and our transportation infrastructure, a Department of Transportation study of the 50 largest urban areas in the United States suggests that nearly 4 billion gallons of gasoline a year are wasted due to traffic congestion—approximately 94 million barrels of oil. There is much at stake, for the annual economic loss to businesses in the United States caused by traffic congestion is estimated at $40 billion by the Federal Transit Administration.

Mass transit has developed to include traditional bus and subway lines, commuter rail, cable cars, monorails, water taxis, and several other modes of shared transportation. Public transportation is a lifeline for millions of Americans and deserves substantial funding for that reason alone. However, it deserves even greater funding when one considers that public transportation saves 1.5 billion gallons of fuel consumption annually in the United States and that each commuter who switches from driving alone to using public transportation saves 200 gallons of gasoline per year, according to government and private studies.

Transit also does much to protect our environment. For example, on May 12, I visited the site of the proposed Frankford Intermodal Center in Philadelphia, which will be built on the site of the existing Bridge-Pratt terminal. At present, the terminal serves 40,000 El passengers daily, translating into

17,600 fewer cars on the road each day and mitigating the release of 16,500 pounds of pollutants into the city's air. The new facility is expected to attract new ridership, taking more cars off the streets and reducing pollution even further. But, without increases in transit capital assistance programs, projects such as the Frankford Center will be difficult to get off the drawing boards.

There are ample other reasons to increase our commitment to transit funding. In our States, citizens and communities depend on good public transportation for mobility, access to jobs, environmental control, and economic stability. Public transportation lets the elderly visit their health care providers, shops, or friends. In rural areas, buses are essential to reduce isolation and ensure economic development. Also, children use public transportation to go to school. Without affordable mass transit, people in America's inner cities can't get to work. Under the welfare reform law enacted last year, there are expectations that most individuals receiving welfare benefits will find gainful employment. If they can't afford to get to work, or bus routes are cut, we are just making it that much harder for them to get off welfare. It should also be noted that millions of Americans have jobs in the transit industry, operating and maintaining buses and subways, manufacturing vehicles, and constructing new facilities.

I am troubled that some have proposed freezing Federal transit spending around $4.4 billion. Transit systems depend to a great degree on Federal assistance in order to remain viable. A survey by my staff of 18 Pennsylvania transit operators shows that they receive an average of 26.7 percent of their total operating and capital funding from the Federal Transit Administration. In addition, SEPTA receives 15 percent of its overall funding from the Federal Government—55 percent of its capital funds—and the Port Authority of Allegheny County receives 32.9 percent from FTA. Reductions in Federal operating and capital support cannot necessarily be made up by local sources. Further, if the systems must cut routes, increase fares, and let their facilities fall into disrepair, they will lose the critical mass of riders needed to sustain operation. The Department of Transportation has calculated that $13 billion in annual transit capital spending is needed just to preserve current conditions—$7 billion more than current capital expenditures—demonstrating the great need to increase, rather than freeze, Federal support.

Responding to this need, my legislation includes several provisions to strengthen our transit systems and enable them to respond to our society's growing need for efficient and affordable public transportation.

First, the bill reauthorizes transit programs for 5 years at a total of $34.4 billion through fiscal year 2002. For fiscal year 1997, total transit appropriations are $4.3 billion. Under my bill, the fiscal year 1998 authorization would be $6.5 billion and this figure would be adjusted up for inflation through fiscal year 2002. The authorization is based on calculations of available gasoline tax receipts in the mass transit account of the highway trust fund, considering past surpluses and the additional revenue stream that would be created by diverting a portion of the 4.3 cent per gallon gas tax increase from 1993 into this account. While the $6.5 billion figure may seem substantial to some, I would note that Congress enacted in ISTEA in 1991 a $7.45 billion authorization for fiscal year 1997 in recognition of the importance of investing in public transportation. We have been remiss in not meeting the ISTEA authorization levels. We must do better under its successor legislation.

Under my proposal, discretionary capital grants for new starts, rail modernization, bus acquisitions, and bus facility construction would rise from the current $1.9 billion to $2.5 billion in fiscal year 1998. Formula capital grants would rise from current $2.2 billion to $3.5 billion in fiscal year 1998, meaning more funds for urbanized areas, rural areas, and elderly and disabled program needs. My legislation also preserves operating assistance within the formula program for all areas, unlike pending proposals to eliminate it in fiscal year 1998.

The bill's truth in taxation provision redistributes the 4.3 cent per gallon gasoline tax which is currently going to deficit reduction in the following manner: 0.76 cents to the mass transit account of highway trust fund, 0.5 cents to a new intercity passenger rail trust fund that would serve as a dedicated source of revenue for Amtrak and is identical to the legislation introduced by Senator ROTH (S. 436), and the remaining 3.04 cents to the highway trust fund. I have long argued that gas tax receipts should be used for the transportation infrastructure purposes for which the tax was enacted and that to do otherwise is comparable to the crime of fraudulent conversion, which I used to prosecute as District Attorney in Philadelphia. When people pay Federal taxes at the gas station, they are under the impression that their funds will be used to improve highways and roads and other forms of transportation infrastructure. Accordingly, it is time to redirect the 1993 gas tax increase to its traditional purposes.

As I noted earlier, a new proposal for a reverse commute pilot program is also included in my bill. In order to stimulate economic development and help individuals in both urban and rural areas obtain meaningful employment and job training, the bill authorizes a new $250 million per year discretionary grant program for the Secretary of Transportation to provide funds to States, local governments, and transit systems for pilot projects providing access to suburban jobs and job training to residents of distressed urban areas with a population of over 50,000 and for pilot projects involving access to employment in rural areas as well. Funding uses could include, but are not limited to, grants to employers to purchase/lease a van or bus dedicated to shuttling employees from inner cities to suburban workplaces. Grants could also fund additional reverse commute bus routes or commuter rail operations. Such grants are intended to serve as seed money that will generate self-sustaining commute options for years to come. 954 distressed urban areas currently meet the definition contained in the bill.

This program would not come at the expense of transit core formula and discretionary programs. The reverse commute pilot program would be a separate program and as a member of the Transportation Appropriations Subcommittee, given the importance of helping increase mobility for Americans seeking good jobs, I would urge my colleagues to fund it above and beyond the traditional formula and discretionary grant programs, for which there is already a great need for funds.

My legislation also includes several technical program changes that will benefit transit systems of all sizes. My bill would allow the use of capital grants for maintenance of capital assets, such as buses, subways, which is currently not allowed. It would allow the smallest urban and rural transit systems complete flexibility between use of capital and operating assistance for various needs. It would also allow transit systems that sell capital assets—bought in part with Federal funds—to keep the proceeds and reinvest in new capital assets, rather than returning some small share of the proceeds to the Federal Transit Administration. This is intended to stimulate acquisitions of new equipment and vehicles by such systems.

In conclusion, I urge my colleagues to consider supporting this authorizing legislation, which would spend out funds accumlating in the mass transit account of the highway trust fund, subject to the appropriations process and not in a manner that increases the deficit. I hope that this bill will stimulate debate in the Senate on the need to increase our commitment to mass transit and I look forward to the opportunity to work with the Banking Committee and the Appropriations Committee in the coming months.

I ask unanimous consent to include in the RECORD a brief summary of the bill and four letters in support of the Mass Transit Amendments Act of 1997 from Mr. William W. Millar, president of the American Public Transit Association, Mr. Armando V. Greco of the Lehigh and Northampton Transportation Authority, Mr. Paul Skoutelas, executive director of the Port Authority of Allegheny County, and Mr. Sonny Hall, international president of the Transport Workers Union of America.

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

SUMMARY OF MASS TRANSIT AMENDMENTS ACT OF 1997

1. Reauthorizes transit programs for five years at a total of $34.4 billion through FY 2002

FY97 total transit spending: $4.3 billion appropriated (FY97 authorization $7.45 billion) Proposed FY98 authorization: $6.5 billion (adjust up for inflation through FY2002)

Discretionary capital grants up from current $1.9 billion to $2.5 billion in FY98

Formula capital grants up from current $2.2 billion to $3.5 billion in FY98, meaning more funds for urbanized areas, rural areas, and elderly and disabled program needs

Preserves operating assistance within formula program for all areas

Continues funding for transit planning and research

2. ''Truth in Taxation'' provision redistributes the 4.3 cent/gallon gasoline tax which is currently going to deficit reduction in the following manner:

0.76 cents to Mass Transit Account of Highway Trust Fund

0.5 cents to a new Intercity Passenger Rail trust fund (identical to Roth Amtrak bill S. 436)

3.04 cents to Highway Trust Fund

3. ''Reverse Commute Pilot Program''—In order to stimulate economic development and help individuals in both urban and rural areas obtain meaningful employment and job training, the bill authorizes a new $250 million/year discretionary grant program for the Secretary of Transportation to provide funds to States, local governments, transit systems, and private non-profit organizations for pilot projects providing access to suburban jobs and job training to residents of distressed urban areas with a population of over 50,000 and for pilot projects involving access to employment in rural areas as well. Funding uses could include, but are not limited to, grants to employers to purchase/lease a van or bus dedicated to shuttling employees from inner cities to suburban workplaces. Grants could also fund additional reverse commute bus routes or commuter rail operations. 954 ''distressed urban areas'' currently meet the definition contained in the bill. Grants will be made where they are coordinated with local transportation and human resource services.

4. Technical program changes that will benefit transit systems of all sizes—

Allows use of capital grants for maintenance of capital assets (such as buses, subways) which is currently not allowed.

Allows smallest urban and rural transit systems complete flexibility between use of capital and operating assistance for various needs.

Allows transit systems that sell capital assets (bought in part with federal funds) to keep the proceeds and reinvest in new capital assets.

Amends list of factors to be considered by Metropolitan Planning Organizations to include the transportation requirements of a strategy to revitalize the Nation's inner cities by creating new employment, job training, housing, mobility, and other economic development given the importance of helping increase mobility for Americans seeking good jobs.

AMERICAN PUBLIC TRANSIT ASSOCIATION,
Washington, DC, May 13, 1997.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: On behalf of the American Public Transit Association (APTA), I want to thank you for introducing the Mass Transit Amendments Act of 1997, a bill to reauthorize the federal transit program. APTA strongly supports the Mass Transit Amendments Act of 1997. The bill would build on the success of the Intermodal Surface Transportation Efficiency Act (ISTEA) and increase investment in the nation's transit infrastructure.

Adequate investment in the nation's transit infrastructure is essential to a healthy economy; the movement of people, services, and goods; access to health care, education, and jobs. The Mass Transit Amendments Act would increase investment in the federal transit program providing $34.4 billion for transit program over five years.

Your proposal also recommends a number of substantial and innovative changes to current law which we strongly support. It permits a wide range of maintenance activities to be funded with capital funds and grants small urbanized areas the authority to use formula funding for capital or operating expenses. The bill recommends the use of the 4.3 cents fuels tax that now goes to deficit reduction for transportation purposes, including intercity passenger rail and proposes a number of changes aimed at making program delivery more efficient. We are pleased to note that many of the provisions of your bill are consistent with APTA's ISTEA reauthorization proposal, which has been endorsed by our membership.

The Mass Transit Amendments Act will help us address the nation's transit needs, and you can count on APTA's membership to support this important legislation.

Sincerely yours,

WILLIAM W. MILLAR,
President.

PORT AUTHORITY OF ALLEGHENY COUNTY,
Pittsburgh, PA, May 19, 1997.

Hon. ARLEN SPECTER,
U.S. Senator,
Washington, DC.

DEAR SENATOR SPECTER: I am writing to express my strong appreciation for your leadership in developing legislation to reauthorize federal programs supporting public transportation. The $6.5 billion annual funding level for transit proposed in your legislation recognizes the need for additional reinvestment and expansion in our public transportation infrastructure. Your legislation also recognizes the importance of continuing the strong federal-state-local partnership that has been so successful in funding public transportation.

Public transportation is a vital component of economic development strategies in Allegheny County. The capital investment programs outlined in your bill recognize this important relationship. Providing access to jobs is another area of fundamental importance to our economic systems. Your legislation addresses this in your innovative welfare to work program and in other policy initiatives. Still another priority is the need for transit providers to have the flexibility of using funds in accordance with the needs they know best. Again, your legislation establishes this important new direction in the federal program.

On a typical weekday over 250,000 riders use Port Authority to travel to and from their jobs, to shop, to worship, to go to school, or to pursue other social and professional needs. Public transportation provides daily mobility to the millions who use it for its convenience, cost savings, and to those who have no alternative means of transportation.

We are grateful to you, your cosponsors Senator Santorum and Senator Lautenberg, and your Senate colleagues who have stepped forward as advocates for national transportation policies fostering mobility and balanced transportation alternatives. I look forward to working with you as this legislation is considered in the coming months.

Sincerely yours,

PAUL P. SKOUTELAS,
Executive Director.

TRANSPORT WORKERS UNION OF AMERICA,
New York, NY, April 21, 1997.

Hon ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: I am writing to congratulate you on the introduction of the Mass Transit Amendments Act of 1997. The Transport Workers Union strongly supports this legislation because it increases the money available for mass transit and preserves crucial 13(c) protections for our members. We also commend you for the provisions in the bill which allow use of capital grants for maintenance of capital assets—an idea the TWU has supported for many years.

The TWU is grateful that you have again stepped forward to support mass transit and mass transit workers. We hope that the progressive concepts in your legislation will be enacted and we will do all we can to assist you in achieving that result.

Sincerely,

SONNY HALL,
International President.

LEHIGH AND NORTHAMPTON, TRANSPORTATION AUTHORITY,
Allentown, PA.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: For the Lehigh and Northampton Transportation Authority, I extend a thank you for the time you afforded us during our recent visit to Washington. Your continued support for Pennsylvania public transportation is very much appreciated.

As part of the visit you shared with us the draft of the Mass Transit Amendments Act of 1997 and requested comments. Several items are listed below for your consideration, but I must begin by noted our general concurrence and support for the program changes and funding levels proposed. LANTA and the PA transit industry is prepared to support your legislative effort.

The items for change are as follows:

1. The reverse commute program should permit rural pilot projects as well as urban.

2. The population threshold for distressed urban areas should be set at 50,000.

Both of these changes are based on experiences LANTA has encountered in the communities adjacent to the Lehigh Valley. Access to employment is a problem found in all communities without regard to size.

Again, thank you. We look forward to working with you as ISTEA moves through the reauthorization process.

Sincerely,

ARMANDO V. GRECO,
Executive Director.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. ROTH, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for American families, and for other purposes.

S. 102

At the request of Mr. BREAUX, the name of the Senator from Maine [Ms. SNOWE] 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. 222

At the request of Mr. DOMENICI, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 222, a bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

S. 358

At the request of Mr. DEWINE, the names of the Senator from Kansas [Mr. BROWNBACK] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 387

At the request of Mr. HATCH, the names of the Senator from Indiana [Mr. LUGAR], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 734

At the request of Mr. BREAUX, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 734, a bill to amend title XVIII of the Social Security Act to make certain changes to hospice care under the Medicare program.

SENATE RESOLUTION 76

At the request of Mr. THURMOND, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Ohio [Mr. DEWINE], the Senator from New York [Mr. D'AMATO], the Senator from Hawaii [Mr. AKAKA], the Senator from Delaware [Mr. BIDEN], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Resolution 76, a resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace and liberty around the world.

SENATE RESOLUTION 85

At the request of Mr. GREGG, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THOMPSON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, May 20, at 4 p.m. for a markup on the following agenda:

LEGISLATION

S. 261, the Biennial Budgeting and Appropriations Act.

S. 207, the Corporate Subsidy Reform Commission Act of 1997.

S. 307, to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of assistance to impoverished families and individuals, and for other purposes.

H.R. 680, to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

NOMINATIONS

David J. Barram, to be Administrator, General Services Administration.

Kenneth M. Mead, to be inspector general, Department of Transportation. (Sequential referral with Commerce Committee).

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 full Committee on Energy and Natural Resources.

The hearing will take place Wednesday, June 11, 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 oversight of the State side of the Land and Water Conservation Fund.

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 COMMITTEE TO MEET

SPECIAL COMMITTEE ON AGING

Mr. HELMS. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on May 19, 1997, at 2 p.m. for the purpose of a hearing.

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

ADDITIONAL STATEMENTS

FRANKLIN DELANO ROOSEVELT MEMORIAL

• Mr. GRAMS. Mr. President, today I rise to proudly acknowledge the contribution that my home State of Minnesota made to the recently dedicated memorial to Franklin Delano Roosevelt.

On May 2, 1997, over 6,000 people joined President Clinton beside the tidal basin midway between the Jefferson and Lincoln Memorials to dedicate a memorial to our Nation's 32d President, Franklin Delano Roosevelt. As those present at the dedication walked among the granite walls, waterfalls, and bronze sculptures, they were witnessing a piece of history which Minnesota's own Cold Spring Granite Co. helped make possible.

Minnesota's role in the Roosevelt Memorial began in 1975 when designer Lawrence Halprin chose Cold Spring Granite for the walls and floor of the memorial. Located just south of the Granite City of St. Cloud in central Minnesota, Cold Spring Granite Co. provided the more than 6,000 tons of granite that adorns the memorial.

Started in 1898 by Henry N. Alexander, the Cold Spring Granite Co. has grown into one of the world's largest granite quarrying and fabrication operations. Today the Cold Spring Granite Co. is headed by Patrick D. Alexander, the grandson of Henry Alexander, who oversees a company of over 1,400 employees with five fabrication facilities and 28 quarries located throughout North America.

Mr. President, the Franklin Delano Roosevelt Memorial is expected to draw as many as 2 million visitors each year. I am pleased that those who visit this site will see not only a memorial to one of our Nation's most remembered Presidents, but also a testament to the hard work and patriotism of the men and women of Minnesota, particularly the dedicated employees of the Cold Spring Granite Co.•

DEATH OF JEFFREY J. DYE

• Mr. AKAKA. Mr. President, it is with a heavy heart that I rise to observe the untimely death late last month of my former Senate staff member, Jeffrey J. Dye, the young executive director of the Tennessee Democratic Party, and the only son of Dennis and Janell Dye.

After serving less than 2 months in his new position, and reportedly meeting every challenge that this difficult job had to offer, Jeff was struck down in the very prime of life, at 27, by an epileptic seizure.

It was a tragedy to his family, his friends, and the party he served with such fire and dedication.

Jeff's passing has a very personal impact, Mr. President, because he worked for me for 2½ years, first as a research assistant and later as a legislative correspondent, until he obtained a coveted

position with the Democratic Legislative Campaign Committee [DLCC] last July.

As a Senate staffer, Jeff displayed the thirst for knowledge and eagerness to serve that characterizes many idealistic youth who come to Washington, He fulfilled his duties capably and supported me and my legislative staff in my Senate responsibilities. He gave much, Mr. President, and he learned much about the duties and responsibilities of public service.

But it was clear from the start that Jeff chafed to do more. His endless interest in the political drama of our times, coupled with his youthful energy, finally turned him to the arena that he truly was born for: electoral politics, the art and science of political campaigning.

Never was there an operative so constitutionally fitted for the rock and roll of modern, media-age politics as he. Jeff loved the ups and downs of elections, the eat-or-be eaten nature of the democratic process, whether in the form of a Presidential campaign or a race for the local school board. He had a Texas-size appetite where these things applied.

But Jeff was not merely interested in the process. He was driven by a real concern for the people of our country. He had a passion to help ordinary Americans, and an abiding confidence in the ability, and indeed the obligation, of government to help the less fortunate. That is why he worked long hours, well into the evenings, to learn more about the political profession.

Indeed, Jeff had a personal vision, one that he shared with some of my staff. He hoped to use the Internet as a communication tool for campaigns. His idea was to establish a multicandidate, multiparty bulletin board on the Internet for campaign literature and party platforms. Through this means, he hoped that everyone might have access to the information they needed to make better decisions about candidates and campaigns. Campaigns would thus be fairer and more informed.

So when Jeff left my office last July to take up a position with the DLCC, the organization within the national Democratic Party that focuses on electing Democrats to State legislatures, I felt the loss of his departure but understood that he was going forward in the right direction. And when I heard that his success at the DLCC led to a position with the Tennessee Democratic Party, I knew he had found his dream.

Jeff's unexpected death the third Monday in April was thus double tragic, for in addition to his youth, he seemingly had at last found a position that exactly meshed with his temperament, interests, and abilities. His opportunities appeared boundless.

But if Jeff was taken from us just as he appeared to be fully engaged in life, we must remember that he died doing that which he truly loved. How many of us can say the same?

Mr. President, Jeff's years among us were far too few, but let us take comfort in the knowledge that he lived them fully. May his parents and loved ones take solace in his bright memory.●

TRIBUTE TO DOROTHY CALLAGHAN, NEW HAMPSHIRE'S MOTHER OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President. I rise today to pay tribute to Mrs. Dorothy McGettigan Callaghan of Rochester, NH, for receiving New Hampshire's Mother of the Year Award.

Dorothy has strengthened her family with pride, dedication, and love, always putting the interests of her children first. She was raised with eight brothers and sisters, on a large farm in Wilton. Dorothy received her B.A. and her master of education degrees from Keene State College in Keene, NH. She has taught school in Rochester for 27 years and coached many youth sport teams. She is an active member of local school committees. Dorothy is also a eucharistic minister and has been honored as Rochester's Citizen of the Year and Teacher of the Year.

Her courageous fight against leukemia has created more volunteer opportunities, including Daffodil Days for the Cancer Society, the Jimmy Fund Marathon for the Dana Farber Cancer Institute, as well as making bandannas for cancer patients. She has turned a personal battle into a way to help others in unfortunate situations

Dorothy was chosen for her contributions and dedication to her community and family in accordance with the national mission of American Mothers, Inc. Dorothy is the mother of seven children and grandmother of six grandchildren. She has been married 33 years to Frank Callaghan. .

I commend Dorothy Callaghan for her long career of excellence as a mother and as a teacher who believes that children are individuals and should be treated that way. New Hampshire is fortunate to be blessed by her leadership and dedication. I applaud Dorothy Callaghan for her outstanding work with the children of New Hampshire and am proud to represent her in the U.S. Senate. Congratulations Dorothy.●

THE SECURE PUBLIC NETWORKS ACT

● Mr. KERREY. Mr. President, over the last several weeks, I have been meeting with colleagues about the need to aggressively pursue legislation to facilitate the creation of secure public networks for communication, commerce, education, research, telemedicine, and Government. There is an urgent need to enact legislation this year which can advance the creation of new networks and balance America's compelling interests in commerce and security.

Secure networks are critical for the protection of personal privacy and the promotion of commerce on the Internet and other interactive computer systems.

The Congress has been gridlocked for more than a year in a debate about the Nation's export policy for encryption software. I believe that meaningful compromise can be found on this issue which can clear the way for the consideration of broader legislation which fosters the creation of secure networks.

If we are successful, a powerhouse of economic activity and opportunity can be unleashed.

Senators BURNS and LEAHY as well as Congressman GOODLATTE have introduced legislation which identifies a real problem with the current law on the export of encryption software. Thanks to their leadership, there is a growing consensus that reform is needed. In many ways, the introduction of their legislation has already motivated meaningful changes in the administration's policy on software exports. Yet, even with those changes, the underlying law needs to be changed and a broader agenda for secure networks needs to be adopted.

What must happen in a relatively quick fashion is an agreement on a bipartisan, bicameral process to enact secure network legislation which includes a solution to the encryption export riddle. Our goal should be to enact legislation which the President can sign by October 1, 1997.

The ability to use strong encryption is an important element in creating secure networks. Through encryption, messages are encoded and decoded. Encryption protects privacy and security. The American people need to know that their communications are safe and that the most private, confidential personal information can be confidentially communicated on computer networks.

Encryption however, poses some very serious problems for law enforcement and national security which cannot be ignored. The challenge is to promote the use of encryption in a manner that does not unduly compromise national security or public safety and does not unnecessarily burden industry.

What needs to be created is an electronic environment which gives users total confidence in the security of commercial transactions and personal communications. To do so, a largely private infrastructure must be developed to provide for authentication of messages, keys, and digital signatures and when necessary, the recovery of keys.

As the largest purchaser of computer software and hardware, the Federal Government can create important incentives to help the market swiftly respond to this need.

I see three big interests at stake—network commerce, network government, and network security. First, the need to facilitate commerce, both in advancing America's leading position as an exporter of software and in the

promotion of commerce on the Internet, grows in importance every day. Second, there is the civic interest of Government. The American people should be able to have secure access to their Government, for the resolution of problems, the communication of ideas and access to services via electronic networks. Third, there is a security interest of law enforcement and national defense. Defensively, that interest is to protect citizens from foreign or criminal violations of privacy. Offensively, there needs to be a means fully consistent with our Constitution for discreet access to communications. That digital access should be no more or less expansive than exists in the nondigital world.

Mr. President, there needs to be a commitment to a process for resolving a host of issues. First and foremost what is needed is a commitment by the leadership of this Congress to work together in good faith to find a resolution that can be signed into law by the President.

I have proposed a discussion outline for compromise. If there can be agreement on principle and process, I am confident good faith negotiations between all interested parties can meet the ambitious goal of new legislation before the end of this session of Congress. This outline is meant to spark discussion and facilitate compromise on some very challenging issues. It is by no means etched in stone and I welcome suggestions for improvement and additions.

Mr. President, I ask that the text of the Secure Public Networks Act discussion outline be printed in the RECORD.

The material follows:

THE SECURE PUBLIC NETWORK ACT DISCUSSION POINTS

PURPOSE

To encourage and facilitate the creation of secure public networks for communication, commerce, education, research, tele-medicine and government.

A. DOMESTIC USES OF ENCRYPTION

(1) Lawful Use of Encryption: Domestic use of encryption for any lawful purpose shall be permitted. No mandatory third party key escrow system for domestic encryption.

(2) Unlawful Use of Encryption: Penalty for the use of encryption technology in the furtherance of a crime—5 years or fine for 1st offense, and 10 years or fine for 2nd offense.

(3) Privacy Protection:

Penalties for:

(a) Unauthorized use of keys, authentication or identity;

(b) Unauthorized breaking of another's encryption codes;

(c) Theft of intellectual property on line through unauthorized interception of messages;

(d) Issuing key to unauthorized person;

(e) Impersonating another to obtain key;

(f) Knowingly issuing key in furtherance of criminal activity.

(4) Access to Encrypted Messages by U.S. Government Agencies: Access to encryption key by government entities only through properly executed court order (or certification under Foreign Intelligence Surveillance Act).

(5) Access to Encrypted Messages by Foreign Governments: Attorney General may seek a court order for a foreign government pursuant to treaty and U.S. law.

(6) Civil Recovery: Recovery against the USA when information is improperly obtained or released.

(7) Destruction of intercepted information: Once lawful use of intercepted information is complete, intercepted information shall be destroyed.

(8) Illegal Disclosure: Violation of law to disclose recovery of information or execution of order.

B. GOVERNMENT PROCUREMENT

(1) Policy: It is the policy of the U.S. Government to create secure networks which permit public to interact with government through networks which protect privacy, intellectual property and personal security of network users.

(2) Government Purchases of Software: All encryption software purchased by the U.S. Government for use in secure government networks shall be software based on a system of key recovery.

(3) Software Purchased With Federal Funds: All encryption software purchased with federal funds shall be software based on a system of key recovery.

(4) U.S. Government Networks: All networks established by the U.S. Government which use encryption shall use encryption based on a system of key recovery.

(5) Networks Established With Federal Funds: All encrypted networks established with the use of federal funds shall use encryption based on a system of key recovery.

(6) Product Labels: Products may be labeled to inform user such product is authorized for sale or use in transactions with the U.S. Government.

(7) No Private Mandate: No federal mandate of private sector encryption standards other than for use in federal computer systems, networks or systems created with federal funds.

C. EXPORT OF ENCRYPTION

(1) Department of Commerce: The Department of Commerce shall be the lead agency on encryption software exports and have sole duty to issue export licenses on commercial encryption products and technologies.

(2) General License: Exports of encryption software up to * * * and software with encryption capabilities up to * * * shall be subject to a general license (license exception) provided, the product, or software being exported:

(a) Is otherwise qualified for export;

(b) Is otherwise legal;

(c) Does not violate U.S. law;

(d) Does not violate the intellectual property rights of another; and

(e) The recipient individual is otherwise qualified to receive such product or software.

The President may by executive order increase permissible encryption strength which is exportable under general license (license exception).

(3) General License (license exception)—Unlimited Strength: Exports of encryption software with unlimited strength permitted under general license (license exception) provided there is a qualified key recovery system or trusted third party system for encryption product.

(4) Fast Track Review: Fast Track consideration of licenses for certain institutions:

(a) Banks;

(b) Financial Institutions; and

(c) Health Care Providers

(5) Prohibited Exports: Export shall be prohibited when Secretary of Commerce finds significant evidence that product for export would be used in acts against the national security, public safety, integrity of transportation, communications, financial institutions or other essential systems of interstate commerce; diverted to a military, terrorist or criminal use, or re-exported w/o US authorization.

(6) License Review: In evaluating requests for export licenses for products with encryption capabilities, (in strengths above the level described in (C)(2)), the following factors shall be among those considered by the Secretary:

(a) Whether a product is generally available and is designed for installation without alteration by purchaser;

(b) Whether the product is generally available in the country to which the product would be exported; and

(c) Whether products offering comparable security and level of encryption is available in the country to which the product would be exported.

Licenses will be granted at the Secretary's discretion.

D. VOLUNTARY REGISTRATION SYSTEM

(1) Certificate Authorities: Secretary may establish procedures to register certificate authorities. Certificate authorities shall verify use of public keys and digital signatures.

(2) Agent Registry: Secretary may establish procedures to register key recovery agents.

(3) Public Key Certificates: Secretary or Certificate Authority may issue public key certificates.

(4) Voluntary System: Use of key management system is voluntary.

(5) Incentive to Use Voluntary System: Use of registered key management system shall be treated as evidence of due diligence and reasonable care in any civil or criminal proceeding.

E. LIABILITY LIMITATIONS

(1) Compliance with request: No liability for disclosing recovery information to government agency with properly executed order;

(2) Compliance defense: No liability for complying with Act.

(3) Good Faith Defense: Good faith reliance on court order is a complete defense.

F. INTERNATIONAL AGREEMENTS

The President shall conduct negotiations with other countries for the purpose of mutual recognition of Key Recovery and Certificate Authorities registered in USA.

G. CIVIL PENALTIES

(1) Civil Penalties: In addition to criminal penalties, Secretary shall establish civil penalties for violations of this act.

(2) Injunctive Relief: Attorney General may bring action to enjoin violations of act and enforce recovery of civil penalties.

(3) Jurisdiction: Original Jurisdiction of Federal District Courts for actions under this section.

H. RESEARCH

(1) Information Security Board: The Information Security Board shall be established to make recommendations to President and Congress on measures to establish secure networks, protect intellectual property on computer networks; promote exports of software, protect national security and public safety.

(2) Coordination: Coordination between federal, state and local law enforcement shall be encouraged.

(3) Network Research: Secure network research shall be encouraged.

(4) Annual Report: The NTIA in consultation with other federal agencies shall issue an annual report on secure network developments. The report shall review available information and report to the Congress and the President on developments in encryption, authentication, identification and security

on communications networks and make policy recommendations to the President and Congress.

I. PRESIDENTIAL POWER

The President may waive provisions of this Act with a finding of danger to national security, public safety, economic security, or public interest. President must report waiver to Congress in classified or unclassified form w/I 30 days of Presidential action.

J. MISC

(1) Severability.
(2) Interpretation: Will not affect intelligence activities outside USA; and will not weaken intellectual property protection.
(3) Definitions.
(4) Dates of regulations.
(5) Authority for fees.●

TRIBUTE TO ALEX HENLIN, BISHOP GUERTIN SENIOR, AND WINNER OF THE AMERICAN LEGION'S NATIONAL ORATORICAL CONTEST.

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Alex Henlin, a Bishop Guertin High School senior, on winning the American Legion's National Oratorical Contest. This is certainly an accomplishment of which he should be very proud and I salute him for his achievement.

Alex, 18, resides in Dracut, MA. He is president of his senior class and plans to study government next fall at Georgetown University. He was one of the State's representatives to the American Legion's 1996 Boys' Nation conference in Washington.

His speech, ''A More Perfect Union,'' reported the U.S. Constitution as being a versatile, living document able to address unforseen circumstances. Alex warned that amendments should not be created to address trivial issues. As a former history teacher, I admire and commend Alex's commitment to our Nation's most precious document.

Alex brought home an $18,000 college scholarship in addition to a $2,000 scholarship he received from the State contest. The national contest was hosted by Indiana University and Purdue University in Indianapolis.

I congragulate Alex Henlin on his outstanding accomplishments. I commend his hard work and perserverance and wish him luck at Georgetown in the fall semester.●

BAXTER BLACK COMMENTARY ON RANCHERS IN THE DAKOTAS

● Mr. CONRAD. Mr. President, livestock producers across the Dakotas have suffered immeasurable losses this winter. Baxter Black, cowboy poet and commentator on National Public Radio, wrote a touching piece describing the struggles of ranchers facing the realities of the season's severe weather. National Public Radio aired the commentary on April 23.

Mr. President, I ask that the following transcript of Mr. Black's commentary be printed in the RECORD.

The transcript follows:

WE UNDERSTAND

Repeat after me: I do solemnly swear as shepherd of the flock to accept the responsibility for the animals put in my care, to tend to their basic needs of food and shelter, to minister to their ailments, to put their well being before my own if need be, and to relieve their pain and suffering up to, and including, the final bullet. I swear to treat them with respect, to always remember that we have made them dependent on us, and therefore have put their lives in our hands, as God is my witness.

Helpless. The worst winter in Dakota's memory. Cattle losses already predicted up to 50,000 head. And how did they die? From exposure and lack of feed. Basic needs—food and shelter. And now the flooding.

You think those Dakota ranchers said, ''Well, I'll just close down the store and put on the answering machine, we'll wait'll the storm blows over, no harm done''?

No, they couldn't. Wouldn't.

''Charlie, you can't go out there. The cows are clear over in the west pasture. You can't even see the barn from here.'' But he tried anyway. Tried to get the machinery running, tried to clear a path, tried to load the hay, tried to find the road.

These are not people who live a pampered life. These are not people who are easily defeated. These are not people who quit trying. But days and weeks on end of blizzards, blowing snow, and fatal wind chills took their toll.

Cattle stranded on the open plains with no cover, no protection, no feed, no place to go, and no relief from the Arctic fury died in singles and bunches and hundreds and thousands, frozen as hard as iron.

And back in the house sat the rancher and his family, stranded, unable to do what every fiber in their bodies willed them to do, knowing that every hour he could not tend his cows diminished him in some deep, permanent, undefinable way, changing him forever.

The losses will eventually be tallied, the number of head, and extrapolated to dollars. But dollars were not what kept him pacing the floor at night, looking out the window every two minutes, walking out in it 50 times a day, trying, trying, trying, knowing if he could only get to them he could save them. And then finally having to face the loss, his failure as a shepherd. That's what kept him trying. Exhausting, depression, and despair.

It's hard to comfort a person who has had his spirit battered like that. ''It couldn't be helped, there's nothing you could do,'' is small consolation.

So, all I can say to our fellow stockman in the Dakotas is, in our own way, we understand.●

TRIBUTE TO GARY HODSON ON BEING NAMED THE 1997 SOMERSWORTH CITIZEN OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Gary Hodson, postal carrier of Somersworth, on being named the Citizen of the Year by the Greater Somersworth Chamber of Commerce. I commend his outstanding community commitment and congratulate him on this well-deserved honor.

Gary's community involvements are numerous but his special dedication was directed to youth. Gary serves as director of youth education at Holy Trinity Church and volunteers teaching on evenings and weekends. He is president of the baseball, football, and hockey boosters.

Gary is known to many as always willing to take responsibility to make his community a better place to live and raise children. He puts forth his time and energy to help the youth of the community. Whatever he commits to, he always gets the job done.

Gary has dedicated his time, talent, and energy to serving the residents of Somersworth in an exemplary way. I am proud to honor Gary Hodson's outstanding community commitment, which is so important to the youth and their future. We are indeed indebted to him for his efforts. Congratulations to Dan for this distinguished recognition. I am honored to represent him in the U.S. Senate.●

PARTIAL-BIRTH ABORTION—THE TRUTH

● Mr. ABRAHAM. Mr. President, I would like to submit the following testimony for the RECORD. Dr. Curtis Cook is a board-certified obstetrician/gynecologist and a subspecialist in maternal-fetal medicine in Michigan. In March, Dr. Cook testified before the House-Senate joint hearing on ''Partial-Birth Abortion—The Truth.'' His expert testimony speaks to both the medical necessity of the partial-birth procedure and the issue of fetal pain during the procedure.

The testimony follows:

TESTIMONY BY CURTIS COOK, M.D., MATERNAL FETAL MEDICINE, BUTTERWORTH HOSPITAL, MICHIGAN STATE COLLEGE OF HUMAN MEDICINE

My name is Dr. Curtis Cook. I am a board-certified Obstetrician/Gynecologist and a subspecialist in Maternal-Fetal Medicine (also known as Perinatology or High Risk Obstetrics). In my practice I take care of referred complicated pregnancies because of preexisting chronic medical conditions of the mother, or suspected abnormalities in the baby. I am also the Associate Director of our region's Maternal-Fetal Medicine division and also serve as Assistant Residency Director for our Obstetrics and Gynecology training program, I am an Assistant Clinical Professor at Michigan State University of College of Human Medicine, and a member of the American College of OB/GYN, The Society of Perinatal Obstetricians, The American Medical Association, and the Association of Professors of Gynecology and Obstetrics. I am a founding member of PHACT (Physicians Ad Hoc Coalition for Truth about Partial Birth Abortion), which I helped organize after hearing the appalling medical misinformation circulated in the media regarding this procedure. PHACT includes in its membership over 400 physicians from Obstetrics, Maternal-Fetal Medicine and Pediatrics. Many of these physicians are educators or heads of departments, and also include the former Surgeon General, C. Everett Koop. All that in required of a physician for membership in an Interest in maternal and child health, and a desire to educate the population on this single issue.

I must begin my statement by defining partial birth abortion as the feet first delivery of a living infant up to the level of its after coming head, before puncturing the base of its skull with a sharp instrument and sucking out the brain contents, thereby killing it and allowing the collapse of its skull and subsequent delivery. This description is based upon the technique of Dr. Haskell of Ohio, who has subsequently identified it as accurate. He has referred to his technique as

''D & X'' (Dilatation and Extraction), while Dr. McMahon of California refers to it as an ''intact D & E.'' An ACOG ad hoc committee came up with the hybrid term ''intact D & X''. As you can see, many terms are used and are not clear in their description.

Partial birth abortion is mostly performed in the fifth and six months of pregnancy. However, these procedures have been performed up to the ninth month of pregnancy. The majority of patients undergoing this procedure do not have significant medical problems. In Dr. McMahon's series, less than ten percent were performed for maternal indications, and these included some ill-defined reasons such as depression, hyperemesis, drug exposed spouse, and youth. Many of the patients undergoing partial birth abortion are not even carrying babies with abnormalities. In Dr. McMahon's series, only about half of the babies were considered ''flawed'', and these included some easily correctable conditions like cleft lip and ventricular septal defect. Dr. Haskell claimed that eighty percent of his procedures were purely elective, and a group of New Jersey physicians claimed that only a minuscule amount of their procedures were done for genetic abnormalities or other defects. Most were performed on women of lower age, education, or socioeconomic status who either delayed or discovered late their unwanted pregnancies. It is also clear that this procedure occurs thousands of times a year, rather than a few hundred times a year, as claimed by pro-abortion advocates. This has been independently confirmed by the investigative work of The Washington Post, The New Jersey Bergen Record and the American Medical Association News.

One of the often ignored aspects of this procedure is that it requires three days to accomplish. Before performing the actual delivery, there is a two day period of cervical dilation that involves forcing up to twenty five dilators into the cervix at one time. This can cause great cramping and nausea for the women, who are then sent to their home or to a hotel room overnight while their cervix dilates. After returning to the clinic, their bag of water is broken, the baby is forced into a feet first position by grasping the legs and pulling it down through the cervix and into the vagina. This form of internal rotation, or version, is a technique largely abandoned in modern obstetrics because of the unacceptable risk associated with it. These techniques place the women at greater risk for both immediate (bleeding) and delayed (infection) complications. In fact, there may also be longer repercussions of cervical manipulation leading to an inherent weakness of the cervix and the inability to carry pregnancies to term. We have already seen women who have had trouble maintaining pregnancies after undergoing a partial birth abortion.

There is no record of these procedures in any medical text, journals, or on-line medical service. There is no known quality assurance, credentialling, or other standard assessment usually associated with newly-described surgical techniques. Neither the CDC nor the Alan Gultmacher Institute have any data on partial birth abortion, and certainly no basis upon which to state the claim that it is a safer or even a preferred procedure.

The bigger question then remains: Why ever do a partial birth abortion? There are and always have been safer techniques for partial birth abortion since it was first described by Dr. McMahon in 1989 and Dr. Haskell in 1992. The usual and customary (and previously studied) method of delivery at this gestation is the medical induction of labor using either intravaginal or intramuscular medications to cause contractions and expulsion of the baby. This takes about twelve hours on average, and may also include possible cervical preparation with the use of one to three cervical dilators (as opposed to the three-day partial birth abortion procedure, with up to 25 dilators in the cervix at one time). This also results in an intact baby for pathologic evaluation, without involving the other risk of internally turning the baby or forcing a large number of dilators into the cervix. The only possible ''advantage'' of partial birth abortion, if you can call it that, is that it guarantees a dead baby at time of delivery.

The less common situation of partial birth abortion involves, an abnormal baby. These conditions do not threaten a woman over and above a normal pregnancy, and do not require the killing of the baby to preserve her health or future fertility. I have taken care of many such women with the same diagnoses as the women who provided testimony on this issue in the past. Each of these women stated that they needed to have a partial birth abortion performed in order to protect their health or future fertility. In these cases of trisomy (extra chromosomal material), hydrocephaly (water on the brain), polyhydramnios (too much amniotic fluid) and arthrogryposis (stiffened baby), there are alternatives to partial birth abortion that do not threaten a woman's ability to bear children in the future. I have personally cared for many cases of all of these disorders, and have never required any technique like partial birth abortion in order to accomplish delivery. Additionally, I have never had a colleague that I have known to have used the technique of partial birth abortion in order to accomplish delivery in this same group of patients. Moreover, there are high profile providers of third trimester abortions who likewise do not use the technique of partial birth abortion.

In the even rarer case of a severe maternal medical condition requiring early delivery, partial birth abortion is not preferred, and medical induction suffices without threatening future fertility. Again, the killing of the fetus is not required, only separation from the mother.

Finally, I wish to address the fetal pain issue, since it has been claimed that a fetus feels no pain at these gestational ages. This is about as ridiculous as the earlier claim that the anesthesia of partial birth abortion put the baby into a medical coma and killed it prior to the performance of the auctioning technique. This was no small claim to the many pregnant women undergoing non-obstetric surgery every day in this country. Fortunately, this was soundly denounced by both the American Society of Anesthesiologists and the Society of Obstetrical Anesthesia and Perinatology. In the course of my practice, we must occasionally perform life-saving procedures on babies while still in the uterus, I have often observed babies of five to six months gestation withdraw from needles and instruments, much like a pain response. Dr. Fisk in England has recently reported an increase in fetal pain response hormones during the course of these procedures at these same gestational ages. In addition, we frequently observe the standard grimaces and withdrawals of neonates born at six months gestation like any other pain response in a more mature infant.

While it is not my desire for legislators to enter into the realm of medical policy making, there are times when the public health risk needs to be addressed if the medical community is either unwilling or unable to address it. We have seen this precedent for female circumcision and forty-eight hour postpartum stays. I believe the unnecessary, unstudied, and potentially dangerous procedure of partial birth abortion is unworthy of continuance in modern obstetrics. It neither protects the life, the health or the future fertility of women, and certainly does not benefit the baby. For these reasons, I urge you to support the ban on partial birth abortion.

I thank you for the opportunity to share my testimony and my concern for the women and children of this country.●

TRIBUTE TO RAYMOND REID

● Mr. HUTCHINSON. Mr. President, I rise today to pay tribute to a great patriot who has served over 54 years in the Federal Government. On May 15, 1997, Raymond ''Ray'' T. Reid, retired from the U.S. House of Representatives, where he worked as a chief of staff for 23 years, lending his expertise and leadership to three different Congressmen representing the Third District of Arkansas. I was one of those fortunate Members who had the privilege of working with Ray for the 4 years that I served in the House. When I was first elected to Congress in 1992, I replaced John Paul Hammerschmidt, a retiring Member who had represented the Third District for 26 years, and had become a legend both on Capitol Hill and in the State of Arkansas. However, it was no secret that behind this great politician was Ray Reid, a man who over the years had become an Arkansas legend himself. When John Paul retired, his work continued on through Ray's service and dedication. As a newly elected freshman, Ray provided my office with continuity, efficiency, stability, and a wisdom that could only come from 19 years of being a chief of staff.

The successful career of Ray Reid began long before he worked on Capitol Hill. Ray began his career back in 1942 when he left Bowdoin College in Brunswick, ME, to join the U.S. Army to defend our Nation in World War II. Following the war, he rose quickly up the ranks, receiving honors for his leadership ability and outstanding achievement. He made the Army his career for 31 years, where he served on both foreign soil and here in the United States. Ray moved his family several times, living in countries around the globe. He fought for freedom and justice in World War II, Korea, and Vietnam in addition to faithfully serving his country in peacetime.

He continued his service undiminished until December 31, 1973, when he retired from the Army as a colonel. Having worked in the Office of the Congressional Liaison at the Pentagon, Ray was able to make a smooth, natural transition to working in a congressional office. He brought to Congressman Hammerschmidt's office a vast degree of knowledge from several years of international exposure and a solid background in domestic policy. By the time Ray came to work for me, he was an invaluable resource who possessed a wealth of information and experience. Throughout his tenure as chief of staff in my office, he provided guidance and an institutional knowl-

edge which would have been difficult to match. I can say without hesitance that Ray Reid conducted legislative business with the highest ethical standards. The best interests of the residents of the Third District were always placed above partisan politics and our office was managed in a way that was beyond reproach. When I moved over to the Senate, Ray demonstrated his commitment to the constituents of the Third District once again by agreeing to see another freshman, my brother, ASA, through the transition process.

So, today, as Ray enjoys the first Monday that he doesn't need to go to work after over a half a century of public service, on behalf of the State of Arkansas and the people he touched here on Capitol Hill, I want to offer my deepest thanks to a man whose loyalty and friendship will not be forgotten. Truly a job well done.●

TRIBUTE TO HOLLIS/BROOKLINE COOPERATIVE HIGH SCHOOL STUDENTS MATH TEAM

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Hollis/Brookline High School math team members who recently took first place in the small school division at the New Hampshire State Mathematics Contest.

As a former teacher myself, I commend their teamwork and talent which helped the 14-member squad oust 48 other teams for the State title and top the 19-team NH–SMASH league.

Math team adviser Vina Duffy also deserves special recognition for giving the team an organized and supporting approach to math. She encouraged the students' interest and animated the diverse group to strengthen their aptitude. The team had no formal practice, and had only worksheets to prepare them for the meets. Their congeniality and confidence grew with the number of wins they achieved.

I would like to honor math team members: Karl Athony, Dave Clark, Tyler Dumont, Michel Franklin, Mary Fries, Jason Glastetter, Jason Kerouac, Eric Larose, Bert Lue, James Robson, Jared Rosenberg, Steve Watkins, and Matt White.

Mr. President, I want to congratulate these outstanding young minds for their excellent performance and teamspirit and I am proud to represent them in the U.S. Senate.●

DECEPTIVE BUDGET DEAL

● Mr. KYL. Mr. President, I suggest that before we begin thinking about patting ourselves on the back for the budget agreement that was finalized last week, we consider the hard work ahead. The agreement is merely a broad outline—a blueprint—for the spending and tax bills yet to come. We still need to consider how it is supposed to be implemented before claiming any sort of victory.

We need to consider, for example, whether it will actually lead to a balanced budget by the year 2002. Is it good for families? Will it ensure that the Medicare Program is protected for today's generation of retirees and for our children and grandchildren? Will it help the economy produce the jobs needed for those trying to get off welfare, or those entering the work force for the first time? Will it help more young people get a college education? Will it provide the resources needed to safeguard our country from immediate and future threats from abroad?

Mr. President, as the broad outline of the budget agreement with the White House has been filtering out over the last 2 weeks, I could not help but think of the budget deal that was brokered by President Bush and congressional Democrats 7 years ago.

Here is what President Bush said when he announced that agreement in a broadcast on October 2, 1990:

> It is the biggest deficit-reduction agreement ever; half a trillion dollars. It's the toughest deficit-reduction package ever, with new enforcement rules to make sure that what we fix now stays fixed. And it has the largest spending savings ever, more than $300 billion.

Of course, the agreement produced no such thing. Looking back, it produced bigger deficits, not smaller deficits—221 billion dollars' worth of red ink in 1990, rising to $290 billion in 1993. Federal spending increased from $1.2 to $1.4 trillion—up nearly 17 percent in just 3 years. So the mere fact that there is an agreement with the President is not reason enough to believe that the problem has been solved. As Gen. George S. Patton once said, ''if everybody is thinking alike, then somebody isn't thinking.'' We need to look objectively at the details, and whether the plan is reflective of values that our constituents sent us here to uphold.

Right now, people are not sure. A CNN/USA Today/Gallup Poll released on May 8 indicated that an overwhelming majority of Americans—roughly 8 in 10—do not believe the deal will actually result in a balanced budget by 2002. Obviously, we need to take a careful look at what is being proposed here before deciding whether or not to support it.

Mr. President, let me quote some of the words President Clinton used on May 2 when he announced the latest budget agreement. I think they will show why people have reason to be skeptical. While suggesting that ''it will be the first balanced budget in three decades,'' the President went on to note that it would ''continue to increase our investments,'' ''expand coverage,'' ''restore cuts,'' ''extend new benefits,'' and ''increase'' spending, while ''moderating excessive cuts.'' My friends, we cannot balance the budget by increasing spending and funding a whole host of new programs and benefits. Let us be honest about that. If it sounds too good to be true, it probably is.

As I recall, the goal in 1990, as it was again in 1997, was to devise a plan to balance the budget, while providing long-term Federal spending constraints and incentives for economic growth. I opposed the 1990 agreement, believing it was seriously flawed on all those counts, and I see similar problems looming in the latest agreement.

Let me focus first on the issue of taxes. The deal with the Clinton White House is different from the 1990 plan in that it includes some very modest tax cuts. But because the amount of tax reductions President Clinton would agree to is so small—less than 2 percent of the revenue that the Federal Government expects to raise over the next 5 years—it remains to be seen whether there is any tax relief here worthy of the name.

I know that some might ask why we even need a tax cut when the economy continues to grow at a relatively healthy clip. There are two reasons. First, think of families. A $500-per-child tax credit can make a world of difference to a mom and dad sitting around the kitchen table trying to find a way to pay for their daughter's education, to pay for summer camp or braces for the kids. What single mom could not use a $500-per-child credit to help make ends meet?

Yes, the Federal Government could keep the money and try to provide some kind of aid to these families. But if families could keep more of their hard-earned money to do for themselves, we probably would not need government to do so many things. It seems to me that we ought to put our trust in families to do what is right by their own children. And unfortunately, it is not clear we can accommodate the full $500-per-child credit under this plan.

What about tax relief for small businesses, including the new businesses started by women and minorities? After all, that is where most of the new jobs around the country are created. Provide a meaningful tax cut, and small businesses and family farms could expand, hire new people, pay better wages, and do the things necessary to become more competitive.

Alternatively, Government can keep the taxes. But remember, it then turns around and provides a whole host of subsidies to businesses because they do not have the resources to do for themselves.

It is an endless cycle. When people are not left with enough to care for themselves, the Government tries to do more. When it does more, it taxes more, and people are left with even less. It has to stop somewhere. Americans need some relief.

Mr. President, it is also important to understand how important a healthy and growing economy is to balancing the budget. We just received word from the Congressional Budget Office [CBO] that this year's deficit is expected to decline to $70 billion. That is $55 billion less than President Clinton's budget assumed as recently as February. And it is largely the result of two things:

robust economic growth during the last few months, and Congress finally beginning to restrain spending growth during the last 2½ years.

Limiting spending just takes some discipline, but how can tax policy help the economy to grow and prosper? It may come as a surprise to some, but lower tax rates not only help make people better off, but can produce more tax revenue for the Treasury as well. Just think what has happened during the last few months. The growing economy helped reduce the deficit $55 billion just since the President's February projections. CBO estimates that economic growth will produce an extra $45 billion a year for the next few years. So it is important to sustain that growth into the future.

The economy grows like any prudent business enterprise grows. It is like a weekend sale at the Target store. When prices are slashed, people buy more goods, and the increased volume of sales more than makes up for the price reduction. The converse is also true—higher prices cause people to shop elsewhere. Higher taxes cause people to shelter income, or make less, to avoid paying more taxes.

Mr. President, based upon what we know about the current agreement, it does not seem to me that we will be able to achieve either of these goals: providing families and small businesses with tax relief, or keeping the economy growing at a healthy rate. But what about spending? Does it do anything to constrain Federal spending—since it was excessive spending that caused the 1990 budget agreement to fail?

Well, here is how domestic spending totes up compared to the levels Congress approved a year ago in the fiscal year 1997 budget resolution. These are figures developed by our colleague, Senator PHIL GRAMM, a member of the Budget Committee. And I will note that the Budget Committee will not begin marking up the budget resolution until this afternoon, so these numbers may change. But they suggest an alarming trend in any event.

According to Senator GRAMM's figures, domestic spending in this deal will amount to $193 billion more over 5 years than we were willing to approve just 1 year ago. It is $79 billion more than President Clinton himself asked for just a year ago, and $5 billion more than he asked for in February.

Mr. President, the budget agreement with the White House would provide an additional $16 billion for new Government-provided health insurance, and another $18 billion to repeal parts of welfare reform and expand the Food Stamp Program. It puts more money into education, but because of the way this is done, the extra resources are likely to be eaten up by tuition increases. Or they will simply help those who had the means to go to college anyway.

Medicare savings in the plan come largely from reductions in provider reimbursements, which either will diminish the quality of care provided to older Americans or drive more doctors and hospitals out of the Medicare Program altogether, leaving seniors with limited health-care choices. Medicare solvency occurs as a result of shifting the costs of home health care from part A to part B—a gimmick that we roundly denounced when the President proposed it before.

The Medicare savings are enough to forestall the bankruptcy of the program for a few years, but they are not enough to ensure that Medicare remains safe and sound to take care of Americans in the baby-boom generation who will begin retiring within the next decade. The Medicare features of this agreement certainly will not protect the system for young people who are just entering the work force today.

Defense spending in this agreement is also insufficient to protect future generations. We have cashed in on the much-heralded peace dividend so many times that our military service chiefs have been warning about increased risks due to budget cuts.

I know that many believe this is a time when the United States can cut back its defense budget. But history teaches us the opposite. We have always enjoyed a period of calm before a storm. With the proliferation of weapons of mass destruction that is occurring today, and the emergence of movements hostile to the West, we do not have the luxury of waiting until after we have been threatened to invest in our military. We must remain ready and fully capable, both to deter and to defeat any aggression against American citizens.

Mr. President, it is instructive that the first piece of legislation on the Senate floor after this deal was struck was the supplemental appropriations bill, which will add $6.6 billion to the deficit over the next few years. In other words, we have already added to the deficit before the ink on the budget agreement is even dry.

We had the chance to change that with the amendment that Senator GRAMM offered—an amendment which I supported. But it did not pass, and so for all practical purposes the budget agreement will have to be modified to account for this extra spending. At least that part of it will need to be fixed.

I think we need to learn a lot more about the agreement this week before signing off on it. Unless parts of it can be modified down the line as the House and Senate begin writing the tax and spending bills to implement it, I believe it will not lead to balance. It will certainly not lead to balance after the $6.6 billion that was added to the deficit by the supplemental spending bill.

Mr. President, it may even usher in a bigger, more powerful Federal Government, as happened in 1990. And that is not what many of us came here to do.

We can compromise on details without compromising our principles. We should never be afraid to take legitimate differences to the American people when we are unable to resolve them here. I ask that a column by Senator PHIL GRAMM, which includes some additional information about the budget agreement, be printed in the RECORD.

The column follows:

[From the Washington Post, May 9, 1997]

DECEPTIVE BUDGET DEAL

(By Phil Gramm)

After two years of partisan confrontation on the budget, the president and Congress have reached a bipartisan deal that appears to be all things to all people. The president gets more social spending, Republicans get a tax cut, and the American people get a balanced budget. If it all seems too good to be true, that's because it is.

Because the budgeting arms of both the administration and Congress assumed—before the budget debate even started—that the strong economy we now enjoy would produce sustained growth beyond the year 2002, the amount of deficit reduction required to achieve a balanced budget immediately declined from $642 billion over the next five years to $330 billion. Then it got even better. At the very moment of impasse in the budget negotiations, the Congressional Budget Office discovered that even its previous estimates of an improving economy understated the revenue windfall expected in the next five years and predicted that windfall alone would lower the deficit another $225 billion. Negotiators then rolled up their sleeves and assumed $15 billion of additional savings from lower consumer prices and $77 billion in additional savings from the even stronger economic growth that would be generated by balancing the budget.

The net result is that before a single change in public policy became part of the budget compromise, deficits of $317 billion—96 percent of the total deficit—had simply been assumed away. Only $14 billion, or 4 percent of deficit reduction in the budget compromise, comes from actually changing policy.

The most distinctive feature of the budget compromise is the size of domestic discretionary spending increases. While it is fashionable for Republicans to claim that this budget deal achieves the goals of the Contract With America, in reality it spends $216 billion more on domestic discretionary programs than the contract contained. The compromise increases domestic discretionary spending by $193 billion above the 1997 budget resolution and by $79 billion above President Clinton's actual budget request for 1997. In fact, if you look at the president's 1998 budget as scored by the Congressional Budget Office, the budget deal actually gives the president $5 billion more in discretionary spending than his own budget would have provided.

The most permanent feature of the bipartisan budget compromise is an increase in domestic spending on social programs, which the president has rightly compared to the explosion of social spending that occurred in the 1960's.

In addition to these increases in discretionary spending, the budget compromise contains new entitlement benefits in Medicare, Medicaid, food stamps and SSI, and it overturns part of the one major reform of the 104th Congress: It reestablishes welfare benefits for legal aliens.

The budget compromise proudly trumpets $115 billion of savings in medicare, but by committing to accept the president's plan to simply cut reimbursement for doctors and hospitals, Congress buys into a policy that has been implemented over and over again in the past 30 years without achieving substantial savings. Like other forms of price controls, reducing reimbursement for physicians

and hospitals has historically been circumvented as the recipients have invented ways to work around the limitations. In addition, the compromise requires that the fastest growing part of Medicare, home health care, be taken out of the Medicare trust fund and financed from general revenues.

Perhaps the most perverse aspect of the compromise is that this budget will trample an emerging bipartisan commitment to real Medicare reform. This budget agreement virtually guarantees that five years from now Medicare will be in much worse shape than it is today. Moreover, virtually every penny of the $115 billion claimed from Medicare savings will be spent on increases in social programs and new entitlement benefits.

That brings us to my party's favorite part of the deal, the much-discussed $85 billion tax cut. The cut is largely funded by odds-and-ends measures, the largest of which is at least $25 billion of revenues assumed to be derived from auctioning off broadcast and non-broadcast spectrum—the right to use public airways for everything from broadcasting the 6 o'clock news to setting up a cellular phone system.

Last year Congress assumed a limited spectrum auction of $2.9 billion as an offset to new spending. When actually auctioned, the spectrum brought in just $13.6 million, or roughly $1 for every $200 that Congress had assumed would be raised. Given our experience of last year, it is highly unlikely that anything like $25 billion will be raised from spectrum auction unless television stations are forced to buy spectrum to broadcast their new digital signals, something the Federal Communication Commission, the White House and Congress have opposed.

The budget agreement claims a net reduction in taxes of $85 billion. Some $5 billion of that tax cut will be lost to the public because the assumed reductions in the consumer price index will raise income taxes by $5 billion. Of the remaining $80 billion, the Clinton administration's education tax credit will absorb roughly $35 billion, leaving Republicans some $45 billion in net tax cuts to fund their tax-cut priorities.

Unfortunately, the full Republican tax package costs $188 billion. Republicans on the House and Senate tax-writing committees now will be forced to try to stretch a net tax cut of $45 billion to cover a $500-per-child tax credit that costs $105 billion, capital gains relief that costs $32 billion, estate and death tax relief that cost $18 billion and individual retirement account expansion that costs $32 billion.

Even if $50 billion of offsetting tax increases can be found, it is a certainty that the individual tax credit will be dramatically curtailed, probably by ensuring that many middle- and upper-middle-income working families don't get any child tax credit. Capital gains and estate tax relief will be similarly truncated. In the end, despite all the talk of achieving a major tax cut, it is hard to see a substantial impact in a $7 trillion economy being created by a $45 billion tax cut.

Obviously, in a budget deal such as this, the logical question is: ''Is it better than nothing?'' And, as is usually the case, beauty is in the eye of the beholder. But in the final analysis, two factors ultimately make this budget agreement worse than no agreement. The first is the false perception it creates that the deficit problem has been fixed. This notion already has given rise to the largest increase in social spending since the '60s in this budget agreement and is likely to further open the floodgates as Congress convinces itself and the American public that the deficit is behind us. Second, by claiming to have solved the Medicare problem for 10 years, we will take the pressure off the president and Congress to reform Medicare even though the trust fund is careening toward bankruptcy, and Medicare will produce a $1.6 trillion drain on the federal Treasury over the next 10 years.

Historically, America has looked to its two great political parties to contest over principles and new ideas so that the highest principles and best ideas could become the governing consensus for the country. But divided government often produces massive pressure for bipartisanship, and the current budget deal is an example of how bipartisanship sometimes can manifest itself not in compromise policy but in a decision to join together to mislead the public. The opposite of gridlock is not necessarily efficiency, it is sometimes deception.●

ORDERS FOR TUESDAY, MAY 20, 1997

Mr. COATS. Mr. President, 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 Tuesday, May 20. I further ask consent that on Tuesday, immediately following the opening prayer, the routine requests through the morning hour be granted, and the Senate then be in a period of morning business until the hour of 10 a.m., with Senators recognized to speak up to 5 minutes, with the following exception: Senator HAGEL and Senator KERREY in control of 30 minutes.

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

Mr. COATS. I further ask unanimous consent the Senate recess from the hour of 12:30 to 2:15 p.m. for the weekly policy conferences to meet.

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

ORDER FOR THE BUDGET COMMITTEE TO FILE REPORTED LEGISLATION

Mr. COATS. Mr. President, I also ask unanimous consent that the Budget Committee have until 12 midnight this evening in order to file reported legislation.

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

PROGRAM

Mr. COATS. For the information of all Senators, at 10 a.m. tomorrow morning it is hoped the Senate will be able to reach an agreement allowing for the completion of the partial-birth abortion ban bill. If that agreement is reached, Senators should anticipate a vote on passage of that legislation at approximately 2:30 p.m., on Tuesday.

Also, Senators should be reminded that it is the intention of the majority leader to begin consideration of the budget resolution tomorrow afternoon. Senators can expect rollcall votes throughout Tuesday's session, as the Senate attempts to make progress on the first concurrent budget resolution. Members who intend to offer amendments to that resolution should be prepared to offer those amendments during tomorrow's session. It is the hope that the Democratic leader will join the majority leader in an effort to yield back much of the statutory time limit for the budget resolution. All Members will be notified accordingly as any votes are ordered with respect to any of this legislation.

I thank all Members for their attention.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. COATS. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:37 p.m., adjourned until Tuesday, May 20, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 19, 1997:

THE JUDICIARY

WILLIAM P. GREENE, JR., OF WEST VIRGINIA, TO BE AN ASSOCIATE JUDGE OF THE U.S. COURT OF VETERANS APPEALS FOR THE TERM OF 15 YEARS, VICE HART T. MANKIN, DECEASED.

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

REAR ADM. (LH) TIMOTHY R. BEARD, 0000
REAR ADM. (LH) DAVID L. BREWER III, 0000
REAR ADM. (LH) STANLEY W. BRYANT, 0000
REAR ADM. (LH) TONEY M. BUCCHI, 0000
REAR ADM. (LH) WILLIAM W. COPELAND, JR., 0000
REAR ADM. (LH) JOHN W. CRAINE, 0000
REAR ADM. (LH) ROBERT E. FRICK, 0000
REAR ADM. (LH) PAUL G. GAFFNEY II, 0000
REAR ADM. (LH) JOHN A. GAUSS, 0000
REAR ADM. (LH) EDMUND P. GIAMBASTIANI, JR., 0000
REAR ADM. (LH) JOHN J. GROSSENBACHER, 0000
REAR ADM. (LH) JAMES B. HINKLE, 0000
REAR ADM. (LH) GORDON S. HOLDER, 0000
REAR ADM. (LH) PETER A.C. LONG, 0000
REAR ADM. (LH) MARTIN J. MAYER, 0000
REAR ADM. (LH) BARBARA E. MC GANN, 0000
REAR ADM. (LH) CHARLES W. MOORE, JR., 0000
REAR ADM. (LH) JOHN B. NATHMAN, 0000
REAR ADM. (LH) WILLIAM R. SCHMIDT, 0000
REAR ADM. (LH) ROBERT C. WILLIAMSON, 0000